

JUDtestimony

From: Marjorie Barrell [REDACTED]
Sent: Wednesday, February 13, 2008 9:37 AM
To: Rep. Thomas Waters
Cc: Rep. Karl Rhoads
Subject: HB 1978

Dear Rep. Waters,

I recently become aware of the subject bill that will permanently make urinating and/or defecating on the streets in the downtown area illegal. I wholeheartedly support this bill and frankly can't imagine why anyone would oppose it. We require pet owners to clean up after their animals; why wouldn't we expect people to use restroom facilities.

A week ago, I encountered a homeless man urinating in a planter on Fort Street Mall and a few months ago, my husband and I witnessed a woman squatting and defecating on a sidewalk near Chinatown. Both of these incidents occurred during business hours and in full view of passers-by. As disgusting and shocking as I found this behavior, I can only imagine the effect on impressionable children and visitors. Our residents and visitors alike should not be subjected to the smells, health, and sanitation issues relative to public urination and defecation.

Officials must have the means to legally stop this unacceptable practice and HB 1978 will provide the enforcement capabilities required. I request you and the Committee on the Judiciary move Rep. Rhoads' bill through the legislature as quickly as possible.

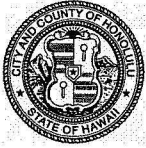
Thank you.

Marjorie Barrell
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DOWNTOWN NEIGHBORHOOD BOARD NO. 13

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Testimony of Thomas Smyth, Chair

**House Committee on Judiciary
Friday, February 15, 2008
2:00 p.m. Room 325**

**On
HB 1978 Relating to Public Order**

Chair Waters, Vice Chair Oshiro, and Members of the Committee:

The Downtown Neighborhood Board strongly supports HB 1978 that removes the December 31, 2009 sunset from Act 84, SLH 2004.

Act 84 declared that urinating and defecating in public in the Downtown Honolulu area between Nu'uuanu Stream and Ward Ave. was an offense against public order punishable by community service or a fine of not more than \$200.

Act 84 was vigorously debated in the House, but did pass in both bodies by more than two-thirds of the votes. There are certainly issues of fairness and the perception that this law was aimed specifically at our unfortunate homeless neighbors.

In the four years since its passage, it remains difficult to determine just how effective this prohibition has been. HPD has told our board that since the offense results in a "ticket", much like a traffic ticket, statistics are not readily available on the number of offenses ticketed. Our HPD officers do report that they have used the law and there seems to have been a reduction in the most obvious offensive public behavior.

We are very aware that there are insufficient public bathrooms in the Downtown and Chinatown areas. Merchants have been very reluctant to allow public use of their in-store facilities based on their experience with frequent vandalism. We have vigorously urged the City & County to establish open public facilities, even if they are only temporary. We are encouraged that there may be a small facility to help the homeless in our area in the near future as design plans move forward.

We urge you to remove the expiration date of Act 84 and allow the law to be codified in Chapter 711, so that it can continue to be enforced when necessary. For our part we will continue to push for more public facilities.

Thank you for the opportunity to provide testimony.

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