

JAN 28 2009

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# 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 by amending subsection (1) to read as follows:

3           "(1) A person commits the offense of criminal trespass in  
4 the first degree if:

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

6                 (i) In a dwelling; or

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

9           (b) That person:

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

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

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



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

4 (d) That person enters or remains unlawfully in or upon  
5 the premises of any public housing project, as defined  
6 in section 356D-1 or 356D-91, after reasonable warning  
7 or request to leave by housing authorities or a police  
8 officer; provided that:

9 (i) A warning or request to leave shall not be  
10 necessary between 10:00 p.m. and 5:00 a.m.; and

11 (ii) The person is not an invited guest. For purposes  
12 of this section, an "invited guest" means a  
13 person who enters or remains in or upon the  
14 premises of any public housing project in  
15 response to an express or implied invitation of a  
16 resident and who is not in violation of any law  
17 or public housing project rule."

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

21 SECTION 3. Statutory material to be repealed is bracketed  
22 and stricken. New statutory material is underscored.



# S.B. NO. 1221

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

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INTRODUCED BY:

*[Signature]*

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**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.

