
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; [~~ex~~]

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



1 reasonable warning or request to leave by school
2 authorities or a [~~police officer,~~] law enforcement
3 officer; provided [however, such] that a warning or
4 request to leave shall not be [unnecessary] necessary
5 between 10:00 p.m. and 5:00 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, 356D-51, or 356D-91, after a
9 reasonable warning or request to leave by housing
10 authorities or a law enforcement officer, based upon
11 an alleged violation of law or administrative rule;
12 provided that a warning or request to leave shall not
13 be necessary between 10:00 p.m. and 5:00 a.m. at any
14 public housing project that is closed to the public
15 during those hours and has signs, containing letters
16 not less than two inches in height, placed along the
17 boundary of the project property, at all entrances to
18 the property, in a manner and position to be clearly
19 noticeable from outside the boundary of the project
20 property and to give sufficient notice that the public
21 housing project is closed to the public during those
22 hours.



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

5 [~~2~~] (3) Criminal trespass in the first degree is a
6 misdemeanor[-]; provided that a person who violates subsection
7 (1)(d) shall be guilty of:

- 8 (a) A petty misdemeanor for the first violation; and
9 (b) A misdemeanor for the second violation or any
10 subsequent violations."

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

14 SECTION 3. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

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

17



Report Title:

Criminal Trespass; Public Housing Project

Description:

Broadens criminal trespass in the first 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 or a law enforcement officer; provided that no warning or request is necessary between certain times of day and if the public housing has signs to mark the boundaries of property and notify the public that the public housing project is closed to the public during certain hours. Establishes penalties for entering or remaining unlawfully in or upon a public housing project premises after reasonable warning to leave. Takes effect 1/1/2014. (SD2)

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

