
A BILL FOR AN ACT

RELATING TO PUBLIC ORDER.

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

1 SECTION 1. The legislature finds that urinating and
2 defecating in public frighten and offend many people. These
3 behaviors also create a public health risk because of the spread
4 of diseases and other health hazards stemming from human waste.
5 Such concerns and the smell associated with public urination and
6 defecation discourage people from patronizing establishments
7 located in business districts.

8 The legislature further finds that Act 84, Session Laws of
9 Hawaii 2004, established the offense of urinating or defecating
10 in public and was limited to the downtown Honolulu area but was
11 repealed on December 31, 2016.

12 The purpose of this Act is to prohibit public urination or
13 defecation in business districts.

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



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

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

10 (3) This section shall not apply to a person urinating or
11 defecating while using appropriate fixtures in any restroom or
12 other toilet facility designed for the sanitary disposal of
13 human waste.

14 (4) Urinating or defecating in public is a violation
15 punishable by no more than forty hours of community service work
16 or a fine of not more than \$200.

17 (5) As used in this section:

18 "Business district" means the territory contiguous to and
19 including a highway when within any six hundred feet along such
20 highway there are buildings in use for business or industrial
21 purposes, including but not limited to hotels, banks, or office



1 buildings, and public buildings which occupy at least three
2 hundred feet of frontage on one side or three hundred feet
3 collectively on both sides of the highway.

4 "Public place" means any publicly-owned or privately-owned
5 property open for public use or to which the public is invited
6 for entertainment or business purposes, including but not
7 limited to any street, sidewalk, driveway, alley, doorway, mall,
8 plaza, park, public building, or parking lot."

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

12 SECTION 4. New statutory material is underscored.

13 SECTION 5. This Act shall take effect upon its approval.
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INTRODUCED BY:

Rindedchigone
diatritagour
Jarak On
Hlakusume
R.T. P.
OO

Tom Ray
Justin
Blond Kolpuchi
Alan
James Skay
John W. [Signature]
Gregory [Signature]
Calvin [Signature]



Mrs. E. Jones

S. Q. Wil

Stanley M. M. S.

Shaw & Co.

Richard D. D.

Co.

Ch. Todd

By n. Allen

[Signature]

D. H. H.

Dan Carnas

Richard L.

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H.B. NO. 2607

Report Title:

Penal Code; Urinating or Defecating in Public; Business District

Description:

Establishes the offense of urinating or defecating in public within business districts.

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