

JAN 21 2011

S.B. NO. 907

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 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
18 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~~] that a warning or request to leave shall not be
4 [unnecessary] necessary between 10:00 p.m. and 5:00
5 a.m.; or

6 (d) That person enters or remains unlawfully in or upon
7 the premises of any public housing project, as defined
8 in section 356D-1 or 356D-91, after a reasonable
9 warning or request to leave by housing authorities or
10 a police officer; provided that:

11 (i) A warning or request to leave shall not be
12 necessary between 10:00 p.m. and 5:00 a.m.; and

13 (ii) The person is not an invited guest.

14 (2) As used in this section:

15 "Housing authorities" means resident managers or managers,
16 tenant monitors, security guards, or others officially
17 designated by the Hawaii public housing authority.

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



1 [~~2~~] (3) Criminal trespass in the first degree is a
2 misdemeanor."

3 SECTION 2. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun, before its effective date.

6 SECTION 3. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 4. This Act shall take effect on January 1, 2012.

9

INTRODUCED BY: *Erin Chen Oakland*



Report Title:

Criminal Trespass; Public Housing Project

Description:

Broadens 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 a reasonable request or warning to leave by housing authorities or a police officer. Excludes an invited guest, unless the guest is violating a law or rule.

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