

---

---

# A BILL FOR AN ACT

RELATING TO HISTORIC PLACES.

**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

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

5 (d) That person enters or remains unlawfully in or upon  
6 premises of a property listed on the Hawaii register  
7 of historic places after reasonable warning or request  
8 to leave that property."

9 SECTION 2. Section 708-820, Hawaii Revised Statutes, is  
10 amended by amending subsection (1) to read as follows:

11 "(1) A person commits the offense of criminal property  
12 damage in the first degree if by means other than fire:

13 (a) The person intentionally or knowingly damages property  
14 and thereby recklessly places another person in danger  
15 of death or bodily injury;

16 (b) The person intentionally or knowingly damages the  
17 property of another, without the other's consent, in  
18 an amount exceeding \$20,000;

19 (c) The person intentionally or knowingly damages the  
20 property of another during the time of a civil defense  
21 emergency proclaimed by the governor pursuant to  
22 chapter 128, within the area covered by the civil

1 defense emergency or during the period of disaster  
2 relief under chapter 127; [~~or~~]

3 (d) The person intentionally or knowingly damages the  
4 agricultural equipment, supplies, or products or  
5 aquacultural equipment, supplies, or products of  
6 another, including trees, bushes, or any other plant  
7 and livestock of another, without the other's consent,  
8 in an amount exceeding \$1,500. In calculating the  
9 amount of damages to agricultural products, the amount  
10 of damages includes future losses and the loss of  
11 future production[~~or~~]; or

12 (e) The person intentionally or knowingly damages property  
13 on the Hawaii register of historic places or damages  
14 property that contributes to a site on the Hawaii  
15 register of historic places."

16 SECTION 3. 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 4. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

21 SECTION 5. This Act shall take effect upon its approval.

**Report Title:**

Historic Places; Trespass; Property Damage

**Description:**

Makes the entering or remaining unlawfully on property listed in the Hawaii register of historic places after warning or request to leave, an offense of criminal trespass in the first degree. Makes the intentional or knowing damage to property on the Hawaii register of historic places an offense of criminal property damage in the first degree. (SD1)