
A BILL FOR AN ACT

RELATING TO CRIMINAL TRESPASS.

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

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

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

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

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

16 For the purposes of this paragraph, "reasonable
17 warning or request" means a warning or request
18 communicated in writing at any time within a one-year



1 period inclusive of the date the incident occurred,
2 which may contain but is not limited to the following
3 information:

4 (i) A warning statement advising the person that the
5 person's presence is no longer desired on the
6 property for a specified period of [~~one year~~]
7 time from the date of the notice, that a
8 violation of the warning will subject the person
9 to arrest and prosecution for trespassing
10 pursuant to section 708-814(1)(b), and that
11 criminal trespass in the second degree is a petty
12 misdemeanor;

13 (ii) The legal name, any aliases, and a photograph, if
14 practicable, or a physical description, including
15 but not limited to sex, racial extraction, age,
16 height, weight, hair color, eye color, or any
17 other distinguishing characteristics of the
18 person warned;

19 (iii) The name of the person giving the warning along
20 with the date and time the warning was given; and

21 (iv) The signature of the person giving the warning,
22 the signature of a witness or police officer who

1 was present when the warning was given and, if
2 possible, the signature of the violator; or

3 (c) The person enters or remains on agricultural lands
4 without the permission of the owner of the land, the
5 owner's agent, or the person in lawful possession of
6 the land, and the agricultural lands:

7 (i) Are fenced, enclosed, or secured in a manner
8 designed to exclude intruders;

9 (ii) Have a sign or signs displayed on the unenclosed
10 cultivated or uncultivated agricultural land
11 sufficient to give notice and reading as follows:

12 "Private Property." The sign or signs,
13 containing letters not less than two inches in
14 height, shall be placed along the boundary line
15 of the land and at roads and trails entering the
16 land in a manner and position as to be clearly
17 noticeable from outside the boundary line; or

18 (iii) At the time of entry, have a visible presence of
19 a crop:

20 (A) Under cultivation;

21 (B) In the process of being harvested; or

22 (C) That has been harvested."



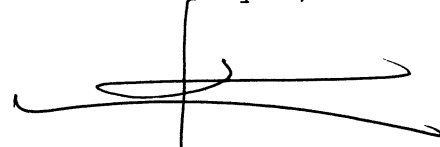
1 SECTION 2. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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

6 SECTION 4. This Act shall take effect on July 1, 2006.

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INTRODUCED BY:



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Report Title:
Criminal Trespass

SB 2928

Description:

Amends the required contents of a warning statement to a trespasser. Changes warning period for trespass in commercial premises from one year to a "specified period of time."

