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# A BILL FOR AN ACT

RELATING TO CRIME.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that there has been an  
2 increase in criminal acts by non-residents within the secured  
3 areas of multi-unit dwellings. As the number of multi-unit  
4 dwellings continues to rise in the foreseeable future, the  
5 efforts of law enforcement agencies and county prosecuting  
6 offices need to be directed, whenever possible, toward  
7 investigating and prosecuting the criminal acts of non-residents  
8 within the secured areas of multi-unit dwellings as burglaries.  
9 Burglary, as opposed to theft, is not only an offense against  
10 property rights, it is an offense against the fundamental sense  
11 of security and well-being of the owner whose property has been  
12 unlawfully entered.

13           Pursuant to section 708-810, Hawaii Revised Statutes,  
14 burglary of a dwelling is a class B felony, regardless of the  
15 value of any property stolen or damaged or any other crime  
16 committed or attempted during the unlawful entry. The  
17 legislature notes with concern the frequent reluctance of county



1 law enforcement and prosecutor's offices to investigate and  
2 prosecute burglaries of secured parking and storage areas within  
3 apartment buildings and condominiums, despite the clear danger  
4 posed to the buildings' residents. The legislature also notes  
5 that, with respect to the burglary of a parking or storage area  
6 within a multi-unit dwelling, it is also the building's owner or  
7 condominium association whose property has been invaded and who  
8 may be in the best position to follow through with law  
9 enforcement agencies to provide evidence and cooperate with the  
10 prosecution of the crime.

11 Accordingly, the purpose of this Act is to:

- 12 (1) Clarify that the secured areas appurtenant to a multi-  
13 unit dwelling are included as dwellings for the  
14 purposes of prosecuting offenses under chapter 708,  
15 Hawaii Revised Statutes; and
- 16 (2) Allow the owner of a multi-unit building or the  
17 condominium association to act as a complainant for  
18 the purpose of investigating and prosecuting a  
19 burglary in the first degree in a multi-unit building.



1 SECTION 2. Section 708-800, Hawaii Revised Statutes, is  
2 amended by amending the definition of "dwelling" to read as  
3 follows:

4 ""Dwelling" means a building which is used or usually used  
5 by a person for lodging. In the case of a multi-unit building  
6 that is a dwelling, a clearly marked, exclusive, and secured  
7 appurtenant parking or storage area shall be considered part of  
8 the dwelling."

9 SECTION 3. Section 708-810, Hawaii Revised Statutes, is  
10 amended to read as follows:

11 "**§708-810 Burglary in the first degree.** (1) A person  
12 commits the offense of burglary in the first degree if the  
13 person intentionally enters or remains unlawfully in a building,  
14 with intent to commit therein a crime against a person or  
15 against property rights, and:

16 (a) The person is armed with a dangerous instrument in the  
17 course of committing the offense;

18 (b) The person intentionally, knowingly, or recklessly  
19 inflicts or attempts to inflict bodily injury on  
20 anyone in the course of committing the offense; or



1 (c) The person recklessly disregards a risk that the  
2 building is the dwelling of another, and the building  
3 is such a dwelling.

4 (2) An act occurs "in the course of committing the  
5 offense" if it occurs in effecting entry or while in the  
6 building or in immediate flight therefrom.

7 (3) In the case of a dwelling that is a multi-unit  
8 building, the owner of the multi-unit building or, in the case  
9 of a condominium, the condominium association, may act as a  
10 complainant.

11 [~~3~~] (4) Burglary in the first degree is a class B  
12 felony."

13 SECTION 4. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: 

JAN 22 2024



# H.B. NO. 2311

**Report Title:**

Burglary; Multi-Unit Building; Dwelling; Appurtenant; Secured Areas

**Description:**

Clarifies that the secured areas appurtenant to a multi-unit dwelling are included as dwellings for the purposes of prosecuting offenses under chapter 708, Hawaii Revised Statutes. Allows the owner of a multi-unit building or the condominium association to act as a complainant for the purpose of investigating and prosecuting a burglary in the first degree in a multi-unit building.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

