

ACT 200

S.B. NO. 3079

A Bill for an Act Relating to Criminal Trespass in the First Degree.

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

SECTION 1. Section 708-813, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

- “(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;
 - (b) That person:
 - (i) Knowingly enters or remains unlawfully in or upon premises that 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 the intrusion; or
 - (c) That person enters or remains unlawfully in or upon the premises of any public school as defined in section [302A-501,] 302A-101, or any private school, after reasonable warning or request to leave by school authorities or a police officer[.]; provided however, such warning or request to leave shall be unnecessary between 10:00 p.m. and 5:00 a.m.”

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

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 Statutory material to be repealed is bracketed.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

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

(Approved June 8, 2000.)