

STAND. COM. REP. NO.

682

Honolulu, Hawaii

FEB 17 , 2023

RE: H.B. No. 1355  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 1355 entitled:

"A BILL FOR AN ACT RELATING TO CIVIL TRESPASS,"

begs leave to report as follows:

The purpose of this measure is to establish the civil infraction of trespass onto real property and monetary penalties therefor.

Your Committee received testimony in support of this measure from the Office of the Public Defender; Wasa Electrical Services, Inc.; NAIOP Hawaii; Community Associations Institute Legislative Action Committee; Hawaii Regional Council of Carpenters; Pacific Resource Partnership; Nan Inc; Form Partners LLC; American Savings Bank; and five individuals. Your Committee received testimony in opposition to this measure from the James Campbell Corporation, Hawaii Cattlemen's Council, Hawai'i Farm Bureau, Momentum Development Company, and three individuals. Your Committee received comments on this measure from the Judiciary.

Your Committee finds that the civil infraction of trespass onto real property established by this measure is similar to the existing offense of simple trespass under the Hawaii Penal Code. Your Committee further finds that simple trespass is currently adjudicated as a criminal offense even though it is a violation.

2023-1576 HB1355 HD1 HSCR HMSO



Your Committee believes that judicial efficiency would be better served by amending the offense of simple trespass to make it a civil infraction of trespass onto real property and establishing monetary penalties therefor.

Accordingly, your Committee has amended this measure by:

- (1) Amending the offense of simple trespass to incorporate the civil infraction of trespass onto real property and monetary penalties therefor;
- (2) Changing the effective date to June 30, 3000, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1355, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1355, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary &  
Hawaiian Affairs,

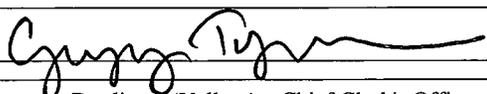


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DAVID A. TARNAS, Chair



Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: <b>HB 1355</b>	Committee Referral: <b>JHA, FIN</b>	Date: <b>2/9/2023</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)	✓			
2. TAKAYAMA, Gregg (VC)	✓			
3. GANADEN, Sonny	✓			
4. HOLT, Daniel	✓			
5. HASHIMOTO, Troy N.	✓			
6. ICHIYAMA, Linda	✓			
7. ILAGAN, Greggor	✓			
8. KONG, Sam Satoru	✓			
9. MIZUNO, John M.	✓			
10. SOUZA, Kanani	✓			
<b>TOTAL (10)</b>	<b>10</b>	—	—	—
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: _____ 				
Distribution: Original (White) – Committee      Duplicate (Yellow) – Chief Clerk's Office      Duplicate (Pink) – HMSO				