

HB254,HD1

Testimony

**Testimony of the Office of the Public Defender
State of Hawaii
to the Senate Committee on Judiciary and Labor**

April 4, 2011

H.B. No. 254 HD1: RELATING TO PUBLIC ORDER

Chair Hee and Members of the Committee:

We oppose passage of H.B. No. 254 HD1 which creates a criminal violation for urinating and defecating in public in Waikiki. First of all, this measure gives preferential treatment over other parts of the state to the Waikiki area. The offense will only apply to that area. Residents and businesses from other parts of the state will argue that this conduct is just as unsanitary and unpleasant for them to deal with as well.

Second, although the current draft of the bill has lowered the classification of the proposed offense to a violation from the original proposed petty misdemeanor, this measure is another in a line of legislation which would apply disproportionately to the homeless or needy population. It has often been lamented that Honolulu is in need of better public accommodations. Even in areas where public sanitary facilities are available, many of them are locked up during the evening hours. Meanwhile, Oahu's homeless population continues to grow. Tent cities have sprung up in Kakaako and other areas due to homeless being pushed out of many of the beaches and parks. The state is in dire need of more facilities to serve this growing sector of the population. Until that problem is solved, it would be extremely insensitive to criminalize persons who have no other choice but to relieve themselves in public areas.

Thank for the opportunity to comment on this measure.