
A BILL FOR AN ACT

RELATING TO CRIMINAL TRESPASS.

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

1 SECTION 1. The legislature finds that it is necessary to
2 exempt selected areas from the offense of criminal trespass onto
3 state lands in order to protect the welfare of the people and
4 communities that may be established on state land, especially
5 when those people and communities offer valuable lessons or
6 models for how to address social challenges.

7 The legislature further finds that such a community has
8 been built by people experiencing homelessness in the encampment
9 adjacent to the Waianae boat harbor, which is known as puuhonua
10 o Waianae.

11 The purpose of this Act is to exempt the land where the
12 houseless community of puuhonua o Waianae currently exists from
13 the offense of criminal trespass onto state lands.

14 SECTION 2. Section 708-814.7, Hawaii Revised Statutes, is
15 amended by amending subsection (1) to read as follows:

16 "(1) Except for lands owned by the office of Hawaiian
17 affairs[7]; except for the land where the houseless community of



1 puuhonua o Waianae currently exists (tax map key no.
2 850020110000) until ; and except for improved state lands
3 that are designated safe havens by state departments or
4 agencies, or that are under executive order by the governor to
5 be used as a safe haven and have a department of health
6 component and adequate space, not to include state hospitals, a
7 person commits the offense of criminal trespass onto state lands
8 if:

9 (a) The person enters or remains unlawfully in or upon any
10 improved state land when:

11 (i) The land is closed to public use and its closure
12 hours are posted on a sign or signs on the
13 improved state land, and after a request to leave
14 is made by any law enforcement officer the person
15 remains in or upon the land; or

16 (ii) The land is not open to the public and there are
17 signs that are sufficient to give reasonable
18 notice that read: "Government Property - No
19 Trespassing"; provided that these signs shall
20 contain letters no less than two inches in height
21 and shall be placed at reasonable intervals no



1 less than three signs to a mile along the
2 boundary line of the land and at all roads and
3 trails entering the land in a manner and position
4 as to be clearly noticeable from outside the
5 boundary; or

6 (b) The person enters or remains unlawfully in or upon any
7 state land on or under any highway, and the state land
8 has a sign or signs displayed upon the land that are
9 sufficient to give reasonable notice that read:
10 "Government Property - No Trespassing"; provided that
11 the signs shall contain letters no less than two
12 inches in height and shall be placed at reasonable
13 intervals no less than three signs to a mile along the
14 boundary line of the land and at all roads and trails
15 entering the land in a manner and position as to be
16 clearly noticeable from outside the boundary."

17 SECTION 3. The department of the attorney general shall
18 submit a written report to the legislature regarding the extent
19 to which this Act has been utilized, and shall include
20 recommendations for any proposed legislation, no later than



H.B. NO. 2794

1 twenty days prior to the convening of the regular sessions of
2 2019 and 2020.

3 SECTION 4. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 5. This Act shall not be construed to prohibit any
7 person from exercising native Hawaiian rights, customarily and
8 traditionally exercised for subsistence, cultural, and religious
9 purposes pursuant to article XII, section 7, of the Hawaii State
10 Constitution.

11 SECTION 6. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 7. This Act shall take effect upon its approval.
14

INTRODUCED BY:

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JAN 24 2018



H.B. NO. 2194

Report Title:

Criminal Trespass; State Lands; Puuhonua O Waianae

Description:

Exempts the land where the houseless community of Puuhonua O Waianae currently exists from the offense of criminal trespass onto state lands. Requires the Department of the Attorney General to submit a report to the legislature prior to the 2019 and 2020 Regular Sessions.

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