

---

---

# A BILL FOR AN ACT

RELATING TO PUBLIC ORDER.

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

1           SECTION 1. The legislature finds that Hawaii has long been  
2 a leader among states in the development of progressive and  
3 innovative undertakings on behalf of its neediest residents.  
4           Securing the well-being of all the State's citizens and  
5 residents continues to be a policy objective deserving of the  
6 highest priority. As a growing share of the State's resources  
7 are committed to programs and services to assist those in  
8 greatest need, the State also has both the obligation and the  
9 opportunity to ensure that government resources are used  
10 prudently, in a cost-effective manner, for the benefit of all  
11 residents. This can be accomplished through new and innovative  
12 solutions. One such solution is legislation that secures public  
13 places for use by all of Hawaii's residents and ensures that the  
14 individuals experiencing homeless who loiter on public property  
15 are referred for appropriate services.



1           The purpose of this Act is to provide law enforcement with  
2 the tools necessary to limit habitation of public places by  
3 individuals experiencing homeless.

4           SECTION 2. Chapter 711, Hawaii Revised Statutes, is  
5 amended by adding a new section to be appropriately designated  
6 and to read as follows:

7           "§711-    Loitering on public property. (1) A person  
8 commits the offense of loitering on public property if that  
9 person remains within a five hundred square yard area on any  
10 public property for more than two hours between 9:00 p.m. and  
11 5:00 a.m.

12           (2) Any person who commits the offense of loitering on  
13 public property shall be guilty of a petty misdemeanor; provided  
14 that, if the court determines that the person did not commit any  
15 other crime while committing the loitering offense, the case  
16 shall be expedited, and the person shall be placed under  
17 supervision of the case management system.

18           (3) For the purpose of this section, "public property" has  
19 the same meaning as in section 101-51."

20           SECTION 3. Section 708-813, Hawaii Revised Statutes, is  
21 amended by amending subsection (1) to read as follows:



1           "§708-813 Criminal trespass in the first degree. (1) A  
2 person commits the offense of criminal trespass in the first  
3 degree if:

4           (a) That person knowingly enters or remains unlawfully:

5                 (i) In a dwelling; or

6                 (ii) In or upon the premises of a hotel or apartment  
7                         building;

8           (b) That person:

9                 (i) Knowingly enters or remains unlawfully in or upon  
10                         premises that are fenced or enclosed in a manner  
11                         designed to exclude intruders; and

12                 (ii) Is in possession of a firearm, as defined in  
13                         section 134-1, at the time of the intrusion; [~~or~~]

14           (c) That person enters or remains unlawfully in or upon the  
15 premises of any public school as defined in section 302A-101, or  
16 any private school, after reasonable warning or request to leave  
17 by school authorities or a police officer; provided however,  
18 such warning or request to leave shall be unnecessary between  
19 10:00 p.m. and 5:00 a.m. [~~or~~];



1        (d) That person enters or remains unlawfully in or upon  
2 public property, as defined in section 101-51, after reasonable  
3 warning or request to leave by a police officer; or

4        (e) That persons enters or remains unlawfully in or upon  
5 public property, as defined in section 101-51, after three  
6 convictions of petty misdemeanor loitering."

7        SECTION 4. Chapter 601, Hawaii Revised Statutes, is  
8 amended by adding a new section to be appropriately designated  
9 and to read as follows:

10        **"§601-        Homeless case management special fund.    (a)**

11 There is established within the state treasury the homeless case  
12 management special fund, to be administered and expended by the  
13 judiciary.

14        (b) The proceeds of the fund shall be reserved for use by  
15 the judiciary for the homeless case management program,  
16 including purchases of service pursuant to chapter 103F, in  
17 support of the program. The fund shall be kept separate from  
18 all other funds in the treasury.

19        (c) The fund shall consist of appropriations from the  
20 legislature, or as otherwise provided by law, interest and  
21 investment earnings, grants, donations, and contributions from



1 private or public sources. All realizations of the fund shall  
2 be subject to the conditions specified in subsection (b).

3 (d) The judiciary shall submit an annual report to the  
4 legislature, no later than twenty days prior to the convening of  
5 each regular session, providing an accounting of the receipts of  
6 and expenditures from the homeless case management special  
7 fund."

8 SECTION 5. There is appropriated out of the general  
9 revenues of the State of Hawaii the sum of \$ or so much  
10 thereof as may be necessary for fiscal year 2025–2026 and the  
11 same sum or so much thereof as may be necessary for fiscal year  
12 2026–2027 to be deposited into the homeless case management  
13 special fund.

14 SECTION 6. There is appropriated out of the homeless case  
15 management special fund the sum of \$ or so much thereof  
16 as may be necessary for fiscal year 2025–2026 and the same sum  
17 or so much thereof as may be necessary for fiscal year 2026–2027  
18 to operate the homeless case management program.

19 The sums appropriated shall be expended by the judiciary  
20 for the purposes of this Act.



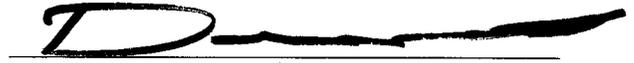
# H.B. NO. 261

1 SECTION 7. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 8. This Act shall take effect on July 1, 2025.

4

INTRODUCED BY:

A handwritten signature in black ink, appearing to be a stylized 'D' followed by a long horizontal stroke.

JAN 16 2025



# H.B. NO. 261

**Report Title:**

Loitering; Public Property; Homelessness; Program; Appropriation

**Description:**

Establishes the offense of loitering on public property and adds trespassing on public property to the offense of criminal trespass in the first degree. Establishes the homeless case management program and special fund, administered by the judiciary for the benefit of persons experiencing homelessness.

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

