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## 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 a



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,  
10 neighborhood watch, or a police officer; provided that  
11 the person is not an invited guest of a resident and  
12 is not in the presence of the resident.

13 (2) As used in this section:

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

17 "Invited guest" means a person who enters or remains in or  
18 upon the premises of any public housing project in response to  
19 an express invitation by a resident and who is in the presence  
20 of the resident.

21 [~~+2~~] (3) Criminal trespass in the first degree is a  
22 misdemeanor."



# H.B. NO. 1794

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

4 SECTION 3. Statutory material to be repealed is bracketed  
 5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect on January 1, 2013.

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**Report Title:**

Criminal Trespass; Public Housing Project

**Description:**

Broadens criminal trespass in the 1st 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, neighborhood watch, or a police officer. Excludes an invited guest of a resident who is in the presence of the resident. Effective 1/1/13.

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