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# A BILL FOR AN ACT

RELATING TO PUBLIC ORDER.

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

1           SECTION 1. Act 84, Session Laws of Hawaii 2004, as amended  
2 by Act 77, Session Laws of Hawaii 2008, as amended by Act 75,  
3 Session Laws of Hawaii 2010, as amended by Act 50, Session Laws  
4 of Hawaii 2014, is amended as follows:

5           1. By amending sections 1 and 2 to read:

6           "SECTION 1. Urinating and defecating in public frighten  
7 and offend many people. These behaviors also create a public  
8 health risk because of the spread of diseases and other health  
9 hazards stemming from human waste. Such concerns and the smell  
10 associated with public urination and defecation discourage  
11 people from patronizing establishments [~~located in the downtown~~  
12 ~~business district~~].

13           The purpose of this Act is to prohibit public urination or  
14 defecation [~~in the downtown Honolulu area~~].

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



1           "§711-     Urinating or defecating in public. (1) A person  
2 commits the offense of urinating or defecating in public if the  
3 person intentionally or knowingly urinates or defecates in a  
4 public place or any area where such an act is likely to be  
5 observed by any member of the public [~~within the boundaries of~~  
6 ~~the downtown Honolulu area~~].

7           (2) As used in this section[+]

8           "~~Downtown Honolulu area~~" means ~~the part of the city of~~  
9 ~~Honolulu on the island of Oahu bounded on:~~

10          ~~(a) The south by the sea shore;~~

11          ~~(b) The west by Nuuanu Stream;~~

12          ~~(c) The north by the H-1 freeway; and~~

13          ~~(d) The east by Ward Avenue extended as a straight line to~~  
14 ~~the sea shore.~~

15          "~~Public place~~", "public place" means any publicly-owned or  
16 privately-owned property open for public use or to which the  
17 public is invited for entertainment or business purposes and  
18 includes but is not limited to any street, sidewalk, driveway,  
19 alley, doorway, mall, plaza, park, public building, or parking  
20 lot.



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1           (3) This section shall not apply in cases where the person  
2 failed to use a restroom or other toilet facility because of a  
3 medical condition verified by a licensed physician.

4           (4) This section shall not apply to a person urinating or  
5 defecating while using appropriate fixtures in any restroom or  
6 other toilet facility designed for the sanitary disposal of  
7 human waste.

8           (5) Urinating or defecating in public is a violation  
9 punishable [~~by no more than forty hours of community service~~  
10 ~~work or a fine of not more than \$200.~~] as follows:

11           (a) For a first offense, by a fine of not more than  
12           \$1,000;

13           (b) For a second offense, by a fine of not more than  
14           \$2,000; and

15           (c) For a third or subsequent offense, by a fine of not  
16           more than \$5,000."

17           2. By amending section 5 to read:

18           "SECTION 5. This Act shall take effect upon its approval  
19 [~~and shall be repealed on December 31, 2016~~]."



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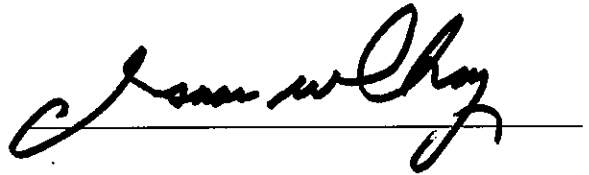
1 SECTION 2. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4 SECTION 3. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

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

JAN 13 2016



# H.B. NO. 1538

**Report Title:**

Offenses against Public Order; Public Urination and Defecation

**Description:**

Amends the offense of public urination and defecation by (1) expanding the prohibition to apply statewide beyond the Downtown Honolulu district; (2) amending the penalties for violations to graduated fines; and (3) repealing the statutory sunset date.

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

