

JAN 19 2017

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# A BILL FOR AN ACT

RELATING TO HOMELESSNESS.

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

1           SECTION 1. The legislature finds that it is a challenge  
2 for homeless individuals to recover personal property, including  
3 government-issued identification documents, after it has been  
4 confiscated during street sweeps by government agencies. It  
5 often takes individuals several months to obtain new  
6 identification and for a person who is homeless, a lack of  
7 identification is a major obstacle in obtaining government  
8 benefits and housing.

9           The purpose of this Act is to protect homeless individuals  
10 from having their personal property taken without certain  
11 safeguards, including the ability to recover their property, and  
12 establish the executive office on homeless identity protection  
13 to assist homeless individuals with recovering government-issued  
14 identification documents.

15           SECTION 2. Chapter 346, Hawaii Revised Statutes, is  
16 amended by adding two new sections to be appropriately  
17 designated and to read as follows:



1           "§346-A Homeless protections; personal property;  
2 identification; recovery. (a) Notwithstanding any law to the  
3 contrary, it shall be unlawful for any state or county agency to  
4 confiscate personal property, including government-issued  
5 identification documents, from a homeless individual unless the  
6 state or county agency:

- 7           (1) Takes photographs of the personal property;  
8           (2) Takes a written personal statement from the homeless  
9                 individual; and  
10           (3) Catalogs and stores the personal property for later  
11                 recovery;

12 provided that any confiscated government-issued identification  
13 documents shall be transferred to the executive office on  
14 homeless identity protection pursuant to section 346-B.

15           (b) For the purposes of this section, "homeless" means:

- 16           (1) An individual or family who lacks a fixed, regular,  
17                 and adequate night-time residence; or  
18           (2) An individual or family who has a primary night-time  
19                 residence that is:



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- 1           (A) A supervised publicly or privately operated
- 2           shelter designed to provide temporary living
- 3           accommodations;
- 4           (B) An institution that provides temporary residence
- 5           for individuals intended to be institutionalized;
- 6           or
- 7           (C) A public or private place not designed for or
- 8           ordinarily used as sleeping accommodations for
- 9           human beings.

10 This term does not include any individual imprisoned or  
11 otherwise detained under an act of Congress or a state law.

12        §346-B Executive office on homeless identity protection;  
13 director; general functions, duties, and powers. (a) There is  
14 established an executive office on homeless identity protection  
15 that shall be temporarily placed within the office of the  
16 governor; provided that on July 1, 2019, the executive office on  
17 homeless identity protection shall be permanently established  
18 within the department for administrative purposes only.

19           (b) The head of the executive office on homeless identity  
20 protection shall be known as the director of the executive



1 office on homeless identity protection, hereinafter referred to  
2 as the director. The director shall:

3 (1) Be appointed by the governor, notwithstanding section  
4 26-34 and chapter 76;

5 (2) Have professional training in the field of social work  
6 or other related fields;

7 (3) Have direct experience in programs or services related  
8 to the homeless;

9 (4) Have recent experience in a supervisory, consultative,  
10 or administrative position;

11 (5) Be paid a salary set by the governor that shall not  
12 exceed ninety per cent of the salary of the director  
13 of human resources development; and

14 (6) Be included in any benefit program generally  
15 applicable to the officers and employees of the State.

16 (c) The director shall be responsible for:

17 (1) Employing, supervising, and directing staff as may be  
18 necessary for the purposes of this section;

19 (2) Establishing policies and procedures governing the  
20 operations of the office;



1       (3) Administering funds allocated to the office and  
2       applying for, receiving, and disbursing grants and  
3       donations from all sources to assist homeless  
4       individuals with the process, including associated  
5       costs, of recovering personal property and government-  
6       issued identification documents; and

7       (4) Assessing the policies and practices of other agencies  
8       impacting the ability of homeless individuals to  
9       recover personal property and government-issued  
10      identification documents.

11      (d) The office shall assist homeless individuals with the  
12      process of recovering personal property and government-issued  
13      identification documents that may have been confiscated by state  
14      or county agencies pursuant to section 346-A."

15      SECTION 3. In codifying the new sections added by section  
16      2 of this Act, the revisor of statutes shall substitute  
17      appropriate section numbers for the letters used in designating  
18      the new sections in this Act.

19      SECTION 4. New statutory material is underscored.  
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**Report Title:**

Executive Office on Homeless Identity Protection;  
Identification; Personal Property; Recovery

**Description:**

Protects homeless individuals from having their personal property taken from a state or county agency without proper documentation procedures and the ability to recovery property from the agency. Establishes the executive office on homeless identity protection to assist homeless individuals with recovering government-issued identification documents.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

