

JAN 21 2011

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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           SECTION 1. Urinating and defecating in public frightens  
2 and offends many people. These behaviors also create a public  
3 health risk because of the spread of disease and other health  
4 hazards stemming from improper disposal of human waste. These  
5 concerns, and the smell associated with public urination and  
6 defecation, discourage people from patronizing establishments  
7 located in the Waikiki district as well as utilizing the beach  
8 and parks in the Waikiki district.

9           The purpose of this Act is to prohibit urinating or  
10 defecating in the Waikiki area.

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

14           "§711-           Urinating or defecating in public. (1) A  
15 person commits the offense of urinating or defecating in public  
16 if the person intentionally or knowingly urinates or defecates  
17 in a public place or any area where such an act is likely to be  
18 observed by any member of the public within the Waikiki area.



1        (2) As used in this section:

2        "Waikiki area" means the part of the city of Honolulu on  
3 the island of Oahu which includes the Waikiki peninsula and the  
4 western slope of Diamond Head, bounded on:

5        (a) The shoreline and the Ala Wai Canal inlet;

6        (b) Northeast and south along the Ala Wai Canal to Paki  
7 Avenue;

8        (c) Southeast to Monsarrat Avenue;

9        (d) East on Monsarrat Avenue;

10       (e) Northeast to Kanaina Avenue, Kanaina Street and  
11 Diamond Head Circle;

12       (f) Up the slope of Diamond Head between Diamond Head  
13 Circle and Kanaina Street and the end of Noela Drive  
14 to the rim of Diamond Head Crater;

15       (g) South to Leahi Peak;

16       (h) Down the slope in line with Coconut Avenue to the  
17 shoreline; and

18       (i) North and West to the Ala Wai Canal inlet.

19       As used in this section, "public place" means any publicly-  
20 owned or privately-owned property open for public use or to  
21 which the public is invited for entertainment or business  
22 purposes and includes any street, sidewalk, driveway, alley,



1 doorway, mall, plaza, park, beach, zoo, public building, or  
2 parking lot.

3 (3) This section shall not apply where the person failed  
4 to use a restroom or other facility because of a medical  
5 condition verified by a licensed physician.

6 (4) This section shall not apply to a person urinating or  
7 defecating while using appropriate fixtures in any restroom or  
8 other facility designed for the sanitary disposal of human  
9 waste.

10 (5) Urinating or defecating in public is a petty  
11 misdemeanor."

12 SECTION 3. This Act does not affect rights and duties that  
13 matured, penalties that were incurred, and proceedings that were  
14 begun before its effective date.

15 SECTION 4. New statutory material is underscored.

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

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INTRODUCED BY: 

**By Request**



**Report Title:**

Urinating and Defecating in Public

**Description:**

Prohibits urinating and defecating in public places.

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

