H.B. NO. 2262

A BILL FOR AN ACT

RELATING TO DISORDERLY CONDUCT.

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

1 SECTION 1. Section 711-1101, Hawaii Revised Statutes, is 2 amended to read as follows:

3 "§711-1101 Disorderly conduct. (1) A person commits the 4 offense of disorderly conduct if, with intent to cause physical 5 inconvenience or alarm by a member or members of the public, or 6 recklessly creating a risk thereof, the person:

- 7 Engages in fighting or threatening, or in violent or (a) 8 tumultuous behavior; or
- 9 (b) Makes unreasonable noise; or
- 10 Subjects another person to offensively coarse behavior (C)11 or abusive language [which] that is likely to provoke 12 a violent response; or
- 13 (d) Creates a hazardous or physically offensive condition 14 by any act [which] that is not performed under any
- 15 authorized license or permit; or
- 16 Impedes or obstructs, for the purpose of begging or (e) 17 soliciting alms, any person in any public place or in any place open to the public [-;]; or
- 18

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1	(f) Impedes or obstructs the use of or access to a bus
2	stop by:
3	(i) Laying across any bench or more than one seat
4	provided at the bus stop; or
5	(ii) Sleeping on the ground within or abutting any bus
6	stop shelter or other bus stop structure.
7	(2) Noise is unreasonable, within the meaning of
8	subsection (1)(b), if considering the nature and purpose of the
9	person's conduct and the circumstances known to the person,
10	including the nature of the location and the time of the day or
11	night, the person's conduct involves a gross deviation from the
12	standard of conduct that a law-abiding citizen would follow in
13	the same situation; or the failure to heed the admonition of a
14	police officer that the noise is unreasonable and should be
15	stopped or reduced.
16	The renter, resident, or owner-occupant of the premises who
17	knowingly or negligently consents to unreasonable noise on the
18	premises shall be guilty of a noise violation.
19	(3) Committing either of the acts described in subsection
20	(1)(f) for than minutes shall be prima facie evidence
21	of recklessly creating a risk of physical inconvenience for
22	purposes of subsection (1).



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1	$\left[\frac{(3)}{(4)}\right]$ Disorderly conduct is a petty misdemeanor if it
2	is the defendant's intention to cause substantial harm or
3	serious inconvenience, or if the defendant persists in
4	disorderly conduct after reasonable warning or request to
5	desist. Otherwise disorderly conduct is a violation."
6	SECTION 2. This Act does not affect rights and duties that
7	matured, penalties that were incurred, and proceedings that were
8	begun, before its effective date.
9	SECTION 3. Statutory material to be repealed is bracketed
10	and stricken. New statutory material is underscored.
11	SECTION 4. This Act shall take effect on January 1, 2009.
12	INTRODUCED BY: Kaldbooh
	INTRODUCED BY:

INTRODUCED BY:

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Report Title:

Disorderly Conduct

Description:

Amends the crime of disorderly conduct to include impeding or obstructing the use of or access to a bus stop by laying across any bench or more than one seat provided at the bus stop or sleeping on the ground within or abutting any bus stop shelter or other bus stop structure. Effective 01/01/2009.

