THE SENATE
TWENTY-FIFTH LEGISLATURE, 2010
STATE OF HAWAII

S.B. NO. 2276
S.D. 1
H.D. 1

A BILL FOR AN ACT

RELATING TO INTOXICATING LIQUOR.

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

1   SECTION 1.   Section 281-78, Hawaii Revised Statutes, is

2   amended by amending subsection (a) to read as follows:

3   "(a)   No person shall possess any open liquor container or

4   consume any liquor on any:

5   (1)   Public highway, except as permitted in section

6   291-3.4;

7   (2)   Public sidewalk[, including any];

8   (3)   Any sidewalk within a public housing project as

9   defined in section 356D-1 or 356D-91; or

10   [(3)] (4)   Common area of a public housing project as

11   defined in section 356D-1 or 356D-91. For purposes of

12   this paragraph, "common area" means roofs, halls,

13   corridors, lobbies, stairs, stairways, fire escapes,

14   entrances and [,]exits[,] of the building or

15   buildings, basements, yards, gardens, recreational

16   facilities, parking areas, storage spaces, and other

17   parts of the project normally in common use or other

1   areas designated by the Hawaii public housing

2   authority.

3   For the purposes of paragraphs (3) and (4), possessing an

4 open liquor container shall be prima facie evidence that a

5 person is consuming liquor."

6   SECTION 2. Section 356D-92, Hawaii Revised Statutes, is

7 amended by amending subsection (a) to read as follows:

8   "(a) Except as otherwise provided, the authority may

9 terminate any lease, rental agreement, permit, or license

10 covering the use and occupation of any dwelling unit or other

11 premises located within a public housing project and evict from

12 any premises any tenant, licensee, or other occupant for any of

13 the following reasons:

14   (1) Failure to pay rent when due;

15   (2) Violation of any of the provisions of a lease, rental

16   agreement, permit, or license;

17   (3) Violation of any of the rules of the authority;

18   (4) The tenant's invited guest repeatedly violates section

19   281-78(a)(3) or 281-78(a)(4);

20   [(4)] (5) Failure to maintain the dwelling unit in a clean,

21   sanitary, and habitable condition; or

1   [(5)] (6)   The existence of any other circumstances giving

2   rise to an immediate right to possession by the

3   authority."

4   SECTION 3.   Section 708-813, Hawaii Revised Statutes, is

5   amended to read as follows:

6   "§708-813 Criminal trespass in the first degree.   (1)   A

7   person commits the offense of criminal trespass in the first

8   degree if:

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

10   (i)   In a dwelling; or

11   (ii) In or upon the premises of a hotel or apartment

12   building;

13   (b)   That person:

14   (i)   Knowingly enters or remains unlawfully in or upon

15   premises that are fenced or enclosed in a manner

16   designed to exclude intruders; and

17   (ii) Is in possession of a firearm, as defined in

18   section 134-1, at the time of the intrusion; [or]

19   (c)   That person enters or remains unlawfully in or upon

20   the premises of any public school as defined in

21   section 302A-101, or any private school, after

22   reasonable warning or request to leave by school

1   authorities or a police officer; provided however,

2   such warning or request to leave shall be unnecessary

3   between 10:00 p.m. and 5:00 a.m.; or

4   (d)   That person:

5   (i)   Is present on the premises of a public housing

6   project;

7   (ii)   Is a guest of a tenant of the public housing

8   project and is not accompanied by the tenant;

9   (iii) Violates section 281-78(a)(3) or 281-78(a)(4);

10   and

11   (iv)   Remains unlawfully on a sidewalk or in a common

12   area of that public housing project after

13   reasonable warning or request to leave by housing

14   authority management or a police officer.

15   As used in this subsection:

16   "Common area" means roofs, halls, corridors,

17   lobbies, stairs, stairways, fire escapes, entrances

18   and exits of the building or buildings, basements,

19   yards, gardens, recreational facilities, parking

20   areas, storage spaces, and other parts of the project

21   normally in common use or other areas designated by

22   the Hawaii public housing authority.

1   "Housing authority management" means housing

2   authority employees or agents officially designated by

3   the Hawaii public housing authority to manage the

4   public housing project or to enforce rules relating to

5   the project, including resident managers or managers,

6   tenant monitors, or security guards.

7   "Public housing project" means a housing project

8   as defined in section 356D-1 and 356D-91.

9   (2) Criminal trespass in the first degree is a misdemeanor."

10   SECTION 4. If any provision of this Act, or the

11   application thereof to any person or circumstance is held

12   invalid, the invalidity does not affect other provisions or

13   applications of the Act, which can be given effect without the

14   invalid provision or application, and to this end the provisions

15   of this Act are severable.

16   SECTION 5. This Act does not affect rights and duties that

17   matured, penalties that were incurred, and proceedings that were

18   begun before its effective date.

19   SECTION 6. Statutory material to be repealed is bracketed

20   and stricken. New statutory material is underscored.

21   SECTION 7. This Act shall take effect on July 1, 2010.

S.B. NO. 2276 S.D. 1 H.D. 1

Report Title:
Public Housing; Alcohol Consumption; Prohibition

Description:
Prohibits possession of open liquor containers in public housing common areas and on public streets and sidewalks. Makes repeated violation of this law by an unaccompanied guest of a public housing tenant trespassing. Permits the eviction of a public housing tenant whose guest repeatedly violates this law. (SB2276 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.