

1 legislature finds that consolidating cleanup efforts should
2 result in efficiencies and cost savings to the State.

3 The legislature also intends that the temporary cleanup
4 program under this part should be operated in conjunction and
5 coordination with the temporary sheriff patrol program under
6 part II.

7 The legislature further intends to later evaluate the
8 temporary program to determine whether it should be extended,
9 permanently established, or allowed to terminate.

10 SECTION 2. Temporary cleanup program; establishment,
11 operation. The department of accounting and general services
12 shall establish a temporary program to clean state real property
13 of debris and litter after the departure of homeless persons who
14 had illegally camped or lodged on the state real property.

15 The department of accounting and general services may:

- 16 (1) Operate the program directly; or
17 (2) Enter into a memorandum of agreement with a county
18 agency to perform the cleanup on behalf of the
19 department of accounting and general services.

20 The department of accounting and general services shall
21 operate the temporary cleanup program in conjunction and



1 coordination with the temporary sheriff patrol program under
2 part II.

3 SECTION 3. State real property subject to temporary
4 program. (a) The temporary program shall encompass state real
5 property:

6 (1) Under the control and management of the department of
7 accounting and general services; or

8 (2) Under the ownership, control, or management of any
9 other state agency that enters into a memorandum of
10 agreement with the department of accounting and
11 general services to participate in the temporary
12 program. For the purpose of this paragraph, "state
13 agency" includes the judiciary, but not the office of
14 Hawaiian affairs.

15 (b) Nothing in this part shall prohibit a state agency
16 from engaging in the cleanup of its own state real property and
17 refraining from participating in the temporary program.

18 SECTION 4. No charge to other state agencies. For the
19 duration of the temporary program, the department of accounting
20 and general services shall not charge any participating state



1 agency for the cleanup of the state real property under the
2 ownership, control, or management of the state agency.

3 SECTION 5. Temporary program; planning and preparation,
4 commencement, termination. (a) Beginning on July 1, 2016, the
5 department of accounting and general services shall plan and
6 prepare to implement the temporary cleanup program established
7 by this part.

8 (b) Beginning on January 1, 2017, the department of
9 accounting and general services shall commence implementing the
10 temporary program in accordance with this part.

11 Subject to the availability of funds for fiscal year 2017-
12 2018 and fiscal year 2018-2019, the department of accounting and
13 general services shall implement and operate the temporary
14 program until December 31, 2018. The temporary program shall
15 terminate on December 31, 2018.

16 SECTION 6. Appropriation. There is appropriated out of
17 the general revenues of the State of Hawaii the sum of \$550,000
18 or so much thereof as may be necessary for fiscal year 2016-2017
19 as follows:

20 (1) \$50,000 to be expended from July 1, 2016, to December
21 31, 2016, for planning and preparation for



1 implementation of the temporary program to clean state
2 real property established under this part; and
3 (2) \$500,000 for implementation and operation of the
4 temporary program.

5 The sum appropriated shall be expended by the department of
6 accounting and general services for the purposes of this part.

7 SECTION 7. Report, recommendation. No later than twenty
8 days prior to the convening of the regular session of 2018, the
9 department of accounting and general services shall submit a
10 report to the legislature regarding the implementation of the
11 temporary program, including a recommendation to extend the
12 temporary program, permanently establish the program, or allow
13 the program to terminate.

14 If the department of accounting and general services
15 recommends that the program be permanently established, the
16 report shall include the:

- 17 (1) Projected annual cost of operating the permanent
18 program;
19 (2) Number and type of positions needed for the permanent
20 program; and



1 or being present after closing hours on state real property.
2 The temporary program is intended to encompass state real
3 property under the ownership, control, or management of state
4 agencies that choose to participate in the program.

5 The legislature intends that the temporary program take a
6 consolidated approach to enforcing the laws and rules for
7 participating state agencies. The legislature finds that the
8 consolidated approach may result in efficiencies and cost
9 savings to the State.

10 The legislature also intends that the temporary sheriff
11 patrol program under this part should be operated in conjunction
12 and coordination with the temporary state real property cleanup
13 program under part I.

14 In the future, the legislature intends to evaluate the
15 temporary program to determine whether it should be extended or
16 permanently established.

17 SECTION 9. Definitions. For the purpose of this part:

18 "Law prohibiting an individual from trespassing on state
19 real property" means an offense under section 708-813, 708-814,
20 708-814.5, or 708-815, Hawaii Revised Statutes.



1 "Law or rule prohibiting an individual from being present
2 after closing hours on state real property" means any statute or
3 rule that prohibits an individual from being on the state real
4 property when closed to the public; provided that this does not
5 include laws prohibiting an individual from trespassing on state
6 real property.

7 "Law or rule prohibiting an individual from camping on
8 state real property" means any statute or rule that prohibits
9 camping on state real property, even when the state real
10 property is open to the public for non-camping use.

11 "State real property" means real property under the
12 ownership, control, or management of the State, except real
13 property leased, assigned, or otherwise conveyed by a state
14 agency to the federal or a county government or private person.

15 SECTION 10. Temporary state real property enforcement
16 program; establishment, operation. (a) The department of
17 public safety shall establish a temporary program to enforce
18 laws and rules prohibiting an individual from trespassing,
19 camping, or being present after closing hours on state real
20 property.



1 The department of public safety shall operate the temporary
2 sheriff patrol program in conjunction and coordination with the
3 temporary state real property cleanup program under part I.

4 (b) The department of public safety shall operate the
5 temporary program by creating a team of deputy sheriffs to
6 patrol among state real property that is subject to the
7 temporary program and enforce laws or rules prohibiting
8 trespassing, camping, or being present after closing hours on
9 the state real property. The teams shall enforce violations of
10 the laws or rules with or without receipt of complaints.

11 (c) To the extent possible, when observing or discovering
12 a violation of a law or rule prohibiting trespassing, camping,
13 or being present after closing hours on state real property, the
14 deputy sheriffs first shall request the violator to leave the
15 state real property. If the violator refuses to leave the state
16 real property or leaves and then returns to the state real
17 property in violation of the law or rule, the deputy sheriffs
18 shall cite or arrest the violator.

19 (d) The team of deputy sheriffs may also enforce laws or
20 rules other than those prohibiting trespassing, camping, or
21 being present after closing hours on state real property.



1 SECTION 11. State real property subject to temporary
2 program. (a) The temporary program shall encompass state real
3 property under the ownership, control, or management of any
4 state agency that enters into a memorandum of agreement with the
5 department of public safety to participate in the temporary
6 program. For the purpose of this paragraph, "state agency"
7 includes the judiciary, but not the office of Hawaiian affairs.

8 (b) Nothing in this Act shall prohibit any state or county
9 agency from engaging in its own effort to enforce laws
10 prohibiting trespassing, camping, or being present after closing
11 hours on state real property under the state agency's ownership,
12 control, or management.

13 SECTION 12. No charge to other participating state agency.
14 For the duration of the temporary program, the department of
15 public safety shall not charge any participating state agency
16 for participation in the temporary program.

17 SECTION 13. Temporary program; planning and preparation,
18 commencement, termination. (a) Beginning July 1, 2016, the
19 department of public safety shall plan and prepare to implement
20 the temporary program of this part.



1 (b) The department of public safety shall commence
2 implementation of the temporary program, in accordance with this
3 part, on January 1, 2017.

4 Subject to the availability of funds for fiscal year 2017-
5 2018 and fiscal year 2018-2019, the department of public safety
6 shall implement the temporary program until December 31, 2018.
7 On December 31, 2018, the temporary program shall terminate.

8 SECTION 14. Appropriation; position authorization. (a)
9 There is appropriated out of the general revenues of the State
10 of Hawaii the sum of \$250,000 or so much thereof as may be
11 necessary for fiscal year 2016-2017 for the following:

12 (1) \$50,000 to be expended between July 1, 2016, to
13 December 31, 2016, for planning and preparation for
14 implementation of the temporary program established
15 under this part to enforce laws prohibiting
16 trespassing, camping, and being present after closing
17 hours on state real property; and

18 (2) \$200,000 for implementation of the temporary program
19 commencing January 1, 2017.

20 The sum appropriated shall be expended by the department of
21 public safety for the purposes of this part.



1 (b) The department of public safety may establish 12.00
2 temporary full-time equivalent deputy sheriff positions, the
3 compensation of which may be paid from the appropriation under
4 subsection (a). The department of public safety shall use the
5 temporary positions to employ deputy sheriffs for the team under
6 the temporary program or to backfill for other deputy sheriffs
7 assigned to the temporary program.

8 SECTION 15. Report, recommendation. The department of
9 public safety shall submit a report to the legislature on the
10 temporary program, including a recommendation on whether it
11 should be extended, permanently established, or allowed to
12 terminate. The department shall submit the report no later than
13 twenty days prior to the convening of the regular session of
14 2018.

15 If the department of public safety recommends that the
16 program should be permanently established, the report shall
17 include the following:

- 18 (1) The projected annual cost of operating the permanent
19 program;
- 20 (2) The number and type of positions needed for the
21 permanent program; and



1 (3) The method proposed to deliver the program's
 2 consolidated patrol services, whether by the
 3 department itself, another state agency, a contract
 4 with a county, or a contract with a private entity.

PART III

6 SECTION 16. The purpose of this part is to amend certain
 7 statutes relating to trespass to improve enforcement capability.

8 SECTION 17. Chapter 708, Hawaii Revised Statutes, is
 9 amended by adding a new section to part II to be appropriately
 10 designated and to read as follows:

11 "§708-A Criminal trespass onto public real property. (1)

12 A person commits the offense of criminal trespass onto public
 13 real property if the person remains unlawfully in or upon public
 14 real property after a request to leave is made by any law
 15 enforcement officer, when the request is based upon a violation
 16 by the person of any:

17 (a) Term of use specified on a sign or notice posted on
 18 the property;

19 (b) Term of use contained in, or the expiration of, any
 20 permit relating to the person's presence on the
 21 property; or



1 (c) Statute or administrative rule personally known by the
2 officer, who possesses a written copy when making the
3 request to leave.

4 (2) For the purposes of this section, unless the context
5 requires otherwise:

6 "Law enforcement officer" has the same meaning as in
7 section 710-1000.

8 "Public real property" means any real property under the
9 control, maintenance, and management of the State or any of the
10 counties; except that the term shall not include a public park
11 or recreational ground as defined under section 708-814.5.

12 (3) Criminal trespass onto public real property is a petty
13 misdemeanor."

14 SECTION 18. Section 708-800, Hawaii Revised Statutes, is
15 amended by amending the definition of "enter or remain
16 unlawfully" to read as follows:

17 "'Enter or remain unlawfully" means to enter or remain in
18 or upon premises when the person is not licensed, invited, or
19 otherwise privileged to do so. A person who, regardless of the
20 person's intent, enters or remains in or upon premises which are
21 at the time open to the public does so with license and



1 privilege unless the person defies a lawful order not to enter
 2 or remain, personally communicated to the person by the owner of
 3 the premises or some other authorized person. A license or
 4 privilege to enter or remain in [~~a building which is~~] or upon
 5 premises that are only partly open to the public is not a
 6 license or privilege to enter or remain in that part of the
 7 [~~building which is~~] premises that are not open to the public."

8 SECTION 19. Section 708-814.5, Hawaii Revised Statutes, is
 9 amended by amending subsection (1) to read as follows:

10 "(1) A person commits the offense of criminal trespass
 11 onto public parks and recreational grounds if the person remains
 12 unlawfully in or upon a public park or recreational ground after
 13 a request to leave is made by any law enforcement officer, when
 14 the request is based upon violation by the person of any [~~term~~]:

15 (a) Term of use specified on a sign or notice posted on
 16 the property [~~, or based on violation of any term~~];

17 (b) Term of use contained in, or the expiration of, any
 18 permit relating to the person's presence on the
 19 property [~~-~~]; or



1 (c) Statute or administrative rule personally known by the
 2 officer, who possesses a written copy when making the
 3 request to leave."

PART IV

5 SECTION 20. Statutory material to be repealed is bracketed
 6 and stricken. New statutory material is underscored.

7 SECTION 21. This Act shall take effect on January 1, 2017;
 8 provided that:

9 (1) Sections 5, 13, 16, 17, 18, 19, and 20 shall take
 10 effect upon approval;

11 (2) Sections 6 and 14 shall take effect on July 1, 2016;
 12 and

13 (3) Parts I and II shall be repealed on December 31, 2018.

INTRODUCED BY:

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S.B. NO. 2562

Report Title:

State Property Cleanup Program; Establishment; Appropriation

Description:

Establishes temporary programs in debris removal from, and trespass to, public property to be run by DAGS and DPS in coordination and conjunction with each other. Temporarily amends and temporarily creates criminal trespass offenses relating to public property. Makes appropriations.

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