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# A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

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

1           SECTION 1. The legislature finds that the public has a  
2 right to freely enjoy and utilize public spaces. Urinating and  
3 defecating in public places create health hazards that stem from  
4 human waste. These health hazards include risk of Hepatitis A,  
5 E. Coli, and other infections. Such concerns associated with  
6 public urination and defecation discourage people from  
7 patronizing establishments. The purpose of this Act is to  
8 protect the general public from unnecessary health hazards by  
9 prohibiting public urination or defecation.

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

13           "§711-    Urinating or defecating in public. (1) A person  
14 commits the offense of urinating or defecating in public if the  
15 person intentionally or knowingly urinates or defecates in a  
16 public place or any area where such an act is likely to be  
17 observed by any member of the public.



1       (2) As used in this section, "public place" means any  
2 publicly-owned or privately-owned property open for public use  
3 or to which the public is invited for entertainment or business  
4 purposes and includes but is not limited to any street,  
5 sidewalk, driveway, alley, doorway, park, playground, plaza,  
6 mall, building, parking lot, parking garage, and public  
7 transportation.

8       (3) This section shall not apply in cases where a person  
9 failed to use a restroom or other toilet facility because of a  
10 medical condition verified by a licensed physician.

11       (4) This section shall not apply to a person urinating or  
12 defecating while using appropriate fixtures in any restroom or  
13 other toilet facility designed for the sanitary disposal of  
14 human waste.

15       (5) Urinating or defecating in public is a misdemeanor  
16 punishable as follows:

17       (a) For a first offense, by:

18               (i) A fine of no less than \$500 and no more than  
19               \$1,000; or

20               (ii) Forty-eight hours of community service work;

21       (b) For a second offense, by:



1           (i) A fine of no less than \$750 and no more than  
2                           \$1,500; or

3           (ii) No less than seventy-two hours of community  
4                           service work; and

5           (c) For a third or subsequent offense, by:

6           (i) A fine of no less than \$1,000 and no more than  
7                           \$2,000; or

8           (ii) No less than one hundred twenty hours of  
9                           community service work.

10           (6) After the arrest of a person in violation of this  
11 section, who has identified themselves as experiencing  
12 homelessness, the arresting officer shall contact the department  
13 of health's Hawai'i CARES 988 to have a social worker or  
14 psychiatrist assigned to the arrestee. The assigned worker  
15 shall conduct a mandatory mental health screening for the  
16 arrestee and provide supportive services as needed."

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

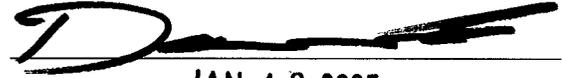
20           SECTION 4. New statutory material is underscored.

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



# H.B. NO. 270

INTRODUCED BY:

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JAN 16 2025



# H.B. NO. 270

**Report Title:**

Public Urination; Public Defecation; Public Safety; Public Order

**Description:**

Creates the offense of urinating or defecating in public. Provides penalties for public urination or defecation. Requires mental health evaluation and supportive services for a person experiencing homelessness who is arrested for urinating or defecating in public places.

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

