
A BILL FOR AN ACT

RELATING TO GEOGRAPHICAL RESTRICTIONS.

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

1 SECTION 1. The legislature finds that in criminal law, a
2 geographical restriction imposed upon an individual found guilty
3 of a crime is ordinarily limited to specific individuals or
4 property to deter future crime. For decades, geographical
5 restrictions have been imposed upon defendants in Hawaii courts
6 under the Weed and Seed program, and most recently under the
7 Safe and Sound Waikiki program managed by the city and county of
8 Honolulu office of the prosecuting attorney in association with
9 the Honolulu police department and nongovernmental
10 organizations. These programs have been imposing geographical
11 restrictions on habitual crime offenders to deter criminal
12 activities in the designated area.

13 Recently, the city and county of Honolulu office of the
14 prosecuting attorney began implementing the Safe and Sound
15 program beyond the boundaries of the Waikiki business district.
16 Safe and Sound Westside prohibits defendants from entering or
17 remaining, except for legitimate reasons with prior approval of



1 the court, in a large portion of Oahu, bounded by and including
2 the following streets or landmarks: the shoreline from Kahe
3 Point Beach Park until Kaena Point State Park, and one mile
4 mauka of the shoreline.

5 The legislature further finds that geographical
6 restrictions have not been addressed by the Hawaii supreme
7 court, and their legality has not been tested against
8 established principles under the federal and state
9 constitutions, including the right to freedom of movement, the
10 right to equal protection of laws, and the traditional and
11 customary right of access under the Hawaii State Constitution
12 and state law.

13 The prohibitions imposed under the Safe and Sound Westside
14 program have resulted in numerous individuals being unable to
15 work, live, commune with family, seek medical care, or practice
16 cultural rights in a significant portion of the island of Oahu.
17 In consideration of the legal issues associated with
18 geographical restrictions, the legislature must act to establish
19 reasonable limits.



1 Accordingly, the purpose of this Act is to establish
2 limitations on geographical restrictions provided as a condition
3 of probation.

4 SECTION 2. Chapter 706, Hawaii Revised Statutes, is
5 amended by adding a new section to part II to be appropriately
6 designated and to read as follows:

7 "§706- Geographical restrictions; limitations. Except
8 as otherwise provided by law, any geographical restriction
9 provided as a condition of probation shall:

- 10 (1) Be limited to an area that is no larger
- 11 than acres;
- 12 (2) Be narrowly tailored to the defendant's criminal
- 13 conviction; and
- 14 (3) Not be imposed upon areas of land or access to sea,
- 15 the right to which is protected by law."

16 SECTION 3. New statutory material is underscored.

17 SECTION 4. This Act shall take effect on July 1, 2025.

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INTRODUCED BY: *David Carnes*

JAN 21 2025



H.B. NO. 892

Report Title:

Penal Code; Probation; Geographical Restrictions; Limitations

Description:

Establishes limitations on geographical restrictions provided as a condition of probation.

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