

JAN 22 2008

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 modify the
2 definition of the term "public recreational area", and the
3 offense of obstructing access to public property, and to define
4 the term "public right-of-way."

5 SECTION 2. Section 115-9, Hawaii Revised Statutes, is
6 amended as follows:

7 1. By amending subsection (a) to read:

8 "(a) A person commits the offense of obstructing access to
9 public property if the person, by action or by having installed
10 a physical impediment~~[7]~~ or barrier, intentionally prevents a
11 member of the public from traversing:

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

13 (2) A transit area; or

14 (3) A public transit corridor;

15 and thereby obstructs any public right-of-way, transit area, or
16 public transit corridor itself, access to the sea, access to or
17 along the shoreline, ~~[e]~~ access to any inland public



1 recreational area[-], or access to any government road or road
2 that is not privately owned."

3 2. By amending subsection (e) to read:

4 "(e) As used in this section:

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

6 "Public recreational area" means coastal and inland
7 recreational areas, including beaches, shores, public parks,
8 public lands [øæ], public trails, and bodies of water opened to
9 the public for recreational use.

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

15 SECTION 3. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

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

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Report Title:

Public Access

Description:

Modifies definitions of "public recreational area" and the offense of obstructing access to public property; defines "public right-of-way."

