

JAN 22 2007

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 [~~or public property~~] after a
10 reasonable warning or request to leave by the owner or
11 lessee of the commercial premises [~~or public~~
12 ~~property,~~] or the owner's or lessee's authorized
13 agent [~~]~~ or [a] police officer; provided that this
14 paragraph shall not apply to any conduct or activity
15 subject to regulation by the National Labor Relations
16 Act.



1 For the purposes of this [~~paragraph~~] section,
2 "reasonable warning or request" means a warning or
3 request communicated in writing at any time within a
4 one-year period inclusive of the date the incident
5 occurred, which may contain but is not limited to the
6 following information:

7 (i) A warning statement advising the person that the
8 person's presence is no longer desired on the
9 property for a period of one year from the date
10 of the notice, that a violation of the warning
11 will subject the person to arrest and prosecution
12 for trespassing pursuant to section
13 708-814(1)(b), and that criminal trespass in the
14 second degree is a petty misdemeanor;

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

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



1 (iv) The signature of the person giving the warning,
2 the signature of a witness or police officer who
3 was present when the warning was given and, if
4 possible, the signature of the violator."

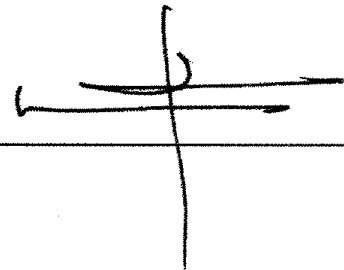
5 SECTION 2. This Act does not affect rights and duties that
6 matured, penalties that were incurred, and proceedings that were
7 begun, before its effective date.

8 SECTION 3. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

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

11

INTRODUCED BY: _____

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Report Title:

Criminal Trespass; Illegal Campers or Squatters

Description:

Repeals the offense of criminal trespass in the second degree that prohibits persons from entering or remaining unlawfully on public property for a specified time period.

