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**REPORT ON THE EXTENT TO WHICH
ACT 136, AN ACT RELATING TO CRIMINAL TRESPASS, SESSION
LAWS OF HAWAII 2017, HAS BEEN UTILIZED**

Pursuant to Section 4 of Act 136, Session Laws of Hawaii 2017

Calendar Year 2017

**Submitted to the Twenty-Ninth State Legislature
Regular Session of 2018**

AUTHORITY AND BACKGROUND

Section 4 of Act 136, Session Laws of Hawaii 2017, entitled “an Act Relating to Criminal Trespass,” requires the Attorney General to submit a written report to the Legislature no later than twenty days prior to the convening of the regular sessions of 2018, 2019, and 2020 regarding the extent to which the provisions of the Act have been utilized.

Act 136 added to the Hawaii Revised Statutes (HRS) a new section, which has been codified as section 708-814.7, Criminal trespass onto state lands, and made amendments to the already existing section 708-814, HRS, Criminal trespass in the second degree. Both sections 708-814.7 and amended 708-814 specify the circumstances under which a person commits the offense of criminal trespass where state property is involved.

THE EXTENT TO WHICH THE PROVISIONS OF ACT 136 HAVE BEEN UTILIZED

Thus far, the provisions of the new law have been used to create signage on property owned or managed by the Department of Transportation (DOT) and the Hawai'i Community Development Authority (HCDA). We are aware that the Department of Accounting and General Services is also in the process of producing signs authorized by Act 136 for posting on the properties it manages.

The DOT has posted new signage authorized by Act 136 in the following areas: Nimitz viaduct, Nimitz bike path, airport areas of Keehi Lagoon, and Sand Island.

The HCDA has also posted new signage authorized by Act 136 at one of its non-park properties.

Law enforcement has used section 708-814.7, specifically, as a basis for requesting individuals to vacate state lands owned or managed by DOT and HCDA.

To the Department of the Attorney General's knowledge, at the time of this writing, no arrests have been made utilizing the provisions of Act 136.