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## A BILL FOR AN ACT

RELATING TO DISORDERLY CONDUCT.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 711-1101, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§711-1101 Disorderly conduct.** (1) A person commits the  
4 offense of disorderly conduct if, with intent to alarm or cause  
5 physical inconvenience [~~or alarm by~~] to a member or members of  
6 the public, or recklessly creating a risk thereof, the person:

7           (a) Engages in fighting or threatening, or in violent or  
8 tumultuous behavior; [~~or~~]

9           (b) Makes unreasonable noise; [~~or~~]

10           (c) Subjects another person to offensively coarse behavior  
11 or abusive language [~~which~~] that is likely to provoke  
12 a violent response; [~~or~~]

13           (d) Creates a hazardous or physically offensive condition  
14 by any act [~~which~~] that is not performed under any  
15 authorized license or permit; [~~or~~]

16           (e) Impedes or obstructs, for the purpose of begging or  
17 soliciting alms, any person in any public place or in  
18 any place open to the public[~~or~~]; or



1        (f) Impedes or obstructs the use of or access to a bus  
2        stop by:

3        (i) Laying across any bench or more than two seats  
4        provided at the bus stop; or

5        (ii) Sleeping on the ground within or abutting any bus  
6        stop shelter or other bus stop structure.

7        (2) Noise is unreasonable, within the meaning of  
8 subsection (1)(b), if considering the nature and purpose of the  
9 person's conduct and the circumstances known to the person,  
10 including the nature of the location and the time of the day or  
11 night, the person's conduct involves a gross deviation from the  
12 standard of conduct that a law-abiding citizen would follow in  
13 the same situation; or the failure to heed the admonition of a  
14 police officer that the noise is unreasonable and should be  
15 stopped or reduced.

16        The renter, resident, or owner-occupant of the premises who  
17 knowingly or negligently consents to unreasonable noise on the  
18 premises shall be guilty of a noise violation.

19        (3) Committing an act described in subsection (1)(f) for  
20 sixty minutes or more shall be prima facie evidence of  
21 recklessly creating a risk of physical inconvenience to a member  
22 or members of the public.



1            [~~(3)~~] (4) Disorderly conduct is a petty misdemeanor if it  
2 is the defendant's intention to cause substantial harm or  
3 serious inconvenience, or if the defendant persists in  
4 disorderly conduct after reasonable warning or request to  
5 desist. Otherwise disorderly conduct is a violation."

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

9            SECTION 3. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11           SECTION 4. This Act shall take effect on January 1, 2014.



**Report Title:**

Disorderly Conduct; Bus Stops

**Description:**

Makes it a disorderly conduct offense to impede or obstruct bus stop use or access by laying on a bus stop bench or across more than two seats, or sleeping on ground within or abutting a bus stop; makes engaging in this conduct for at least 60 minutes, prima facie evidence of the offense. Effective January 1, 2014.  
(HB31 HD1)

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

