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## A BILL FOR AN ACT

RELATING TO PUBLIC ORDER.

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

1 PART I

2 SECTION 1. Hawaii has long been a leader among the states  
3 in the development of progressive and innovative undertakings on  
4 behalf of its neediest residents. Securing the well-being of  
5 all of the State's citizens and residents continues to be a  
6 policy objective deserving of the highest priority.

7 As a growing share of the State's resources are committed  
8 to programs and services to assist those in greatest need, the  
9 State also has both the obligation and the opportunity to ensure  
10 that government resources are used prudently, in a cost-  
11 effective manner, for the benefit of all residents. This can be  
12 accomplished through new and innovative solutions. One such  
13 solution is legislation that secures public places for use by  
14 all of Hawaii's residents, not just the homeless, and ensures  
15 that the homeless who loiter on public property are referred for  
16 appropriate services.



1 The purpose of this Act is to provide law enforcement with  
2 the tools necessary to limit habitation of public places by the  
3 homeless and to establish a homeless case management program.

4 PART II

5 SECTION 2. Chapter 711, Hawaii Revised Statutes, is  
6 amended by adding a new section to be appropriately designated  
7 and to read as follows:

8 "§711- Loitering on public property. (1) A person  
9 commits the offense of loitering on public property if that  
10 person remains within a five hundred square yard area on any  
11 public property for more than two hours between 9:00 p.m. and  
12 5:00 a.m.

13 (2) Any person who commits the offense of loitering on  
14 public property shall be guilty of a petty misdemeanor; provided  
15 that if the court determines that the person:

16 (a) Has no permanent residence; and

17 (b) Did not commit any other crime while committing the  
18 loitering offense;

19 the case shall be expedited and the person shall be placed under  
20 supervision of the case management system.

21 (3) For the purpose of this section, "public property" has  
22 the same meaning as in section 101-51."



1 SECTION 3. 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  
19 authorities or a police officer; provided however,  
20 such warning or request to leave shall be unnecessary  
21 between 10:00 p.m. and 5:00 a.m.; or



1       (d) That person enters or remains unlawfully in or upon  
 2       public property, as defined in section 101-51, after  
 3       reasonable warning or request to leave by a police  
 4       officer."

PART III

6       SECTION 4. The judiciary shall establish a homeless case  
 7 management program, under which the judiciary shall provide  
 8 services, or contract for the purchase of services to provide  
 9 services, to homeless persons convicted of loitering on public  
 10 property, pursuant to section 711-   , Hawaii Revised Statutes.  
 11 The program shall provide robust case management services,  
 12 including but not limited to:

- 13       (1) The acquisition of transitional housing;
- 14       (2) Job training;
- 15       (3) Healthcare; and
- 16       (4) Support services to move program participants toward  
 17 self-sufficiency.

18       The judiciary shall adopt rules necessary for purposes of  
 19 the program.

20       SECTION 5. Chapter 601, Hawaii Revised Statutes, is  
 21 amended by adding a new section to be appropriately designated  
 22 and to read as follows:

1           "§601-           Homeless case management special fund;  
2 judiciary. (a) There is established within the state treasury  
3 the homeless case management special fund, to be administered  
4 and expended by the judiciary.

5           (b) The proceeds of the fund shall be reserved for use by  
6 the judiciary for the homeless case management program,  
7 including purchases of service pursuant to chapter 103F, in  
8 support of the program. The fund shall be kept separate from  
9 all other funds in the treasury.

10          (c) The fund shall consist of appropriations from the  
11 legislature, or as otherwise provided by law, interest and  
12 investment earnings, grants, donations, and contributions from  
13 private or public sources. All realizations of the fund shall  
14 be subject to the conditions specified in subsection (b).

15          (d) The judiciary shall submit an annual report to the  
16 legislature, no later than twenty days prior to the convening of  
17 each regular session, providing an accounting of the receipts of  
18 and expenditures from the homeless case management special  
19 fund."

20          SECTION 6. There is appropriated out of the general  
21 revenues of the State of Hawaii the sum of \$                    or so  
22 much thereof as may be necessary for fiscal year 2011-2012 and



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1 the same sum or so much thereof as may be necessary for fiscal  
2 year 2012-2013 to be deposited into the homeless case management  
3 special fund.

4 SECTION 7. There is appropriated out of the homeless case  
5 management special fund the sum of \$ or so much  
6 thereof as may be necessary for fiscal year 2011-2012 and the  
7 same sum or so much thereof as may be necessary for fiscal year  
8 2012-2013 to operate the homeless case management program.

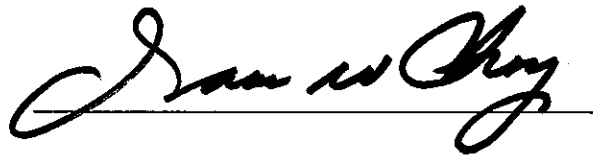
9 The sums appropriated shall be expended by the judiciary  
10 for the purposes of this Act.

11 SECTION 8. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 9. This Act shall take effect on July 1, 2011.

14

INTRODUCED BY:



JAN 24 2011



**Report Title:**

Loitering; Public Property; Homelessness; Program; Appropriation

**Description:**

Establishes the offense of loitering on public property and adds trespassing on public property to the offense of criminal trespass in the first degree. Establishes the homeless case management program and the homeless case management special fund, to be administered by the judiciary for the benefit of homeless persons convicted of loitering or trespass on public property.

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

