

STAND. COM. REP. NO.

3074

Honolulu, Hawaii

MAR 2 1 2014

RE: H.B. No. 2409

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 2409 entitled:

"A BILL FOR AN ACT RELATING TO DISORDERLY CONDUCT,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Add under the offense of disorderly conduct under section 711-1101, Hawaii Revised Statutes, the act of impeding or obstructing bus stop use or access by lying down at a bus stop shelter or other bus stop structure with the intent to alarm or cause physical inconvenience to the public; and
- (2) Establish a \$50 fine for this specific offense.

Your Committee received testimony in support of this measure from the Department of Transportation Services, City and County of Honolulu; Oahu Transit Services, Inc.; and thirty-one individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender, The Pacific Alliance to Stop Slavery, Kokua Council, and twenty-two individuals. Your Committee received comments on this measure from the American Civil Liberties Union of Hawaii.

Your Committee finds that individuals who impede or obstruct the use of or access to bus stops create a potential hazard for disabled bus patrons and interfere with the loading and unloading of bus passengers. This type of conduct can be unpleasant or even



intimidating to residents and visitors who travel by bus. This measure recognizes the physical inconvenience that this type of conduct causes.

Your Committee recognizes the concerns raised in the written testimony submitted by the Office of the Public Defender that lying down at a bus stop shelter or other bus stop structure is not conduct or behavior that is inherently bad or unacceptable as there could be a number of reasons for a person to lie down at a bus stop other than to create a hazard or obstruction. Furthermore, the Office raised enforcement concerns as this measure specifies the act of lying down at a bus stop but does not address acts of sitting at a bus stop, which could similarly impede or obstruct bus stop use or access. Your Committee believes that these concerns merit further discussion as this measure moves through the legislative process.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2409, and recommends that it pass Second Reading and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



CLAYTON HEE, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* HB 2409,	Committee Referral: JDL, WAM	Date: 3/20/14		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile S.L. (VC)		✓		
GABBARD, Mike	✓			
GALUTERIA, Brickwood	✓			
IHARA, Jr., Les			✓	
SOLOMON, Malama				✓
SLOM, Sam			✓	
TOTAL	3	1	2	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes