

## ACT 50

S.B. NO. 2294

A Bill for an Act Relating to Criminal Trespass.

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

SECTION 1. The legislature finds that persons who enter and unlawfully reside in tents or other temporary shelters at public or private campgrounds, parks, beaches, and other areas, also known as “squatters,” commit simple trespass under section 708-815, Hawaii Revised Statutes (HRS). However, simple trespass is only a violation and does not constitute a crime as defined in section 701-107, HRS.

As “squatting” has become a significant problem, the legislature finds that there is a need to aid police officers in enforcing trespass laws by providing stronger penalties for squatters. Accordingly, the purpose of this Act is to make these persons, after a reasonable warning, subject to criminal trespass in the second degree, a petty misdemeanor.

SECTION 2. Section 708-814, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) A person commits the offense of criminal trespass in the second degree if:

- (a) The person knowingly enters or remains unlawfully in or upon premises that are enclosed in a manner designed to exclude intruders or are fenced; or

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- (b) The person enters or remains unlawfully in or upon commercial premises or public property after a reasonable warning or request to leave by the owner or lessee of the commercial premises or public property, ~~or~~ the owner's or lessee's authorized agent, or a police officer; provided that this paragraph shall not apply to any conduct or activity subject to regulation by the National Labor Relations Act.

For purposes of this ~~section,~~ paragraph, "reasonable warning or request" means a warning or request communicated in writing at any time within a one-year period inclusive of the date the incident occurred, which may contain but is not limited to the following information:

- (i) A warning statement advising the person that the person's presence is no longer desired on the property for a period of one year from the date of the notice, that a violation of the warning will subject the person to arrest and prosecution for trespassing pursuant to section 708-814(1)(b), and that criminal trespass in the second degree is a petty misdemeanor;
- (ii) The legal name, any aliases, and a photograph, if practicable, or a physical description~~;~~ including but not limited to sex, racial extraction, age, height, weight, hair color, eye color, or any other distinguishing characteristics~~;~~ of the person warned;
- (iii) The name of the person giving the warning along with the date and time the warning was given; and
- (iv) The signature of the person giving the warning, the signature of a witness or police officer who was present when the warning was given and, if possible, the signature of the violator."

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 4. Statutory material to be repealed is bracketed and ~~stricken~~. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved May 4, 2004.)