

ACT 84

H.B. NO. 1828

A Bill for an Act Relating to Public Order.

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

SECTION 1. Urinating and defecating in public frighten and offend many people. These behaviors also create a public health risk because of the spread of diseases and other health hazards stemming from human waste. Such concerns and the smell associated with public urination and defecation discourage people from patronizing establishments located in the downtown business district.

The purpose of this Act is to prohibit public urination or defecation in the downtown Honolulu area.

SECTION 2. Chapter 711, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§711- Urinating or defecating in public. (1) A person commits the offense of urinating or defecating in public if the person intentionally or knowingly urinates or defecates in a public place or any area where such an act is likely to be observed by any member of the public within the boundaries of the downtown Honolulu area.

(2) As used in this section:

“Downtown Honolulu area” means the part of the city of Honolulu on the island of Oahu bounded on:

- (a) The south by the sea shore;
- (b) The west by Nuuanu Stream;
- (c) The north by the H-1 freeway; and
- (d) The east by Ward Avenue extended as a straight line to the sea shore.

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“Public place” means any publicly-owned or privately-owned property open for public use or to which the public is invited for entertainment or business purposes and includes but is not limited to any street, sidewalk, driveway, alley, doorway, mall, plaza, park, public building, or parking lot.

(3) This section shall not apply in cases where the person failed to use a restroom or other toilet facility because of a medical condition verified by a licensed physician.

(4) This section shall not apply to a person urinating or defecating while using appropriate fixtures in any restroom or other toilet facility designed for the sanitary disposal of human waste.

(5) Urinating or defecating in public is a violation punishable by no more than forty hours of community service work or a fine of not more than \$200.”

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. New statutory material is underscored.¹

SECTION 5. This Act shall take effect upon its approval and shall be repealed on December 31, 2009.

(Approved May 19, 2004.)

Note

1. Edited pursuant to HRS §23G-16.5.