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## A BILL FOR AN ACT

RELATING TO DISORDERLY CONDUCT.

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

1           SECTION 1. Section 711-1101, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§711-1101 Disorderly conduct.** (1) A person commits the  
4 offense of disorderly conduct if, with intent to cause physical  
5 inconvenience or alarm by a member or members of the public, or  
6 recklessly creating a risk thereof, the person:

7           (a) Engages in fighting or threatening, or in violent or  
8 tumultuous behavior; [~~or~~]

9           (b) Makes unreasonable noise; [~~or~~]

10          (c) Subjects another person to offensively coarse behavior  
11 or abusive language [~~which~~] that is likely to provoke  
12 a violent response; [~~or~~]

13          (d) Creates a hazardous or physically offensive condition  
14 by any act [~~which~~] that is not performed under any  
15 authorized license or permit; [~~or~~]

16          (e) Impedes or obstructs, for the purpose of begging or  
17 soliciting alms, any person in any public place or in  
18 any place open to the public [~~-~~]; or



1        (f) Impedes or obstructs the use of or access to a bus  
2                stop by:

3                (i) Laying across any bench or more than one seat  
4                        provided at the bus stop; or

5                (ii) Sleeping on the ground within or abutting any bus  
6                        stop shelter or other bus stop structure.

7                (2) Noise is unreasonable, within the meaning of  
8 subsection (1)(b), if considering the nature and purpose of the  
9 person's conduct and the circumstances known to the person,  
10 including the nature of the location and the time of the day or  
11 night, the person's conduct involves a gross deviation from the  
12 standard of conduct that a law-abiding citizen would follow in  
13 the same situation; or the failure to heed the admonition of a  
14 police officer that the noise is unreasonable and should be  
15 stopped or reduced.

16                The renter, resident, or owner-occupant of the premises who  
17 knowingly or negligently consents to unreasonable noise on the  
18 premises shall be guilty of a noise violation.

19                (3) Committing either of the acts described in subsection  
20 (1)(f) for more than                        minutes shall be prima facie  
21 evidence of recklessly creating a risk of physical inconvenience  
22 for purposes of subsection (1).

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1            [~~3~~] (4) Disorderly conduct is a petty misdemeanor if it  
2 is the defendant's intention to cause substantial harm or  
3 serious inconvenience, or if the defendant persists in  
4 disorderly conduct after reasonable warning or request to  
5 desist. Otherwise disorderly conduct is a violation."

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

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

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

12

INTRODUCED BY:

Kal Rhode

JAN 21 2009



**Report Title:**

Disorderly Conduct

**Description:**

Amends the crime of disorderly conduct to include impeding or obstructing the use of or access to a bus stop by laying across any bench or more than one seat provided at the bus stop or sleeping on the ground within or abutting any bus stop shelter or other bus stop structure. Effective 1/1/2010.

