

JAN 19 2018

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 chronic illegal
2 activity and disruptive behavior in public parks and
3 recreational grounds is a major issue in Hawaii. The
4 legislature further finds that the imposition of a criminal
5 penalty for every trespass onto a public park or recreational
6 ground has a disproportionate punitive impact on homeless
7 individuals who have limited options for places to be and
8 limited resources to correct their unlawful behavior. A more
9 appropriate approach is to encourage good behavior in public
10 spaces by issuing written warnings and temporarily prohibiting
11 individuals who engage in unlawful activity from remaining in or
12 upon public parks or recreational grounds before imposing
13 criminal penalties. Criminal penalties should be reserved for
14 those individuals who continuously trespass onto public parks or
15 recreational grounds despite previous attempts to discourage the
16 illegal behavior.



1 The purpose of this Act is to preserve the open and public
2 nature of Hawaii's parks and recreational grounds by:

3 (1) Amending the penalty for criminal trespass onto public
4 parks and recreational grounds; and

5 (2) Requiring law enforcement officers to provide homeless
6 individuals who trespass onto public parks and
7 recreational grounds with information regarding
8 homeless facilities and safe zones.

9 SECTION 2. Section 708-814.5, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "~~[+]~~ §708-814.5~~[+]~~ **Criminal trespass onto public parks and**
12 **recreational grounds.** (1) A person commits the offense of
13 criminal trespass onto public parks and recreational grounds if
14 the person remains unlawfully in or upon a public park or
15 recreational ground after a request to leave is made by any law
16 enforcement officer, when the request is based upon violation by
17 the person of any term of use specified on a sign or notice
18 posted on the property, or based on violation of any term of use
19 contained in, or the expiration of, any permit relating to the
20 person's presence on the property.



(2) For the purposes of this section, unless the context requires otherwise:

"Homeless" has the same meaning as in section 346-361.

"Homeless facilities" has the same meaning as in section 346-361.

"Law enforcement officer" has the same meaning as in section 710-1000.

"Public park or recreational ground" means any park, park roadway, playground, athletic field, beach, shore, beach or shore right-of-way, tennis court, golf course, swimming pool, or other recreational area or facility under control, maintenance, and management of the State or any of the counties.

(3) ~~[Criminal trespass onto public parks and recreational grounds is a petty misdemeanor.]~~ Any person who violates subsection (1) shall be subject to the following:

(a) For a first offense, the person shall be issued a written warning; provided that if the person is homeless, the person shall also be given information on homeless shelters, services, facilities, and safe zones in the area;



1 (b) For a second offense, the person shall be prohibited
2 from remaining in or upon the public park or
3 recreational ground for a period of forty-five days;
4 provided that any property abandoned or seized in or
5 upon the public park or recreational ground shall be
6 disposed of in accordance with section 171-31.5;

7 (c) For a third or subsequent offense, the person shall
8 be:

9 (i) Prohibited from remaining in or upon the public
10 park or recreational ground for a period of up to
11 three years; provided that any property abandoned
12 or seized in or upon the public park or
13 recreational ground shall be disposed of in
14 accordance with section 171-31.5; and

15 (ii) Guilty of a petty misdemeanor; provided that a
16 court may grant community service in lieu of a
17 fine under this subparagraph."

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



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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

4

INTRODUCED BY:





S.B. NO. 2481

Report Title:

Criminal Trespass; Public Park or Recreational Ground; Homeless

Description:

Amends the penalty for criminal trespass onto public parks and recreational grounds. Requires law enforcement officers to provide homeless individuals who trespass onto public parks and recreational grounds with information regarding homeless shelters, services, facilities, and safe zones.

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