A BILL FOR AN ACT

RELATING TO THE HAWAII PUBLIC HOUSING AUTHORITY.

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

SECTION 1. The purpose of this Act is to clarify the
 offense of trespassing on public housing property.

3 SECTION 2. Chapter 356D, Hawaii Revised Statutes, is
4 amended by adding a new section to part I to be appropriately
5 designated and to read as follows:

6 "S356D- Closed to the public. (a) Any area within a

7 housing project that is not a public street, road, highway,

8 sidewalk, or county or state bus stop, shall be closed to the

9 public where signs are displayed that read: "Closed to the

10 Public - No Trespassing", or a substantially similar message;

11 provided that the signs:

12 (1) Contain letters no less than two inches in height; and

13 (2) Are placed at reasonable intervals no less than three

14 signs to a mile along the boundary line of the areas

15 that are closed to the public and at all entrances to

16 the property, in a manner and position to be clearly

17 noticeable from outside the boundary line.

18 (b) For the purposes of this section:

HB2359 CD1 HMS 2018-3876



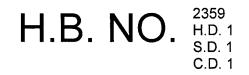
1	"Housing project" means a public housing project, elder or		
2	elderly housing, as defined in section 356D-1, or state low-		
3	income housing project, as defined in section 356D-51."		
4	SECTION 3. Section 708-814, Hawaii Revised Statutes, is		
5	amended to read as follows:		
6	"§708-814 Criminal trespass in the second degree. (1) A		
7	person commits the offense of criminal trespass in the second		
8	degree if:		
9	(a)	The person knowingly enters or remains unlawfully in	
10		or upon premises that are enclosed in a manner	
11		designed to exclude intruders or are fenced;	
12	(b)	The person enters or remains unlawfully in or upon	
13		commercial premises after a reasonable warning or	
14		request to leave by the owner or lessee of the	
15		commercial premises, the owner's or lessee's	
16		authorized agent, or a police officer; provided that	
17		this paragraph shall not apply to any conduct or	
18		activity subject to regulation by the National Labor	
19		Relations Act.	
20		For the purposes of this paragraph, "reasonable	

warning or request" means a warning or request



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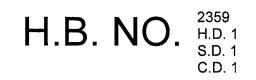


1 communicated in writing at any time within a one-year 2 period inclusive of the date the incident occurred, 3 which may contain but is not limited to the following 4 information:

- 5 A warning statement advising the person that the (i) person's presence is no longer desired on the 6 7 property for a period of one year from the date 8 of the notice, that a violation of the warning 9 will subject the person to arrest and prosecution 10 for trespassing pursuant to this subsection, and that criminal trespass in the second degree is a 11 petty misdemeanor; 12
- 13 (ii) The legal name, any aliases, and a photograph, if 14 practicable, or a physical description, including 15 but not limited to sex, racial extraction, age, 16 height, weight, hair color, eye color, or any 17 other distinguishing characteristics of the 18 person warned;

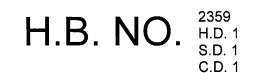
19 (iii) The name of the person giving the warning along 20 with the date and time the warning was given; and



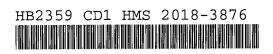


1		(iv)	The signature of the person giving the warning,
2			the signature of a witness or police officer who
3			was present when the warning was given and, if
4			possible, the signature of the violator;
5	(c)	The	person enters or remains unlawfully on
6		agri	cultural lands without the permission of the owner
7		of t	the land, the owner's agent, or the person in
8		lawf	ul possession of the land, and the agricultural
9		land	ls:
10		(i)	Are fenced, enclosed, or secured in a manner
11			designed to exclude intruders;
12		(ii)	Have a sign or signs displayed on the unenclosed
13			cultivated or uncultivated agricultural land
14			sufficient to give notice and reading as follows:
15			"Private Property" or "Government Property - No
16			Trespassing". The sign or signs, containing
17			letters no less than two inches in height, shall
18			be placed at reasonable intervals no less than
19			three signs to a mile along the boundary line of
20			the land and at roads and trails entering the





1	land in a manner and position as to be clearly
2	noticeable from outside the boundary line; or
3	(iii) At the time of entry, are fallow or have a
4	visible presence of livestock or a crop:
5	(A) Under cultivation;
6	(B) In the process of being harvested; or
7	(C) That has been harvested;
8	(d) The person enters or remains unlawfully on unimproved
9	or unused lands without the permission of the owner of
10	the land, the owner's agent, or the person in lawful
11	possession of the land, and the lands:
12	(i) Are fenced, enclosed, or secured in a manner
13	designed to exclude the general public; or
14	(ii) Have a sign or signs displayed on the unenclosed,
15	unimproved, or unused land sufficient to give
16	reasonable notice and reads as follows: "Private
17	Property - No Trespassing", "Government Property
18	- No Trespassing", or a substantially similar
19	message; provided that the sign or signs shall
20	contain letters no less than two inches in height
21	and shall be placed at reasonable intervals no

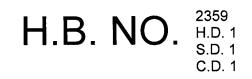


less than three signs to a mile along the
 boundary line of the land and at roads and trails
 entering the land in a manner and position as to
 be clearly noticeable from outside the boundary
 line.

For the purposes of this paragraph, "unimproved 6 7 or unused lands" means any land upon which there is no improvement; construction of any structure, building, 8 9 or facility; or alteration of the land by grading, dredging, or mining that would cause a permanent 10 change in the land or that would change the basic 11 natural condition of the land. Land remains 12 "unimproved or unused land" under this paragraph 13 notwithstanding minor improvements, including the 14 installation or maintenance of utility poles, signage, 15 and irrigation facilities or systems; minor 16 alterations undertaken for the preservation or prudent 17 management of the unimproved or unused land, including 18 the installation or maintenance of fences, trails, or 19 pathways; maintenance activities, including forest 20 plantings and the removal of weeds, brush, rocks, 21

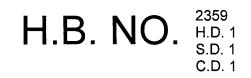


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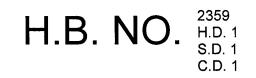
1		boulders, or trees; and the removal or securing of
2		rocks or boulders undertaken to reduce risk to
3		downslope properties; or
·4	(e)	[The person enters or remains unlawfully in or upon
5		the premises of any public housing project or state
6		low-income housing project, as defined in section
7		356D-1, 356D-51, or 356D-91, after a reasonable
8		warning or request to leave by housing authorities or
9		a police officer, based upon an alleged violation of
10		law or administrative rule; provided that a warning or
11		request to leave shall not be necessary between 10:00
12		p.m. and 5:00 a.m. at any public housing project or
13		state low income housing project that is closed to the
14		public during those hours and has signs, containing
15		letters no less than two inches in height, placed at
16		reasonable intervals no less than three signs to a
17		mile along the boundary of the project property and at
18		all entrances to the property, in a manner and
19		position to be clearly noticeable from outside the
20		boundary of the project property and to give
21		sufficient notice that the public housing project or





1	state low income housing project is closed to the
2	public-during-those hours.] The person enters or
3	remains unlawfully in or upon any area of a housing
4	project that is closed to the public pursuant to
5	section 356D- and meets the signage requirements of
6	section 356D- , or the person enters or remains
7	unlawfully in or upon any property that is subject to
8	section 356D- and meets the signage requirements of
9	section 356D- after a reasonable warning or request
10	to leave by the housing authority or law enforcement
11	officer, as defined in section 710-1000, based upon an
12	alleged violation of law or administrative rule,
13	notwithstanding any invitation or authorization
14	provided to the person by a tenant of that housing
15	project or a member of that tenant's household.
16	As used in this paragraph:
17	"Housing authority" means a property manager,
18	resident manager, tenant monitors, security guards, or
19	others officially designated by the Hawaii public
20	housing authority, for the housing project.





1	"Housing project" means a public housing project,
2	or elder or elderly housing as defined in section
3	356D-1, or state low-income housing project as defined
4	in section 356D-51.
5	"Reasonable warning or request" means a warning
6	or request communicated in writing at any time within
7	a one-year period inclusive of the date the incident
8	occurred, which may contain but is not limited to the
9	following information:
10	(i) A warning statement advising the person that
11	for a period of one year from the date of
12	the notice, the person's presence is no
13	longer desired in or on the areas of the
14	subject housing project that are closed to
15	the public, that a violation of the warning
16	will subject the person to arrest and
17	prosecution for trespassing pursuant to this
18	subsection, and that criminal trespass in
19	the second degree is a petty misdemeanor;
20	(ii) The legal name, any aliases, and a
21	photograph, if practicable, or a physical



1		description, including but not limited to
2		sex, racial extraction, age, height, weight,
3		hair color, eye color, or any other
4		distinguishing characteristics of the person
5		warned;
6	<u>(iii)</u>	The name of the person giving the warning
7		along with the date and time the warning was
8		given;
9	<u>(iv)</u>	The signature of the person giving the
10		warning and, if possible, the signature of
11		the violator; and
12	<u>(v)</u>	The name and signature of a witness or law
13		enforcement officer, as defined in section
14		710-1000, who was present when the warning
15		was given.
16	(2) Subsectio	n (1) shall not apply to a process server who
17	enters or remains i	n or upon the land or premises of another,
18	unless the land or	premises are secured with a fence and locked
19	gate, for the purpo	se of making a good faith attempt to perform
20	[their] the process	server's legal duties and to serve process
21	upon any of the fol	lowing:





1	(a) An owner or occupant of the land or premises;
2	(b) An agent of the owner or occupant of the land or
3	premises; or
4	(c) A lessee of the land or premises.
5	For the purposes of this subsection, "process server" means
6	any person authorized under the Hawaii rules of civil procedure,
7	district court rules of civil procedure, Hawaii family court
8	rules, or section 353C-10 to serve process.
9	[(3) As used in this section:
10	"Housing-authorities" means-resident-managers-or-managers,
11	tenant monitors, security guards, or others officially
12	designated by the Hawaii public housing authority.
13	"Process server"-means any person authorized under the
14	Hawaii rules of civil procedure, district court rules of civil
15	procedure, Hawaii family court rules, or section 353C 10 to
16	serve process.
17	(4)] (3) Criminal trespass in the second degree is a petty
18	misdemeanor."
19	SECTION 4. This Act does not affect rights and duties that
20	matured, penalties that were incurred, and proceedings that were
21	begun before its effective date.





- 1 SECTION 5. Statutory material to be repealed is bracketed
- 2 and stricken. New statutory material is underscored.
- 3 SECTION 6. This Act shall take effect upon its approval.





Report Title:

Hawaii Public Housing Authority; Criminal Trespass

Description:

Provides that certain areas within Hawaii Public Housing Authority housing projects are closed to the public and amends criminal trespass in the second degree to permit the prosecution of an unauthorized entry or a violation of a written prohibition to enter into the subject housing projects. Clarifies requirements for signage notifying trespassers of illegal entry. (HB2359 CD1)

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