
A BILL FOR AN ACT

RELATING TO OPEN CONTAINERS OF INTOXICATING LIQUORS IN PUBLIC HOUSING.

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

1 SECTION 1. Current laws prohibiting the consumption of
2 intoxicating liquor on any sidewalk or in any common area of a
3 public housing project have been difficult to enforce due to the
4 requirement that the arresting officer or a witness observe the
5 defendant consuming the intoxicating liquor.

6 The purpose of this Act is to reduce the consumption of
7 alcohol on sidewalks and in common areas of state low-income
8 housing projects by prohibiting the possession or storage of any
9 open container of liquor in those areas, which will provide law
10 enforcement with broader authority to prevent public consumption
11 of alcohol.

12 SECTION 2. Chapter 281, Hawaii Revised Statutes, is
13 amended by adding a new section to part VII to be appropriately
14 designated and to read as follows:

15 "§281- Consuming or possessing intoxicating liquor while
16 on a sidewalk or common area of a housing project; prohibited.

17 (a) No person shall possess or store while on any sidewalk or



1 common area within a public housing project as defined in
2 section 356D-1 or state low-income housing project as defined in
3 section 356D-51, any bottle, can, or other receptacle containing
4 any intoxicating liquor that has been opened, or a seal broken,
5 or the contents of which have been partially removed.

6 (b) Any person violating this section shall be guilty of a
7 violation."

8 SECTION 3. Section 281-78, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "(a) No person shall consume any liquor on any:

11 (1) Public highway, except as permitted in section
12 291-3.4;

13 (2) Public sidewalk, including any sidewalk within a
14 public housing project as defined in section 356D-1 or
15 [~~356D-91;~~] state low-income housing project as defined
16 in section 356D-51; or

17 (3) Common area of a public housing project as defined in
18 section 356D-1 or [~~356D-91.~~] state low-income housing
19 project as defined in section 356D-51. For purposes
20 of this paragraph, "common area" means roofs, halls,
21 corridors, lobbies, stairs, stairways, fire escapes,
22 entrances and [~~+~~]exits[~~+~~] of the building or



1 buildings, basements, yards, gardens, recreational
2 facilities, parking areas, storage spaces, and other
3 parts of the project normally in common use or other
4 areas designated by the Hawaii public housing
5 authority."

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

11 SECTION 6. This Act shall take effect upon its approval.

12

INTRODUCED BY: *Fide P. O'Connell*
[Signature]
Ray M. Smith

JAN 22 2013



H.B. NO. 740

Report Title:

Hawaii Public Housing Authority; Intoxicating Liquor; Prohibitions

Description:

Prohibits the possession or storage of an open container holding intoxicating liquor on any sidewalk or common area within any public housing project under the jurisdiction of the Hawaii public housing authority

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

