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## A BILL FOR AN ACT

RELATING TO DISORDERLY CONDUCT.

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

1           SECTION 1. Section 711-1101, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§711-1101 Disorderly conduct.** (1) A person commits the  
4 offense of disorderly conduct if, with intent to cause physical  
5 inconvenience or alarm by a member or members of the public, or  
6 recklessly creating a risk thereof, the person:

7           (a) Engages in fighting or threatening, or in violent or  
8 tumultuous behavior; or

9           (b) Makes unreasonable noise; or

10          (c) Subjects another person to offensively coarse behavior  
11 or abusive language which is likely to provoke a  
12 violent response; or

13          (d) Creates a hazardous or physically offensive condition  
14 by any act which is not performed under any authorized  
15 license or permit; or

16          (e) Impedes or obstructs, for the purpose of begging or  
17 soliciting alms, any person in any public place or in  
18 any place open to the public.



1           (2) Noise is unreasonable, within the meaning of  
2 subsection (1)(b), if considering the nature and purpose of the  
3 person's conduct and the circumstances known to the person,  
4 including the nature of the location and the time of the day or  
5 night, the person's conduct involves a gross deviation from the  
6 standard of conduct that a law-abiding citizen would follow in  
7 the same situation; or the failure to heed the admonition of a  
8 police officer that the noise is unreasonable and should be  
9 stopped or reduced.

10           The renter, resident, or owner-occupant of the premises who  
11 knowingly or negligently consents to unreasonable noise on the  
12 premises shall be guilty of a noise violation.

13           (3) Disorderly conduct is a petty misdemeanor if [~~it is~~  
14 ~~the~~]:

15           (a) The defendant's intention [~~to~~] is to cause substantial  
16           harm or serious inconvenience[~~, or if the~~];

17           (b) The defendant persists in disorderly conduct after  
18           reasonable warning or request to desist[~~-~~]; or

19           (c) The defendant is under the influence of alcohol in an  
20           amount sufficient to impair the defendant's normal  
21           mental faculties.

22 Otherwise disorderly conduct is a violation.



1       (4) It shall constitute competent evidence that the  
2 defendant was under the influence of alcohol when engaging in  
3 disorderly conduct if, within three hours after the time of the  
4 disorderly conduct, as shown by chemical analysis or other  
5 approved analytical techniques of the defendant's blood, breath,  
6 or urine, there was .08 or more grams of alcohol per one hundred  
7 milliliters or cubic centimeters of the defendant's blood or .08  
8 or more grams of alcohol per two hundred ten liters of the  
9 defendant's breath."

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

13       SECTION 3. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: 

JAN 24 2006

H.B.NO. 2674

**Report Title:**

Crimes; Intoxication

**Description:**

Prohibits public drunkenness.

