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# A BILL FOR AN ACT

RELATING TO PUBLIC ACCESS.

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

1 SECTION 1. The purpose of this Act is to amend the laws  
2 that affect public access to coastal and inland areas. Part I  
3 of this Act provides more protection to the public's right to  
4 have access to coastal and inland recreational areas and  
5 requires state and county agencies to ensure that a public  
6 right-of-way is available for public use before approving a  
7 development project, subdivision project, or zoning initiative  
8 that may affect public access. Part II of this Act clarifies  
9 the definition of inland public recreational areas and provides  
10 specific prohibitions for obstructing public access in coastal  
11 and inland areas.

12 PART I

13 SECTION 2. Chapter 115, Hawaii Revised Statutes, is  
14 amended by adding a new section to be appropriately designated  
15 and to read as follows:

16 "§115- Permits; zoning; development and subdivision  
17 projects. Prior to granting or renewing a permit for or  
18 approving a development project, subdivision project, or zoning



1 initiative that may affect public access to the sea, the  
2 shoreline, or any coastal or inland public recreational areas,  
3 an agency shall ensure that a public right-of-way is available  
4 for the general public to use to access a public beach, shore,  
5 park, trail, or other public recreational area.

6 As used in this section:

7 "Agency" means any board, commission, council, department,  
8 district, or office of the State, or any of the counties, with  
9 the authority to issue a permit, license, or approval for a  
10 development project, subdivision project, or zoning initiative.

11 "Public recreational area" means public lands or bodies of  
12 water opened to the public for recreational use.

13 "Public right-of-way" means an easement or way over which  
14 the general public has the right to travel and which is used by  
15 or intended for use by the general public primarily to access a  
16 public beach, shore, park, trail, or other public recreational  
17 area, including a lateral easement along the shoreline,  
18 coastline, or beach."

19 PART II

20 SECTION 3. Section 115-9, Hawaii Revised Statutes, is  
21 amended to read as follows:

1 "[~~f~~]~~§~~115-9[~~t~~] **Obstructing access to public property;**

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

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

7 (2) A transit area; or

8 (3) A public transit corridor;

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

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

14 (1) Gates;

15 (2) Fences;

16 (3) Walls;

17 (4) Constructed barriers;

18 (5) Rubbish;

19 (6) Security guards; and

20 (7) Guard dogs or animals.

21 (c) Obstructing access to public property is a  
22 misdemeanor.



1 (d) Minimum fines for violation under this section shall  
2 be as follows:

3 (1) \$1,000 for a second conviction; and

4 (2) \$2,000 for any conviction after a second conviction.

5 (e) As used in this section:

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

7 "Public recreational area" means a public trail and public  
8 lands or bodies of water opened to the public for recreational  
9 use."

10 PART III

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

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

SB2635, SD1

**Report Title:**

Public Access

**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. Requires that agencies protect public rights-of-way to coastal or inland recreational areas.  
(SD1)

