
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; [~~or~~]

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, 356D-41, 356D-51, or 356D-91, after
7 reasonable warning or request to leave by housing
8 authorities; provided that the person is not an
9 invited guest.

10 For purposes of this section:

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

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

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

1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 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; excludes an invited guest. (SD1)