

**Testimony of the Office of the Public Defender  
State of Hawaii  
to the House Committee on Judiciary**

March 3, 2011

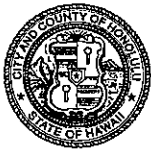
H.B. No. 42: RELATING TO PUBLIC ORDER

Chair Keith-Agaran and Members of the Committee:

We oppose passage of H.B. No. 42 which would delete the sunset clause in the downtown public urination and defecation law. This law was one in a line of legislation which would apply disproportionately to the homeless or needy population. It has often been lamented that downtown Honolulu is in need of better public accommodations. Until that problem is solved, it is extremely insensitive to criminalize persons who have no other choice but to relieve themselves in public areas.

Moreover, there is anecdotal evidence that this law is not being used as much as it can be because public urination is still being charged as Open Lewdness, H.R.S. § 712-1217. Thus the police and prosecutors are electing to charge persons with the petty misdemeanor offense rather than citing them for public urination under Act 84.

Thank for the opportunity to comment on this measure.



**DOWNTOWN NEIGHBORHOOD BOARD NO. 13**

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**Testimony of  
Thomas Smyth, Vice Chair**

**Before the  
House Committee on Judiciary  
Thursday, March 3, 2011, 2:30 pm Room 329  
On  
HB 42, Relating to Public Order**

**Chair Keith-Agaran, Vice Chair Rhoads and Members of the Committee:**

**The Downtown Neighborhood Board strongly supported previous legislation that prohibited public urination or defecation in the Downtown area. This prohibition has been in effect on a year-to-year temporary basis, with repeated extensions, since 2004.**

**We strongly support HB 42 which would make the prohibition permanent by removing the 2014 sunset. This important law affects the dense business and residential areas of Chinatown, Downtown and that part of Kaka'ako Mauka west of Ward Avenue.**

**The Downtown Neighborhood Board feels that continuing this specific violation is needed in our area because of the very real concern by our residents, workers and visitors that there are health and sanitation hazards that result from this conduct.**

**We have urged the City & County of Honolulu to take steps to increase the number and identification of public bathrooms in this area. To date frankly, little has been done, but there are some public facilities available and we will continue to work to see that they are better identified.**

**In the meantime, we want to ensure that HPD has the enforcement tools necessary to cite someone who is blatantly acting so irresponsibly. At our monthly board meetings, HPD representatives are not able to easily count the number of citations they issue for this offense because it is a "violation" that does not result in an arrest, which is more easily tracked. But they have told us that it does work in many instances and allows them to end this bad conduct when they are aware of it.**

**Help us keep our residential and business neighborhood, and your working neighborhood, as clean and as safe as possible, by eliminating the sunset date.**

**Thank you for the opportunity to provide this testimony.**



## Testimony for HB42 on 3/3/2011 2:30:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

**Sent:** Wednesday, March 02, 2011 5:01 PM

**To:** JUDtestimony

**Cc:** lynn.vasquez@gmail.com

**Attachments:** HB42.txt (1 KB)

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Testimony for JUD 3/3/2011 2:30:00 PM HB42

Conference room: 329

Testifier position: support

Testifier will be present: Yes

Submitted by: Lynn

Organization: The Slippah Foundation

Address:

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Submitted on: 3/2/2011

Comments:

HB42[2].txt

My name is Lynn Vasquez-Dela Cerna. I was born and raised in Chinatown, Liliha, Kalihi/Palama, Puunui, Liliha areas. I am the President/Co-founder of the Slippah Foundation. This is our seventh year of giving food, clothes, slippahs and toys to Public Housing and Homeless Keiki and their Ohana in Hawaii. I was the Volunteer Coordinator for Kaukau Wagon for four years. I am a Homeless Advocate. However, the deterioration and safety concerns for our citizens are a priority. One can not go to Downtown/Chinatown anymore without feeling a sense of security and especially, cleanliness. The smell of feces and urine have over taken the aroma of ethnic foods that once filled the air. Gone are holding hands with my grandchildren and taking a walk. Instead, it's a drive pass the area of a place I once called Auntie Lynn's Chinatown. I used to give FREE tours to my friends around the world on a message board. Places like England, Australia, Canada and the Conus. Urinating and defecating is a daily problem not only for business owners but the general public. I support this bill. This is start to get back our City. Mahalo.