

Honolulu, Hawaii

FEB 28 2019

RE: S.B. No. 413

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 413 entitled:

"A BILL FOR AN ACT RELATING TO TRESPASS,"

begs leave to report as follows:

The purpose and intent of this measure is to specify that, for purposes of making a complaint for criminal trespass in the second degree on commercial premises, evidence of a prior "reasonable warning or request" to leave the premises may be evidenced by a copy of the previously issued written warning or request, whether or not the copy is posted at the premises or retained by the county police department.

Your Committee received testimony in support of this measure from the Retail Merchants of Hawaii and one individual. Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Your Committee finds that the execution of criminal trespass laws for persons who have entered or remained unlawfully on another's commercial property has become unnecessarily complex. Your Committee further finds that police officers enforcing the law against a person who has previously been issued a reasonable warning or request to leave and who subsequently violates that warning or request have sometimes required the owner or lessee of the commercial premises to be present and in possession of the original copy of the prior written warning or request to leave,



before allowing a complaint to be made. This measure will clarify that a copy of a reasonable warning or request is sufficient for the purposes of making a complaint for criminal trespass in the second degree on commercial premises. Additionally, your Committee notes that the original reasonable warning or request must have been legitimate for a copy of that request to suffice for the purposes of making a complaint.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 413 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



