

MAR 11 2022

SENATE RESOLUTION

URGING THE CITY AND COUNTY OF HONOLULU TO MORE VIGOROUSLY
ENFORCE EXISTING TRESPASS LAWS.

1 WHEREAS, the Hawaii Revised Statutes contain provisions
2 that protect property rights, including provisions that prohibit
3 trespassing over publicly and privately owned property; and
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5 WHEREAS, the enforcement of trespass laws promotes respect
6 for property rights and helps to ensure the safety and well-
7 being of persons who have a legal right to occupy the public or
8 private premises in question; and
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10 WHEREAS, harm to community members results when trespass
11 laws are not adequately enforced; and
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13 WHEREAS, the North Shore Neighborhood Board No. 27
14 (Neighborhood Board) has discussed possible approaches to
15 addressing trespass incidents in the North Shore community,
16 which have included reports of armed trespassers threatening
17 community members, while also acknowledging the existence of
18 certain challenges to the enforcement of trespass laws; and
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20 WHEREAS, the Neighborhood Board subsequently sent a formal
21 written communication to the elected officials representing the
22 North Shore community to ask that the Neighborhood Board's
23 concerns regarding trespassing be addressed; and
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25 WHEREAS, the Neighborhood Board also clarified that it does
26 not wish to infringe on Native Hawaiian rights applicable to
27 beach access and access to other sites for cultural practices;
28 now, therefore,
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30 BE IT RESOLVED by the Senate of the Thirty-first
31 Legislature of the State of Hawaii, Regular Session of 2022,
32 that the City and County of Honolulu is urged to more vigorously
33 enforce existing trespass laws; and
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35 BE IT FURTHER RESOLVED that the Honolulu Police Department
36 and Department of the Prosecuting Attorney of the City and



1 County of Honolulu (Department of the Prosecuting Attorney) are
 2 requested to jointly plan and conduct a public outreach campaign
 3 for the purpose of better understanding the concerns of, and
 4 obstacles faced by not only North Shore residents, but all
 5 residents of the island of Oahu, with respect to trespass
 6 incidents and residents' attempts to seek enforcement of
 7 applicable trespass laws; and

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 9 BE IT FURTHER RESOLVED that the public outreach campaign is
 10 requested to include events such as town hall meetings or
 11 listening sessions at which North Shore and other Oahu residents
 12 may raise specific concerns, receive answers to their questions,
 13 and provide input regarding the problem of trespassing, the
 14 detrimental community impacts of illegal access to premises by
 15 unauthorized individuals, and actions that may be taken to
 16 improve enforcement of existing trespass laws; and

17
 18 BE IT FURTHER RESOLVED that the Honolulu Police Department
 19 and Department of the Prosecuting Attorney, as applicable, are
 20 requested to take the following actions to more effectively
 21 prevent and respond to trespassing incidents on Oahu:

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- 23 (1) Expand police patrol efforts within affected
 24 communities;
 - 25
 - 26 (2) Increase collaboration with affected communities, such
 27 as through neighborhood watch programs;
 - 28
 - 29 (3) Establish and promote awareness of a dedicated tip
 30 line that may be used to report trespassing incidents
 31 and electronically transmit images and video footage
 32 of the incidents to the Honolulu Police Department;
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 - 34 (4) Engage in interdepartmental collaboration on a
 35 strategy to more effectively apprehend suspects and
 36 prosecute violations of applicable trespass laws,
 37 including identifying types of cases that should be
 38 prioritized by the Honolulu Police Department for more
 39 intensive investigation and documentation or fast-
 40 tracked by the Department of the Prosecuting Attorney
 41 for more expeditious resolution in the courts;
- 42



1 (5) Devise a system to internally monitor and track repeat
 2 offenders and ensure that apprehension efforts,
 3 enforcement, and penalties sought are appropriately
 4 escalated for repeat conduct, even where the
 5 applicable trespass statute does not explicitly
 6 require these actions and even where repeat conduct by
 7 the same offender does not involve the same property
 8 address each time;

9
 10 (6) Establish safeguards to ensure that any departmental
 11 actions undertaken in response to trespassing
 12 incidents do not have the effect of criminalizing or
 13 otherwise discouraging the exercise of Native Hawaiian
 14 gathering rights and traditional cultural practices as
 15 authorized by law; and

16
 17 (7) Any other measures that would help to prevent and
 18 address the problem of trespassing; and

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 20 BE IT FURTHER RESOLVED that the Honolulu Police Department
 21 and Department of the Prosecuting Attorney are requested to
 22 jointly submit a report of the activities conducted by each
 23 department in accordance with this request, along with any
 24 proposed legislation, to the Legislature no later than twenty
 25 days prior to the convening of the Regular Session of 2023; and

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 27 BE IT FURTHER RESOLVED that certified copies of this
 28 Resolution be transmitted to the Mayor of the City and County of
 29 Honolulu, Chief of the Honolulu Police Department, and
 30 Prosecuting Attorney of the City and County of Honolulu.

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OFFERED BY: *Bill Ruia*

