
A BILL FOR AN ACT

RELATING TO THE LAW OF THE SPLINTERED PADDLE.

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

1 SECTION 1. The legislature finds that King Kamehameha I
2 enacted ke kānāwai māmalahoe, or the law of the splintered
3 paddle, to protect his people by proclaiming that all innocent
4 persons, especially the elderly and the youth, shall be allowed
5 to lay safely on the side of the road without fear of harm or
6 attack. This law was a symbol of the importance Native
7 Hawaiians placed on caring for others and ensuring the safety of
8 society's most vulnerable people and has endured for
9 generations.

10 The legislature further finds that the law of the
11 splintered paddle specifically states:

12 "O my people
13 Honor thy gods
14 Respect alike (the rights of)
15 Men great and humble
16 See to it that our aged
17 Our women and our children



1 Lie down to sleep by the roadside

2 Without fear or harm.

3 Disobey, and die."

4 The legislature further finds that the law of the
5 splintered paddle is enshrined in article IX, section 10, of the
6 Hawaii State Constitution, which is both the supreme law of the
7 State of Hawaii and the document from which all other sources of
8 authority within the State are defined. The constitution
9 specifically declares that the law of the splintered paddle
10 "shall be a unique and living symbol of the State's concern for
11 public safety". The legislature believes that the State and
12 each of its political subdivisions must honor and uphold this
13 most important and eternal provision of its Constitution.

14 Accordingly, the purpose of this Act is to uphold the law
15 of the splintered paddle, as enshrined in the Hawaii State
16 Constitution, by prohibiting any county from disturbing any
17 person lying on the roadside of public lands in safety.

18 SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended
19 by adding a new section to part V to be appropriately designated
20 and to read as follows:



1 "§46- Law of the splintered paddle; prohibition on
2 disturbing a person lying by the roadside in safety. (a) In
3 accordance with article IX, section 10 of the Hawaii
4 constitution, no county shall enact any ordinance that prohibits
5 a person from sitting or lying by the roadside of any public
6 lands; provided that:

7 (1) This section shall not prohibit a duly empowered
8 county official from removing a person from a roadside
9 if conditions exist that would place the person at
10 risk of immediate bodily injury; and

11 (2) Paragraph (1) shall not be construed to authorize any
12 official to engage in any unprovoked assault of,
13 threats to, or harassment of the person who is sitting
14 or lying down.

15 (b) As used in this section, "by the roadside" includes
16 any sidewalk, as that term is defined in section 291C-1."

17 SECTION 3. New statutory material is underscored.

18 SECTION 4. This Act shall take effect upon its approval.

19

INTRODUCED BY:

JAN 26 2022



H.B. NO. 2486

Report Title:

Counties; Ke Kānāwai Māmalahoe; Law of the Splintered Paddle

Description:

Prohibits a county from enacting any ordinance that prohibits a person from lying by the roadside in safety in accordance with the law of the splintered paddle.

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