

JAN 25 2006

A BILL FOR AN ACT

RELATING TO PUBLIC ACCESS.

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

1 SECTION 1. Section 115-9, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[~~§~~115-9~~]~~ **Obstructing access to public property;**

4 **penalty.** (a) A person commits the offense of obstructing
5 access to public property if the person, by action or by having
6 installed a physical impediment, intentionally prevents a member
7 of the public from traversing:

8 (1) A public right-of-way;

9 (2) A transit area; or

10 (3) A public transit corridor;

11 and thereby obstructs the right-of-way, area, or corridor
12 itself, or access to the sea~~[-]~~ or to or along the shoreline~~[-]~~
13 or any inland public recreational area~~[-]~~ or government road.

14 (b) Physical impediments that may prevent traversing
15 include but are not limited to the following:

16 (1) Gates;

17 (2) Fences;

18 (3) Walls;



1 (4) Constructed barriers;

2 (5) Rubbish;

3 (6) Security guards; and

4 (7) Guard dogs or animals.

5 (c) Obstructing access to public property is a
6 misdemeanor.

7 (d) Minimum fines for violation under this section shall
8 be as follows:

9 (1) \$1,000 for a second conviction; and

10 (2) \$2,000 for any conviction after a second conviction.

11 (e) As used in this section:

12 "Person" means a natural person or a legal entity.

13 "Public recreational area" means a public trail and public
14 lands or bodies of water opened to the public for recreational
15 use."

16 SECTION 2. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 3. This Act shall take effect upon its approval.

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Amid Ydy INTRODUCED BY: *Greg L. Hoar*

Shiranne Chun Oakland

Qua-Goh

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Will Eyo *Randy Biker*

Chris Zukowski



S.B. NO. 2675

Amor Mercado K
Noman Sakomfo

Yuda L. C
Ben Karud

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Report Title:

Access to Public Property; Obstruction

Description:

Clarifies that obstructions to the sea or to or along the shoreline or inland public recreational areas or government roads are prohibited. Clarifies that inland public recreational areas include public trails.

