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# 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's homeless  
2 issues have reached a critical level, often making it dangerous  
3 for everyday citizens to go about their business. One  
4 particular issue involves homeless individuals occupying an  
5 entire bus stop as they are using the area as a place of  
6 residence. In some cases, entire bus stops are enveloped with  
7 personal property, displacing riders as they wait for their bus,  
8 including kupuna who are forced to remain standing and fully  
9 exposed to the elements while they wait. The legislature  
10 further finds that using bus stops as storage for personal  
11 property can make it dangerous for individuals disembarking from  
12 the bus, particularly those with mobility issues. The  
13 legislature believes that bus stops must remain clear in order  
14 to maintain the safety for all involved.

15           Accordingly, the purpose of this Act is to:



- 1           (1) Make it a disorderly conduct offense to remain or  
2           loiter within twenty feet of a bus stop with no intent  
3           to utilize any bus service;
- 4           (2) Authorize law enforcement officers to:
- 5                 (A) Immediately remove any person committing a  
6                 disorderly conduct offense of remaining or  
7                 loitering within twenty feet of a bus stop with  
8                 no intent to utilize any bus service; and
- 9                 (B) Confiscate any of their personal property;
- 10          (3) Authorize law enforcement officers to determine if the  
11          confiscated property is to be saved or discarded; and
- 12          (4) Appropriate funds.

13          SECTION 2. Section 711-1101, Hawaii Revised Statutes, is  
14 amended to read as follows:

- 15          **"§711-1101 Disorderly conduct.** (1) A person commits the  
16 offense of disorderly conduct if, with intent to alarm or cause  
17 physical inconvenience [~~or alarm by~~] a member or members of the  
18 public, or recklessly creating a risk thereof, the person:
- 19                 (a) Engages in fighting or threatening, or in violent or  
20                 tumultuous behavior;
- 21                 (b) Makes unreasonable noise;



1 (c) Subjects another person to offensively coarse behavior  
2 or abusive language [~~which~~] that is likely to provoke  
3 a violent response;

4 (d) Creates a hazardous or physically offensive condition  
5 by any act [~~which~~] that is not performed under any  
6 authorized license or permit; [~~or~~]

7 (e) Impedes or obstructs, for the purpose of begging or  
8 soliciting alms, any person in any public place or in  
9 any place open to the public[~~-~~]; or

10 (f) Remains or loiters within twenty feet of a bus stop  
11 with no intent to utilize any bus service.

12 (2) Noise is unreasonable, within the meaning of  
13 subsection (1)(b), if considering the nature and purpose of the  
14 person's conduct and the circumstances known to the person,  
15 including the nature of the location and the time of the day or  
16 night, the person's conduct involves a gross deviation from the  
17 standard of conduct that a law-abiding citizen would follow in  
18 the same situation; or the failure to heed the admonition of a  
19 police officer that the noise is unreasonable and should be  
20 stopped or reduced.



1 The renter, resident, or owner-occupant of the premises who  
2 knowingly or negligently consents to unreasonable noise on the  
3 premises shall be guilty of a noise violation.

4 (3) A law enforcement officer may immediately remove a  
5 person committing the offense of disorderly conduct pursuant to  
6 subsection (1) (f) with no prior notice necessary and confiscate  
7 any and all personal property of the person. A law enforcement  
8 may determine if the items confiscated pursuant to this  
9 subsection are to be saved or discarded.

10 ~~[(3)]~~ (4) Disorderly conduct is a petty misdemeanor if it  
11 is the defendant's intention to cause substantial harm or  
12 serious inconvenience, or if the defendant persists in  
13 disorderly conduct after reasonable warning or request to  
14 desist. Otherwise disorderly conduct is a violation."

15 SECTION 3. There is appropriated out of the general  
16 revenues of the State of Hawaii the sum of \$ or so  
17 much thereof as may be necessary for fiscal year 2025-2026 and  
18 the same sum or so much thereof as may be necessary for fiscal  
19 year 2026-2027 to enforce this Act, to be allocated as follows:

20 (1) \$ to the city and county of Honolulu;

21 (2) \$ to the county of Hawaii;



1 (3) \$ to the county of Maui; and

2 (4) \$ to the county of Kauai.

3 The sums appropriated shall be expended by each county for  
4 the purposes of this Act.

5 SECTION 4. This Act does not affect rights and duties that  
6 matured, penalties that were incurred, and proceedings that were  
7 begun before its effective date.

8 SECTION 5. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10 SECTION 6. This Act shall take effect on July 1, 3000.



**Report Title:**

Bus Stops; Loitering; Disorderly Conduct; Law Enforcement;  
Confiscated Property; Appropriation

**Description:**

Makes it a disorderly conduct offense to remain or loiter within twenty feet of a bus stop with no intent to utilize any bus service. Authorizes law enforcement officers to immediately remove any person committing a disorderly conduct offense of remaining or loitering within twenty feet of a bus stop with no intent to utilize any bus service and confiscate any of their personal property. Authorizes law enforcement officers to determine if the confiscated property is to be saved or discarded. Appropriates funds. Effective 7/1/3000. (HD1)

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

