
A BILL FOR AN ACT

RELATING TO CRIME.

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

1 SECTION 1. Chapter 712, Hawaii Revised Statutes, is
2 amended by adding four new sections to be appropriately
3 designated and to read as follows:

4 "§712- Loitering while using or possessing an illegal
5 drug. (1) A person is guilty of loitering while using or
6 possessing an illegal drug if the person remains or wanders in
7 Ala Moana Park while unlawfully using or possessing a dangerous,
8 detrimental, or harmful drug.

9 (2) Loitering while using or possessing an illegal drug is
10 a misdemeanor.

11 (3) As used in this section:

12 "Ala Moana Park" means that area of Oahu bounded by Ala
13 Moana boulevard, Kewalo basin, Atkinson drive, and the ocean.

14 "Dangerous drug" shall have the same meaning as in section
15 712-1240.

16 "Detrimental drug" shall have the same meaning as in
17 section 712-1240.



1 "Harmful drug" shall have the same meaning as in section
2 712-1240.

3 **§712- Loitering while begging or soliciting alms. (1)**

4 A person is guilty of loitering while begging or soliciting alms
5 if the person remains or wanders in Ala Moana Park while begging
6 or soliciting alms.

7 (2) Loitering while begging or soliciting alms is a
8 violation.

9 (3) As used in this section, "Ala Moana Park" means that
10 area of Oahu bounded by Ala Moana boulevard, Kewalo basin,
11 Atkinson drive, and the ocean.

12 **§712- Criminal nuisance in the first degree. (1) A**
13 person is guilty of criminal nuisance in the first degree if the
14 person intentionally, knowingly, or recklessly operates or
15 maintains any premises or place in Ala Moana Park where persons
16 come or gather for the purpose of engaging in the unlawful sale
17 or distribution of a dangerous, detrimental, or harmful drug.

18 (2) Criminal nuisance in the first degree is a class A
19 felony.

20 (3) As used in this section:

21 "Ala Moana Park" means that area of Oahu bounded by Ala
22 Moana boulevard, Kewalo basin, Atkinson drive, and the ocean.



1 "Dangerous drug" shall have the same meaning as in section
2 712-1240.

3 "Detrimental drug" shall have the same meaning as in
4 section 712-1240.

5 "Harmful drug" shall have the same meaning as in section
6 712-1240.

7 **§712- Criminal nuisance in the second degree;**

8 **designated areas.** (1) A person is guilty of criminal nuisance
9 in the second degree if the person:

10 (a) Intentionally, knowingly, or recklessly creates or
11 maintains a condition in Ala Moana Park that endangers
12 the safety or health of more than one person; or

13 (b) Intentionally, knowingly, or recklessly operates or
14 maintains any premises or place in Ala Moana Park
15 where persons gather for purposes of engaging in
16 unlawful conduct.

17 (2) Criminal nuisance in the second degree is a
18 misdemeanor.

19 (3) As used in this section, "Ala Moana Park" means that
20 area of Oahu bounded by Ala Moana boulevard, Kewalo basin,
21 Atkinson drive, and the ocean."



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

4 SECTION 3. If any provision of this Act, or the
5 application thereof to any person or circumstance is held
6 invalid, the invalidity does not affect other provisions or
7 applications of the Act, which can be given effect without the
8 invalid provision or application, and to this end the provisions
9 of this Act are severable.

10 SECTION 4. New statutory material is underscored.

11 SECTION 5. This Act shall take effect on January 1, 2010.

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INTRODUCED BY:

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HB HMS 2009-1768



JAN 27 2009

Report Title:

Loitering and Criminal Nuisance; Ala Moana Park

Description:

Creates offenses of loitering and criminal nuisance in Ala Moana Park.

