
A BILL FOR AN ACT

RELATING TO PUBLIC HOUSING.

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

1 SECTION 1. Section 708-814, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§708-814 Criminal trespass in the second degree.** (1) A
4 person commits the offense of criminal trespass in the second
5 degree if:

6 (a) The person knowingly enters or remains unlawfully in
7 or upon premises that are enclosed in a manner
8 designed to exclude intruders or are fenced;

9 (b) The person enters or remains unlawfully in or upon
10 commercial premises after a reasonable warning or
11 request to leave by the owner or lessee of the
12 commercial premises, the owner's or lessee's
13 authorized agent, or a police officer; provided that
14 this paragraph shall not apply to any conduct or
15 activity subject to regulation by the National Labor
16 Relations Act.

17 For the purposes of this paragraph, "reasonable
18 warning or request" means a warning or request



1 communicated in writing at any time within a one-year
2 period inclusive of the date the incident occurred,
3 which may contain but is not limited to the following
4 information:

5 (i) A warning statement advising the person that the
6 person's presence is no longer desired on the
7 property for a period of one year from the date
8 of the notice, that a violation of the warning
9 will subject the person to arrest and prosecution
10 for trespassing pursuant to section
11 708-814(1)(b), and that criminal trespass in the
12 second degree is a petty misdemeanor;

13 (ii) The legal name, any aliases, and a photograph, if
14 practicable, or a physical description, including
15 but not limited to sex, racial extraction, age,
16 height, weight, hair color, eye color, or any
17 other distinguishing characteristics of the
18 person warned;

19 (iii) The name of the person giving the warning along
20 with the date and time the warning was given; and

21 (iv) The signature of the person giving the warning,
22 the signature of a witness or police officer who

1 was present when the warning was given and, if
2 possible, the signature of the violator;

3 (c) The person enters or remains unlawfully on
4 agricultural lands without the permission of the owner
5 of the land, the owner's agent, or the person in
6 lawful possession of the land, and the agricultural
7 lands:

8 (i) Are fenced, enclosed, or secured in a manner
9 designed to exclude intruders;

10 (ii) Have a sign or signs displayed on the unenclosed
11 cultivated or uncultivated agricultural land
12 sufficient to give notice and reading as follows:
13 "Private Property". The sign or signs,
14 containing letters not less than two inches in
15 height, shall be placed along the boundary line
16 of the land and at roads and trails entering the
17 land in a manner and position as to be clearly
18 noticeable from outside the boundary line; or

19 (iii) At the time of entry, are fallow or have a
20 visible presence of livestock or a crop:

21 (A) Under cultivation;

22 (B) In the process of being harvested; or



- 1 (C) That has been harvested; [~~or~~]
- 2 (d) The person enters or remains unlawfully on unimproved
3 or unused lands without the permission of the owner of
4 the land, the owner's agent, or the person in lawful
5 possession of the land, and the lands:
- 6 (i) Are fenced, enclosed, or secured in a manner
7 designed to exclude the general public; or
- 8 (ii) Have a sign or signs displayed on the unenclosed,
9 unimproved, or unused land sufficient to give
10 reasonable notice and reads as follows: "Private
11 Property - No Trespassing", "Government Property
12 - No Trespassing", or a substantially similar
13 message; provided that the sign or signs shall
14 contain letters not less than two inches in
15 height and shall be placed at reasonable
16 intervals along the boundary line of the land and
17 at roads and trails entering the land in a manner
18 and position as to be clearly noticeable from
19 outside the boundary line.
- 20 For the purposes of this paragraph, "unimproved
21 or unused lands" means any land upon which there is no
22 improvement; construction of any structure, building,



1 or facility; or alteration of the land by grading,
2 dredging, or mining that would cause a permanent
3 change in the land or that would change the basic
4 natural condition of the land. Land remains
5 "unimproved or unused land" under this paragraph
6 notwithstanding minor improvements, including the
7 installation or maintenance of utility poles, signage,
8 and irrigation facilities or systems; minor
9 alterations undertaken for the preservation or prudent
10 management of the unimproved or unused land, including
11 the installation or maintenance of fences, trails, or
12 pathways; maintenance activities, including forest
13 plantings and the removal of weeds, brush, rocks,
14 boulders, or trees; and the removal or securing of
15 rocks or boulders undertaken to reduce risk to
16 downslope properties[-]; or

17 (e) The person enters or remains unlawfully in or upon the
18 premises of any public housing project or state low-
19 income housing project, as defined in section 356D-1,
20 356D-51, or 356D-91, after a reasonable warning or
21 request to leave by housing authorities or a police
22 officer, based upon an alleged violation of law or



1 administrative rule; provided that a warning or
2 request to leave shall not be necessary between 10:00
3 p.m. and 5:00 a.m. at any public housing project or
4 state low-income housing project that is closed to the
5 public during those hours and has signs, containing
6 letters not less than two inches in height, placed
7 along the boundary of the project property, at all
8 entrances to the property, in a manner and position to
9 be clearly noticeable from outside the boundary of the
10 project property and to give sufficient notice that
11 the public housing project or state low-income housing
12 project is closed to the public during those hours.

13 (2) As used in this section, "housing authorities" means
14 resident managers or managers, tenant monitors, security guards,
15 or others officially designated by the Hawaii public housing
16 authority.

17 [+2] (3) Criminal trespass in the second degree is a petty
18 misdemeanor."

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



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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



Report Title:

Criminal Trespass; Public Housing Project

Description:

Broadens the petty misdemeanor crime of criminal trespass in the second degree to include a person who enters or remains unlawfully in or upon the premises of a public housing project or state low-income housing project after a reasonable request or warning to leave by housing authorities or a police officer; provided that no warning or request is necessary when property is closed and signage appropriately placed and using certain letter size provides notification of closure. Effective January 1, 2014. (HB87 CD1)

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

