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## A BILL FOR AN ACT

RELATING TO PUBLIC PROPERTY.

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

1           SECTION 1. Section 115-9, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§115-9 Obstructing access to public property; penalty.**

4           (a) A person commits the offense of obstructing access to  
5 public property if the person, by action or by having installed  
6 a physical impediment, intentionally prevents a member of the  
7 public from traversing:

8           (1) A public right-of-way;

9           (2) A transit area;

10           (3) A public transit corridor; or

11           (4) A beach transit corridor;

12 and thereby obstructs access to and along the sea, the  
13 shoreline, or any inland public recreational area.

14           (b) Physical impediments that may prevent traversing  
15 include but are not limited to the following:

16           (1) Gates;

17           (2) Fences;



- 1 (3) Walls;
- 2 (4) Constructed barriers;
- 3 (5) Rubbish;
- 4 (6) Security guards;
- 5 (7) Guard dogs or animals; and
- 6 (8) A landowner's human-induced, enhanced, or unmaintained
- 7 vegetation that interferes or encroaches within beach
- 8 transit corridors.

9 (c) The department of land and natural resources may abate  
10 or remove any physical impediment that obstructs access to and  
11 along the sea, the shoreline, or any inland public recreational  
12 area; provided that the department may recover, by appropriate  
13 proceedings, the expenses incurred by it in the abatement or  
14 removal, from any person who has caused the physical impediment;  
15 provided further that recovery of expenses under this subsection  
16 shall be in addition to, and not in lieu of, the fines required  
17 by subsection (e) or any other remedy provided by law for  
18 conduct that violates this section.

19 [~~e~~] (d) Obstructing access to public property is a  
20 misdemeanor.



1        [~~d~~] (e) Minimum fines for a violation [~~under~~] of this  
2 section shall be as follows:

- 3        (1) \$1,000 for a second conviction; and
- 4        (2) \$2,000 for any conviction after a second conviction.

5        [~~e~~] (f) As used in this section:

6        "Landowner" means the record owner of the property or the  
7 record owner's agent, including a lessee, tenant, property  
8 manager, or trustee.

9        "Person" means a natural person or a legal entity.

10       "Public recreational area" means public lands or bodies of  
11 water opened to the public for recreational use."

12       SECTION 2. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14       SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

*Cindy Evans*  
JAN 21 2015



# H.B. NO. 90

**Report Title:**

Public Land; Access; Obstruction; DLNR; Removal

**Description:**

Authorizes the DLNR to abate or remove physical impediments that obstruct access to and along the sea, the shoreline, or any inland public recreational area. Authorizes the DLNR to recover expenses for the abatement or removal.

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