

JAN 20 2017

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# A BILL FOR AN ACT

RELATING TO CRIMINAL TRESPASS.

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

1           SECTION 1. The purpose of this Act is to clarify that a  
2 person who has been provided with a reasonable warning or  
3 request to leave commercial premises, in accordance with section  
4 708-814(1)(b), may be held criminally liable for the offense of  
5 burglary in the second degree if the person enters or remains  
6 unlawfully in or upon commercial premises, in defiance of the  
7 reasonable warning or request to leave, with intent to commit  
8 therein a crime against a person or against property rights; and  
9 that a reasonable warning or request to leave commercial  
10 premises may include all commercial premises owned or leased by  
11 an owner or lessee, respectively.

12           SECTION 2. Section 708-800, Hawaii Revised Statutes, is  
13 amended by amending the definition of "enter or remain  
14 unlawfully" to read as follows:

15           "Enter or remain unlawfully" means to enter or remain in  
16 or upon premises when the person is not licensed, invited, or  
17 otherwise privileged to do so. A person who, regardless of the



# S.B. NO. 492

1 person's intent, enters or remains in or upon premises [~~which~~  
 2 that are at the time open to the public does so with license and  
 3 privilege unless the person defies a lawful order not to enter  
 4 or remain, personally communicated to the person by the owner of  
 5 the premises or some other authorized person[-], including a  
 6 reasonable warning or request to leave by the owner or lessee of  
 7 commercial premises, the owner's or lessee's authorized agent,  
 8 or a police officer made in accordance with section 708-  
 9 814(1)(b). A license or privilege to enter or remain in a  
 10 building [~~which~~] that is only partly open to the public is not a  
 11 license or privilege to enter or remain in that part of the  
 12 building [~~which~~] that is not open to the public."

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

16 SECTION 4. Statutory material to be repealed is bracketed  
 17 and stricken. New statutory material is underscored.

18 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

  
 By Request



# S.B. NO. 492

**Report Title:**

Honolulu Prosecuting Attorney Package; Trespass; Definitions;  
Enter or Remain Unlawfully

**Description:**

Amends the conditions under which the definition of "enter or remain unlawfully" shall apply with reference to criminal trespass in the second degree.

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

