

A Bill for an Act Relating to the Penal Code.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 708-813, Hawaii Revised Statutes, is amended to read as follows:

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

(a) That person knowingly enters or remains unlawfully:

(i) In a dwelling; or

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

(b) That person:

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

(ii) Is in possession of a firearm, as defined in section 134-1, at the time of such intrusion; or

(c) That person enters or remains unlawfully in or upon the premises of any school, as defined in section 297-1, after reasonable warning or request to leave by school authorities or a police officer.

(2) Criminal trespass in the first degree is a misdemeanor.”

SECTION 2. Section 708-814, Hawaii Revised Statutes, is amended to read as follows:

**“§708-814 Criminal trespass in the second degree.** (1) A person commits the offense of criminal trespass in the second degree if:

(a) He knowingly enters or remains unlawfully in or upon premises which are

- enclosed in a manner designed to exclude intruders or are fenced; or
- (b) He enters or remains unlawfully in or upon commercial premises after reasonable warning or request to leave by the owner or lessee of the commercial premises or his authorized agent or police officer; provided that this paragraph shall not apply to any conduct or activity subject to regulation by the National Labor Relations Act.
  - (2) Criminal trespass in the second degree is a petty misdemeanor.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.\*

SECTION 4. This Act shall take effect upon its approval.

(Approved June 17, 1981.)

---

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.