
A BILL FOR AN ACT

RELATING TO PUBLIC HOUSING.

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

1 SECTION 1. Section 708-813, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§708-813 Criminal trespass in the first degree.** (1) A
4 person commits the offense of criminal trespass in the first
5 degree if:

6 (a) That person knowingly enters or remains unlawfully:

7 (i) In a dwelling; or

8 (ii) In or upon the premises of a hotel or apartment
9 building;

10 (b) That person:

11 (i) Knowingly enters or remains unlawfully in or upon
12 premises that are fenced or enclosed in a manner
13 designed to exclude intruders; and

14 (ii) Is in possession of a firearm, as defined in
15 section 134-1, at the time of the intrusion; [~~or~~]

16 (c) That person enters or remains unlawfully in or upon
17 the premises of any public school as defined in
18 section 302A-101, or any private school, after



1 reasonable warning or request to leave by school
 2 authorities or a police officer; provided [~~however,~~
 3 ~~such~~] that a warning or request to leave shall be
 4 unnecessary between 10:00 p.m. and 5:00 a.m.; or

5 (d) That person enters or remains unlawfully in or upon
 6 the premises of any public housing project, as defined
 7 in section 356D-1 or 356D-91, after reasonable warning
 8 or request to leave by housing authorities or a police
 9 officer; provided that the person is not an invited
 10 guest.

11 (2) As used in this section:

12 "Housing authorities" means resident managers or managers,
 13 tenant monitors, security guards, or others officially
 14 designated by the Hawaii public housing authority.

15 "Invited guest" means a person who enters or remains in or
 16 upon the premises of any public housing project in response to
 17 an express or implied invitation of a resident and who is not in
 18 violation of any law or public housing project rule.

19 ~~[+2]~~ (3) Criminal trespass in the first degree is a
 20 misdemeanor."



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. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect on January 1, 2010.



Report Title:

Criminal Trespass; Public Housing Project

Description:

Amends criminal trespass in the first degree to include a person who enters or remains unlawfully in or upon the premises of a public housing project after reasonable request or warning to leave by housing authorities or a police officer. Excludes an invited guest. (HB72 HD1)

