
A BILL FOR AN ACT

RELATING TO PUBLIC ORDER.

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

1 SECTION 1. Chapter 711, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§711- Unlawful occupation of state property. (1) A
5 person commits the offense of unlawful occupation of state
6 property if the person intentionally or knowingly:

7 (a) Sits or lies on state property, or on a tarpaulin,
8 towel, sheet, blanket, sleeping bag, bedding, planter,
9 chair, bench, or any other object or material placed
10 upon state property; or

11 (b) For the purpose of camping on state property,
12 possesses or controls any backpack, tent, blanket,
13 tarpaulin, or other obvious camping paraphernalia in
14 or on the property unless the person is engaging in an
15 authorized activity on state property pursuant to a
16 permit issued by the appropriate authority.



1 (2) The prohibitions in subsection (1)(a) shall not apply

2 to:

3 (a) Any person sitting or lying on state property due to a
4 medical emergency;

5 (b) Any person who, as a result of a disability, is
6 utilizing a wheelchair or other, similar wheeled chair
7 device to move about on state property;

8 (c) Any person sitting or lying on state property for the
9 purpose of engaging in an expressive activity;

10 (d) Any person sitting on state property while attending
11 or viewing any festival, performance, rally,
12 demonstration, or similar event conducted on state
13 property pursuant to a permit issued by the
14 appropriate authority;

15 (e) Any person engaged in a maintenance, repair, or
16 construction activity on behalf of a governmental
17 entity or a public utility;

18 (f) Any child who is sitting or lying in a baby carriage,
19 stroller, or carrier, or similar device, to move about
20 on state property;



1 (g) Any person sitting on a chair or bench located on
2 state property that is placed there by a public agency
3 or pursuant to permit issued by the appropriate
4 authority;

5 (h) Any person sitting in line for goods or services
6 unless the person or person's possessions impede the
7 ability of pedestrians to travel along the length of
8 the state property or enter a doorway or other
9 entrance alongside the property; or

10 (i) Any person engaging in an authorized activity on state
11 property pursuant to a permit issued by the
12 appropriate authority.

13 (3) No person shall be deemed to have violated this
14 section unless the person engages in conduct prohibited by this
15 section after having been notified by a law enforcement officer
16 that the conduct violates this section.

17 (4) For purposes of this section:

18 "Camping" means the use and occupation of state property as
19 a temporary or permanent dwelling place or place for sleeping.



1 "Dwelling place" means a place used for human habitation as
2 an overnight accommodation, lodging, or shelter on either a
3 temporary or permanent basis.

4 "Expressive activity" means speech or conduct, the
5 principal object of which is the expression, dissemination, or
6 communication by verbal, visual, literary, or auditory means of
7 political, religious, philosophical, or ideological opinions,
8 views, or ideas, and for which no fee is charged or required as
9 a condition of participation in or attendance at the activity.

10 The term generally does not include sports events, such as
11 marathons; fundraising events; beauty contests; commercial
12 events; cultural celebrations, or other events the principal
13 purpose of which is entertainment.

14 "State property" means any state land and appurtenances
15 thereof and the buildings, structures, and improvements erected
16 on or affixed to the same.

17 (5) Unlawful occupation of state property is a petty
18 misdemeanor."

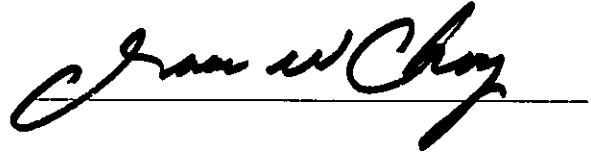
19 SECTION 2. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.



H.B. NO. 1525

- 1 SECTION 3. New statutory material is underscored.
- 2 SECTION 4. This Act shall take effect upon its approval.
- 3

INTRODUCED BY:

A handwritten signature in black ink, appearing to read "James W. Chong", is written over a horizontal line.

JAN 13 2016



H.B. NO. 1525

Report Title:

Offenses against Public Order; Sitting, Lying, or Camping on State Property

Description:

Establishes a criminal offense for sitting or lying on state property or for possessing camping equipment on state property for the purpose of camping on the property. Exempts certain permitted activities.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

