

MAR 11 2022

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## SENATE RESOLUTION

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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  
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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;  
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- 26 (2) Increase collaboration with affected communities, such  
27 as through neighborhood watch programs;  
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- 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;  
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(5) Devise a system to internally monitor and track repeat offenders and ensure that apprehension efforts, enforcement, and penalties sought are appropriately escalated for repeat conduct, even where the applicable trespass statute does not explicitly require these actions and even where repeat conduct by the same offender does not involve the same property address each time;

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

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

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

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

OFFERED BY:

