

# **HB 33**

**Measure Title:**

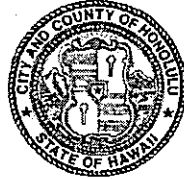
RELATING TO PUBLIC ORDER

**Description:**

Makes permanent the prohibition against urinating or defecating in public within the boundaries of downtown Honolulu.

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813  
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KIRK W. CALDWELL  
MAYOR

LOUIS M. KEALOHA  
CHIEF

DAVE M. KAJIHIRO  
MARIE A. MCCAULEY  
DEPUTY CHIEFS

OUR REFERENCE RS-DK

March 14, 2013

The Honorable Will Espero, Chair  
and Members  
Committee on Public Safety,  
Intergovernmental and Military Affairs  
House of Representatives  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Espero and Members:

Subject: House Bill No. 33, Relating to Public Order

I am Roy Sugimoto, Major of District 1 of the Honolulu Police Department (HPD), City and County of Honolulu.

The Honolulu Police Department supports House Bill No. 33, Relating to Public Order. This bill makes permanent the prohibition against urination and defecation in public within the boundaries of downtown Honolulu.

Act 84, Session Laws of Hawaii 2004, as amended by Act 77, Session Laws of Hawaii 2008, as amended by Act 75, Session Laws of Hawaii 2010, was effective in deterring the conduct proscribed within downtown Honolulu. In 2009, thirty-nine citations were issued in the designated area. Eighty-six citations with one arrest were issued for this offense in 2010. Forty-two citations in 2011 and thirty-three citations were issued in 2012 with no arrests.

The Honolulu Police Department urges you to support House Bill No. 33.

Thank you for the opportunity to testify.

Sincerely,

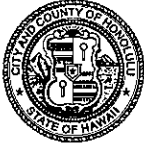
A handwritten signature in black ink, appearing to read "Roy Sugimoto".

Roy Sugimoto, Major  
District 1

APPROVED:

A handwritten signature in black ink, appearing to read "Louis M. Kealoa".

LOUIS M. KEALOHA  
Chief of Police



**DOWNTOWN NEIGHBORHOOD BOARD NO. 13**

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c/o NEIGHBORHOOD COMMISSION • 530 SOUTH KING STREET ROOM 400 • HONOLULU, HAWAII, 96813  
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**Testimony of  
Thomas Smyth, Board Member**

**Before the  
Committee on Public Safety, Intergovernmental and Military Affairs  
Thursday, March 14, 2013, 2:55 pm Room 224  
On  
HB 33 Relating to Public Order**

**Chair Espero, Vice Chair Baker and Members of the Committee:**

**The Downtown Neighborhood Board strongly supports HB 33 that removes the 2014 sunset date from Act 75, SLH 2010 to make permanent the prohibition against urinating or defecating in public in the Downtown area.**

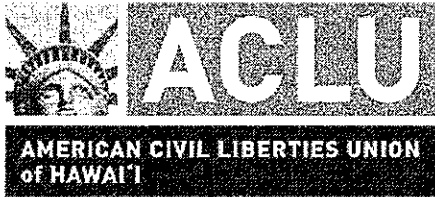
**As we testified previously on the many bills that preceded Act 75, this prohibition of the most direct violation of the rights of those who live, work and visit in our neighborhood to a sanitary and safe area continues to be needed.**

**We recognize that there not enough public restroom facilities in our neighborhood. While largely a City & County responsibility to create and operate these facilities, they have been reluctant to spend the money to build, maintain and secure this type of facility. Ironically there are more public restrooms here in the State Capitol, generally open every day, then there are in entire Downtown and Chinatown area.**

**We also are very aware that homeless persons could be affected by this continuing prohibition. But just as they may assert their "right" to relieve themselves, they must also recognize their "responsibility" to do so out of the public eye. We know that many of the homeless are not willing to live in a shelter which has sanitary facilities, but those individuals do not have the right to impose on others.**

**Thank you for the opportunity to provide this testimony.**





Committee: Committee on Public Safety, Intergovernmental and Military Affairs  
Hearing Date/Time: Thursday, March 14, 2013, 2:55 p.m.  
Place: Conference Room 224  
Re: Testimony of the ACLU of Hawaii in Opposition to H.B. 33, Relating to Public Order

Dear Chair Espero and Members of the Committee on Public Safety, Intergovernmental and Military Affairs:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes in opposition to H.B. 33, Relating to Public Order.

H.B. 33 constitutes poor public policy in that it seeks to punish basic human needs and make life more difficult for homeless individuals. This policy fails to address the underlying causes of homelessness and only exasperates the problem. As homeless individuals' needs are criminalized, they will be forced to move away from social services and will find it difficult to obtain employment and housing that will help them to become self-sufficient. Rather than passing punitive measures like H.B. 33, the Committee should look towards constructive alternatives to combating the underlying causes of homelessness within the downtown area.

We strongly urge you to oppose this permanent prohibition and to consider alternative measures to address the issue of homelessness.

Thank you for this opportunity to testify.

Sincerely,

Laurie A. Temple  
Staff Attorney and Legislative Program Director  
ACLU of Hawaii

*The American Civil Liberties Union ("ACLU") is our nation's guardian of liberty – working daily in courts, legislatures and communities to defend and preserve the individual rights and liberties that the Constitution and laws of the United States guarantee everyone in this country.*

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