

JAN 23 2009

A BILL FOR AN ACT

RELATING TO CRIMINAL TRESPASS.

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



1 section 302A-101, or any private school, after
2 reasonable warning or request to leave by school
3 authorities or a police officer; provided however,
4 such warning or request to leave shall be unnecessary
5 between 10:00 p.m. and 5:00 a.m.; or

6 (d) That person enters or remains unlawfully in the
7 curtilage of a house or dwelling, which from the
8 circumstances, poses a serious risk of causing harm to
9 the inhabitants therein.

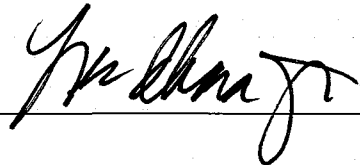
10 (2) Criminal trespass in the first degree is a
11 misdemeanor[-]; provided that a criminal trespass under
12 subsection (1) (d) shall be a class C felony."

13 SECTION 2. This Act does not affect rights and duties that
14 matured, penalties that were incurred, and proceedings that were
15 begun, before its effective date.

16 SECTION 3. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 4. This Act shall take effect upon its approval.

19

INTRODUCED BY:  **By Request**



Report Title:

Criminal Trespass

Description:

Makes unlawful entry onto the curtilage of a house or dwelling
an offense of criminal trespass in the first degree and makes it
a felony.

