



**Office of the Public Defender
State of Hawaii
Timothy Ho, Chief Deputy Public Defender**



**Testimony of the Office of the Public Defender,
State of Hawaii to the House Committee on Judiciary**

January 31, 2014, 2:00 p.m.

H.B. No. 2409: RELATING TO DISORDERLY CONDUCT

Chair Rhoads and Members of the Committee:

This measure would add a subsection to §711-1101 of the Hawaii Revised Statutes, making lying down at a bus stop or shelter a petty misdemeanor offense of disorderly conduct. The Office of the Public Defender opposes H. B. 2409.

The offense of disorderly conduct involves the proscription of bad conduct or behavior. The behavior described in the statute includes fighting, threatening, tumultuous behavior, offensively coarse behavior, and unreasonable noise, to name a few. The conduct that is being proscribed in this measure is lying down in a manner that impedes or obstructs the use of or access to the bus stop.

Enforcement of this measure will be a problem. How do you differentiate between someone who fell asleep waiting for the bus and someone who is homeless and sleeping at the bus shelter? What happens if the person is sleeping on a cot, or beach chair, or if a group of people, living at the bus shelter, take turns sleeping and looking out for police officers? This measure cannot be enforced if the person lying down at the bus stop or shelter is not impeding or obstructing the use of or access to the bus stop.

While it is true that people sleeping at or near bus stops may inconvenience the public, criminalizing such behavior is not the answer. Have you ever heard anyone describe homelessness as a crime? Homelessness is not and should not be a crime. We have to look at solutions and answers to the homeless situation, which would in turn solve the problem of people living at or near bus stops.

We oppose the passage of H.B. No. 2409. Thank you for the opportunity to be heard on this matter.

HB2409

Submitted on: 1/29/2014

Testimony for JUD on Jan 31, 2014 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
lynne matusow	Individual	Support	No

Comments: As a veteran bus rider who rides several times daily, I strongly support this bill. All too often persons are lying down on the bus stop benches, keeping others from sitting. I have witnessed handicapped people either prevented from sitting down or confronting the person who is monopolizing the bench ordering them to get up. lynne matusow

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