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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. Section 708-814.7, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "~~{}~~§708-814.7~~{}~~ **Criminal trespass onto state lands.** (1)

4 Except for lands owned by the office of Hawaiian affairs, and  
5 except for improved state lands that are designated safe havens  
6 by state departments or agencies~~{}~~ or that are under executive  
7 order by the governor to be used as a safe haven and have a  
8 department of health component and adequate space, not to  
9 include state hospitals, a person commits the offense of  
10 criminal trespass onto state lands if:

11           (a) The person enters or remains unlawfully in or upon any  
12 improved state land when:

13           (i) The land is closed to public use and its closure  
14 hours are posted on a sign or signs on the  
15 improved state land~~{}~~ and, after a request to  
16 leave is made by any law enforcement officer, the  
17 person remains in or upon the land; or



1           (ii) The land is not open to the public and there are  
2           signs that are sufficient to give reasonable  
3           notice that read: "Government Property - No  
4           Trespassing"; provided that these signs shall  
5           contain letters no less than two inches in height  
6           and shall be placed at reasonable intervals no  
7           less than three signs to a mile along the  
8           boundary line of the land and at all roads and  
9           trails entering the land in a manner and position  
10          as to be clearly noticeable from outside the  
11          boundary; or

12          (b) The person enters or remains unlawfully in or upon any  
13          state land on or under any highway[-] and the state  
14          land has a sign or signs displayed upon the land that  
15          are sufficient to give reasonable notice that read:  
16          "Government Property - No Trespassing"; provided that  
17          the signs shall contain letters no less than two  
18          inches in height and shall be placed at reasonable  
19          intervals no less than three signs to a mile along the  
20          boundary line of the land and at all roads and trails



1 entering the land in a manner and position as to be  
2 clearly noticeable from outside the boundary.

3 (2) Criminal trespass onto state lands is a petty  
4 misdemeanor.

5 (3) For the purposes of this section, unless the context  
6 requires otherwise:

7 "Highway" has the same meaning as in section 286-2.

8 "Improved state land" means any state land, including but  
9 not limited to harbors under the care and control of the  
10 department of transportation under chapter 266[-] and small boat  
11 harbors under the care and control of the department of land and  
12 natural resources under chapter 200, upon which there is  
13 improvement, including any structure, building, or facility; or  
14 alteration of the land by grading, dredging, or mining that  
15 would cause a permanent change in the land or that would change  
16 the basic natural condition of the land. Land is not "improved  
17 state land" if it only has minor improvements, including utility  
18 poles, signage, and irrigation facilities or systems; or minor  
19 alterations undertaken for the preservation or prudent  
20 management of the unimproved or unused land, including fences,  
21 trails, or pathways. Land is not "improved state land" solely



1 due to the performance of state maintenance activities on the  
 2 land, including forest plantings and the removal of weeds,  
 3 brush, rocks, boulders, or trees; or removal or securing of  
 4 rocks or boulders undertaken to reduce risk to downslope  
 5 properties.

6 "State lands" means all land owned by the State through any  
 7 of its departments or agencies.

8 (4) No conviction under this section shall be used to  
 9 establish a felony conviction under section 708-803.

10 (5) Except as otherwise provided by law, any county police  
 11 department that receives a request from an applicable state  
 12 department or agency to remove a person who has unlawfully  
 13 entered onto and remained in or upon any state lands in  
 14 violation of this section shall respond to the request and, if  
 15 possible, remove the alleged violator from the state lands."

16 SECTION 2. Statutory material to be repealed is bracketed  
 17 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: 

JAN 24 2019



**Report Title:**

Criminal Trespass; State Lands; Counties

**Description:**

Requires county police officers to remove criminal trespassers from state lands upon request from state departments and agencies.

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