

S.B. NO. 1115

JAN 24 2013

A BILL FOR AN ACT

RELATING TO OPEN CONTAINERS OF INTOXICATING LIQUOR IN PUBLIC HOUSING.

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

1 SECTION 1. Chapter 281, Hawaii Revised Statutes, is
2 amended by adding to part VII a new section to be appropriately
3 designated and to read as follows:

4 "§281- Open containers; public housing. No person
5 shall possess or store, while on any sidewalk or common area
6 within a public housing project as defined in section 356D-1 or
7 state low-income housing project as defined in section 356D-51,
8 any bottle, can, or other receptacle containing any intoxicating
9 liquor that has been opened, or a seal broken, or the contents
10 of which have been partially removed."

11 SECTION 2. Section 281-78, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

- 13 "(a) No person shall consume any liquor on any:
- 14 (1) Public highway, except as permitted in section 291-
 - 15 3.4;
 - 16 (2) Public sidewalk, including any sidewalk within a
 - 17 public housing project as defined in section 356D-1 or

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1 ~~[356D-91;]~~ state low-income housing project as defined
2 in 356D-51; or

3 (3) Common area of a public housing project as defined in
4 section 356D-1 or ~~[356D-91;]~~ state low-income housing
5 project as defined in section 356D-51. For purposes
6 of this paragraph, "common area" means roofs, halls,
7 corridors, lobbies, stairs, stairways, fire escapes,
8 entrances and ~~[+]~~exits~~[+]~~ of the building or
9 buildings, basements, yards, gardens, recreational
10 facilities, parking areas, storage spaces, and other
11 parts of the project normally in common use or other
12 areas designated by the Hawaii public housing
13 authority."

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 Statutory material to be repealed is bracketed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 upon its approval.

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INTRODUCED BY: 

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BY REQUEST

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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.

JUSTIFICATION SHEET

DEPARTMENT: Hawaii Public Housing Authority (Human Services)

TITLE: A BILL FOR AN ACT RELATING TO OPEN CONTAINERS OF INTOXICATING LIQUOR IN PUBLIC HOUSING.

PURPOSE: To prohibit the possession or storage of open containers holding intoxicating liquors on any sidewalk or common area of a public housing project under the jurisdiction of the Hawaii Public Housing Authority (HPHA).

MEANS: Add a new section to part VII of chapter 281, Hawaii Revised Statutes (HRS), and amend section 281-78(a), HRS.

JUSTIFICATION: Section 281-78, HRS, currently prohibits the consumption of intoxicating liquors on public sidewalks, including any sidewalk within a public housing project as defined in sections 356D-1 and 356D-91, HRS. It further prohibits the consumption of intoxicating liquors in public housing common areas. However, there are two deficiencies with the statute that the agency would propose need correction.

First, this prohibition can be difficult to enforce since it is limited by the word "consumption" which requires that either: a police officer visibly observe a perpetrator in the action of imbibing intoxicating liquor; or a witness be willing to testify to visibly observing a perpetrator in the action of imbibing intoxicating liquor. By broadening the prohibition to storage and possession, the requirement of physically observing a perpetrator in the act of imbibing in order to support prosecution is removed. Violations would be easier to report and enforce, thereby promoting a reduction in violations of the prohibition.

Second, the statute is limited to public housing projects as defined in sections 356D-1 and 356D-91. These statutes correspond only to properties in the HPHA's Federal low-income public housing inventory. By changing the statute to refer to public housing projects as defined in sections 356D-1 and 356D-51, the prohibition would apply to the HPHA's State low-income public housing in the same manner.

Impact on the public: There should be a positive impact on the public as the enforcement of an existing criminal offense would be easier.

Impact on the department and other agencies: The Department of Public Safety is responsible for law enforcement on public housing properties, and could see a small increase in caseload.

GENERAL FUNDS: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: HMS 220.

OTHER AFFECTED
AGENCIES: Department of Public Safety.

EFFECTIVE DATE: Upon approval.