

STAND. COM. REP. NO.

3166

Honolulu, Hawaii

APR 01 2014

RE: H.B. No. 33
S.D. 1

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. 33 entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC ORDER,"

begs leave to report as follows:

The purpose and intent of this measure is to make permanent
the prohibition against urinating or defecating in public within
the boundaries of Downtown Honolulu.

Your Committee received testimony in support of this measure
from the Downtown Neighborhood Board No. 13 of the City and County
of Honolulu and thirty-two individuals. Your Committee received
testimony in opposition to this measure from the Office of the
Public Defender, American Civil Liberties Union of Hawaii, Kokua
Council, and seven individuals.

Your Committee finds that urinating and defecating in public
frighten and offend many people and create a public health risk
and hazard stemming from the human waste. As a result, many
people are discouraged from patronizing establishments that are
located in the Downtown Honolulu business district due to the
concerns and smells associated with public urination and
defecation. Your Committee notes that the prohibition against
urinating or defecating in public within the boundaries of
Downtown Honolulu is scheduled to sunset on December 31, 2014.
This measure will make this prohibition permanent.



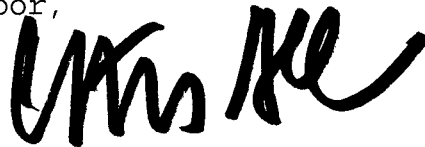
However, your Committee further notes the concerns raised by the Office of the Public Defender that this measure applies disproportionately to the homeless or needy population and that criminalizing public urination and defecation fails to adequately address the problem of the insufficient number of restrooms available to the public. Furthermore, the Downtown Neighborhood Board No. 13 of the City and County of Honolulu testified that a task force under the City and County of Honolulu was created to identify existing public restroom locations within the Downtown Honolulu business district and make recommendations to increase the number of public restrooms. Your Committee believes that the availability and number of public restrooms is more appropriately addressed at the county level. Thus, your Committee encourages the task force to complete its work and make appropriate recommendations for the City and County of Honolulu to implement before making the prohibition against urinating or defecating in public within the boundaries of Downtown Honolulu permanent.

Accordingly, your Committee has amended this measure by:

- (1) Extending the sunset date of Act 84, Session Laws of Hawaii 2004, as amended, from December 31, 2014, to December 31, 2016, rather than making Act 84 permanent; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 33, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 33, S.D. 1.

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



CLAYTON HEE, Chair



