
A BILL FOR AN ACT

RELATING TO CRIMINAL TRESPASS IN THE SECOND DEGREE.

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

1 SECTION 1. The legislature finds that public housing
2 properties administered by the Hawaii public housing authority
3 face problems with trespassing. Many times these trespassers
4 loiter, vandalize, and abuse alcohol on public housing
5 properties.

6 SECTION 2. Section 708-814, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "(1) A person commits the offenses of criminal trespass in
9 the second degree if:

10 (a) The person knowingly enters or remains unlawfully in
11 or upon premises that are enclosed in a manner
12 designed to exclude intruders or are fenced;

13 (b) The person enters or remains unlawfully in or upon
14 commercial premises after a reasonable warning or
15 request to leave by the owner or lessee of the
16 commercial premises, the owner's or lessee's
17 authorized agent, or a police officer; provided that
18 this paragraph shall not apply to any conduct or



1 activity subject to regulation by the National Labor
2 Relations Act[-];

3 For purposes of this paragraph, "reasonable
4 warning or request" means a warning or request
5 communicated in writing at any time within a one-year
6 period inclusive of the date the incident occurred,
7 which may contain but is not limited to the following
8 information:

9 (i) A warning statement advising the person that the
10 person's presence is no longer desired on the
11 property for a period of one year from the date
12 of the notice, that a violation of the warning
13 will subject the person to arrest and prosecution
14 for trespassing pursuant to section 708-
15 814(1)(b), and that criminal trespass in the
16 second degree is a petty misdemeanor;

17 (ii) The legal name, any aliases, and a photograph, if
18 practicable, or a physical description, including
19 but not limited to sex, racial extraction, age,
20 height, weight, hair color, eye color, or any
21 other distinguishing characteristics of the
22 person warned;



- 1 (iii) The name of the person giving the warning along
2 with the date and time the warning was given; and
- 3 (iv) The signature of the person giving the warning,
4 the signature of a witness or police officer who
5 was present when the warning was given and, if
6 possible, the signature of the violator; ~~or~~
- 7 (c) The person enters or remains on agricultural lands
8 without the permission of the owner of the land, the
9 owner's agent, or the person in lawful possession of
10 the land, and the agricultural lands:
- 11 (i) Are fenced, enclosed, or secured in a manner
12 designed to exclude intruders;
- 13 (ii) Have a sign or signs displayed on the unenclosed
14 cultivated or uncultivated agricultural land
15 sufficient to give notice and reading as follows:
16 "Private Property." The sign or signs,
17 containing letters not less than two inches in
18 height, shall be placed along the boundary line
19 of the land at roads and trails entering the land
20 in a manner and position as to be clearly
21 noticeable from outside the boundary line; or



1 (iii) At the time of entry, have a visible presence of
2 a crop:

3 (A) Under cultivation;

4 (B) In the process of being harvested; or

5 (C) That has been harvested~~(-)~~; or

6 (d) The person knowingly enters or remains unlawfully in
7 or upon the premises of any public housing project.

8 For purposes of this paragraph, "public housing
9 project" means a housing project directly controlled,

10 owned, developed, or managed by the Hawaii public

11 housing authority or the Hawaii housing finance and

12 development corporation pursuant to parts II, III, and

13 IV of chapter 356D.

14 (2) Criminal trespass in the second degree is a petty
15 misdemeanor."

16 SECTION 3. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun, before its effective date.

19 SECTION 4. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

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



Report Title:

Criminal Trespass; Second Degree; Public Housing Projects

Description:

Makes criminal trespass in the second degree applicable to public housing projects administered by the Hawaii Public Housing Authority. (HB1363 HD1)

