
A BILL FOR AN ACT

RELATING TO MINORS.

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

1 SECTION 1. Section 577-16, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§577-16 Curfew; children in public [~~streets~~], prohibited
4 when; penalty. Any child under [~~sixteen~~] eighteen years of
5 age[~~r~~] who[~~, except in case of necessity, or except when~~
6 ~~permitted so to do in writing by a judge of the family court,~~] goes or remains on any public street, highway, public place, or
7 private place held open to the public [~~after ten o'clock in the~~
8 ~~evening and before four o'clock in the morning, unaccompanied by~~
9 ~~either a parent or guardian, or an adult person duly authorized~~
10 ~~by a parent or guardian to accompany the child, is~~] between the
11 hours of 10:00 p.m. and 4:00 a.m. shall be subject to
12 adjudication under section 571-11(2) [~~–~~], unless the child is:
13
14 (1) Accompanied by a parent or guardian, or an adult
15 person duly authorized by a parent or guardian to
16 accompany the child;
17 (2) Acting out of necessity;



1 (3) Permitted in writing by a judge of the family court;
2 or
3 (4) Between the ages of sixteen and eighteen and is:
4 (A) Involved in an emergency;
5 (B) Lawfully engaged in an employment-related
6 activity, or going to or returning home from the
7 place of employment or the location of the
8 employment-related activity, without any detour
9 or stop; or
10 (C) Engaged in a school-related activity or a
11 department of education-related activity, or
12 going to or returning home from the location of
13 the school-related activity or department of
14 education-related activity, without any detour or
15 stop."

16 SECTION 2. Section 577-16.5, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "~~§577-16.5~~ **Sentencing for the violation of curfew.**
19 (a) Any child found in violation of section 577-16 shall be
20 guilty of a misdemeanor and sentenced as follows:



1 (1) For a first or second violation, or any violation not
2 preceded by two or more violations within one year,
3 the court shall impose on any parent or guardian
4 having the care, custody, and control of the child,
5 who knowingly and voluntarily suffers or permits the
6 child to go or remain on any public street, highway,
7 public place, or private place held open to the public
8 between the hours of 10:00 p.m. and 4:00 a.m., in
9 violation of section 577-16, a fine of no more than
10 \$100 or imprisonment of no more than twenty days; and
11 (2) For a third or subsequent violation that occurs within
12 one year of two or more prior violations, the court
13 shall impose the following:
14 (A) Imprisonment of the child for no more than one
15 year; and
16 (B) A fine of no more than \$2,000 on any parent or
17 guardian having the care, custody, and control of
18 the child, who knowingly and voluntarily suffers
19 or permits the child to go or remain on any
20 public street, highway, public place, or private
21 place held open to the public between the hours



1 of 10:00 p.m. and 4:00 a.m., in violation of
2 section 577-16.

3 (b) In addition to any other penalties established by law,
4 rule, or ordinance in the State, any child found in violation of
5 section 577-16 and their parents or guardians may be required to
6 participate in [such] counseling[~~r~~] as the court deems [~~to be~~]
7 appropriate in each case."

8 SECTION 3. Section 577-19, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§577-19 Children prohibited in certain places, when;**
11 **penalty.** Any keeper of a coffee shop, ice cream parlor,
12 victualing or billiard saloon, bowling alley, skating rink,
13 theater, show house, or premises in which any show, moving
14 picture, or other like public entertainment is given, who
15 permits any child under the age of [sixteen] eighteen years to
16 be or remain upon the premises or in the shop, parlor, saloon,
17 alley, rink, theater, show house, or premises, or in whose
18 premises [such] the child may be found between the hours of [~~ten~~
19 ~~in the evening~~] 10:00 p.m. and [~~six in the morning,~~] 6:00 a.m.,
20 unless the child is accompanied by the child's parent or
21 guardian, or [~~some other~~] an adult person [~~thereto~~] duly



1 authorized by [such] the child's parent or guardian, shall be
2 fined [not] no more than \$100."

3 SECTION 4. Section 577-21, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "~~§577-21 [Curfew] County curfew ordinances[, effect]~~ .

6 ~~[Each of the counties may enact and enforce] Nothing in this~~
7 ~~chapter shall prohibit a county from enacting ordinances that~~
8 ~~are more stringent in regulating the presence of children in~~
9 ~~public places and on public streets and roads during certain~~
10 ~~hours at night.~~

11 ~~[Upon each of the counties enacting an ordinance pertaining~~
12 ~~to curfew for children, then so far as that county is concerned,~~
13 ~~the ordinance shall have full force and effect, and shall~~
14 ~~supersede sections 577-16, 577-18, 577-19 and 577-20 until the~~
15 ~~ordinance is repealed or otherwise made invalid.] "~~

16 SECTION 5. Section 577-18, Hawaii Revised Statutes, is
17 repealed.

18 ~~["§577-18 Parents allowing children in street, prohibited~~
19 ~~when; penalty.~~ Any parent or guardian having the care, custody,

20 and control of a child under sixteen years of age, who, except

21 in case of necessity, knowingly, and voluntarily suffers or



1 ~~permits such child to go or remain on any public street, highway~~
2 ~~or public place after ten o'clock in the evening and before four~~
3 ~~o'clock in the morning, unaccompanied by an adult person thereto~~
4 ~~authorized by such parent or guardian, shall be fined not more~~
5 ~~than \$100 or imprisoned not more than twenty days."]~~

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

9 SECTION 7. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 8. This Act shall take effect upon its approval.

12

INTRODUCED BY: Kurt Jevella



S.B. NO. 3194

Report Title:

Minors; Curfew; County Ordinances

Description:

Expands the statewide curfew to apply to minors under 18 years of age, instead of under 16. Amends the exceptions to, and penalties for, violations of the statewide curfew. Restricts a county's authority to enact curfew ordinances to only those ordinances that are more stringent than the statewide curfew.

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

