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## A BILL FOR AN ACT

RELATING TO PUBLIC REAL PROPERTY.

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

1 PART I

2 SECTION 1. The legislature finds that if laws and rules  
3 are not enforced, violators may believe that there are no  
4 consequences to the violations, may become more brazen and  
5 continue the violations, or may feel emboldened to violate  
6 other, more serious laws and rules. The result is detrimental  
7 to public safety and should not be tolerated.

8 The purpose of this part is to require the department of  
9 public safety to establish a temporary sheriff patrol program  
10 for the enforcement of laws and rules prohibiting trespassing,  
11 camping, or being present after closing hours on state real  
12 property. The temporary program shall apply to state real  
13 property under the ownership, control, or management of the  
14 department of transportation or department of land and natural  
15 resources.

16 The legislature intends that the temporary program take a  
17 consolidated approach to enforcing the laws and rules for the



1 participating state agencies. The legislature finds that the  
2 consolidated approach may result in efficiencies and cost  
3 savings to the State.

4 The legislature further intends to later evaluate the  
5 temporary program to determine whether it should be extended,  
6 permanently established, or terminated.

7 SECTION 2. Definitions. For the purpose of this part:

8 "Law prohibiting an individual from trespassing on state  
9 real property" means an offense under section 708-813, 708-814,  
10 708-814.5, 708-814.7, or 708-815, Hawaii Revised Statutes.

11 "Law or rule prohibiting an individual from being present  
12 after closing hours on state real property" means any statute or  
13 rule that prohibits an individual from being on state real  
14 property when closed to the public; other than sections 708-813,  
15 708-814, 708-814.5, 708-814.7, and 708-815, Hawaii Revised  
16 Statutes.

17 "Law or rule prohibiting an individual from camping on  
18 state real property" means any statute or rule, including  
19 section 291C-112, Hawaii Revised Statutes, that prohibits  
20 camping on state real property, even when the state real  
21 property is open to the public for non-camping use.



1 "State real property" means state real property under the  
2 ownership, control, or management of the department of  
3 transportation or department of land and natural resources.

4 SECTION 3. Temporary sheriff patrol program;  
5 establishment; operation. (a) The department of public safety  
6 shall establish a temporary sheriff patrol program to enforce  
7 laws and rules prohibiting an individual from trespassing,  
8 camping, or being present after closing hours on state real  
9 property.

10 (b) The department of public safety shall operate the  
11 temporary sheriff patrol program by creating a team of deputy  
12 sheriffs to patrol among state real property that is subject to  
13 the temporary program and enforce laws and rules prohibiting  
14 trespassing, camping, or being present after closing hours on  
15 the state real property. The teams shall enforce violations of  
16 laws or rules with or without receipt of complaints.

17 (c) To the extent possible, when observing or discovering  
18 a violation of a law or rule prohibiting trespassing, camping,  
19 or being present after closing hours on state real property, the  
20 deputy sheriffs first shall request the violator to leave the  
21 state real property. If the violator refuses to leave the state



1 real property or leaves and then returns to the state real  
2 property in violation of the law or rule, the deputy sheriffs  
3 shall cite or arrest the violator.

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

7 SECTION 4. State real property subject to temporary  
8 sheriff patrol program. (a) The temporary sheriff patrol  
9 program shall apply to state real property under the ownership,  
10 control, or management of the department of transportation or  
11 department of land and natural resources.

12 (b) Nothing in this part shall prohibit any state or  
13 county agency from engaging in its own effort to enforce laws  
14 prohibiting trespassing, camping, or being present after closing  
15 hours on real property under any state agency's ownership,  
16 control, or management.

17 SECTION 5. No charge to the participating state agencies.  
18 For the duration of the temporary sheriff patrol program, the  
19 department of public safety shall not charge the department of  
20 transportation or department of land and natural resources for  
21 participation in the temporary program.



1           SECTION 6. Temporary sheriff patrol program; planning and  
2 preparation; commencement; termination. (a) Beginning on July  
3 1, 2019, the department of public safety shall plan and prepare  
4 to implement the temporary sheriff patrol program established  
5 under this part.

6           (b) The department of public safety shall commence  
7 operation of the temporary sheriff patrol program in accordance  
8 with this part on January 1, 2020.

9           The department of public safety shall operate the temporary  
10 sheriff patrol program until June 30, 2021. The temporary  
11 program shall terminate on June 30, 2021.

12           SECTION 7. Temporary positions; authorized. The  
13 department of public safety may establish 2.00 temporary full-  
14 time equivalent deputy sheriff positions, the compensation of  
15 which may be paid from the appropriations under section 9 of  
16 this Act. The department of public safety shall use the  
17 temporary positions to employ deputy sheriffs for the temporary  
18 sheriff patrol program or to backfill for other deputy sheriffs  
19 assigned to the temporary program.

20           SECTION 8. Report; recommendation on temporary sheriff  
21 patrol program. (a) The department of public safety shall



1 submit a report regarding the implementation of the temporary  
2 sheriff patrol program established under this part to the  
3 legislature no later than twenty days prior to the convening of  
4 the regular session of 2021. The report shall include a  
5 recommendation on whether to extend the temporary program,  
6 permanently establish the program, or terminate the program.

7 (b) If the department of public safety recommends that the  
8 program be permanently established, the report shall include  
9 the:

- 10 (1) Projected annual cost of operating the permanent  
11 program;
- 12 (2) Number and type of positions needed for the permanent  
13 program; and
- 14 (3) Method proposed to deliver the patrol services of the  
15 program, whether by the department of public safety,  
16 another state agency, contract with a county, or  
17 contract with a private entity.

18 SECTION 9. Appropriations. There is appropriated out of  
19 the general revenues of the State of Hawaii the sum of \$  
20 or so much thereof as may be necessary for fiscal year 2019-2020  
21 and the same sum or so much thereof as may be necessary for



1 fiscal year 2020-2021 for the operation of the temporary sheriff  
2 patrol program established pursuant to this part, from January  
3 1, 2020, until June 30, 2021.

4 The sums appropriated shall be expended by the department  
5 of public safety for the purposes of this part.

6 PART II

7 SECTION 10. The purpose of this part is to require the  
8 governor's coordinator on homelessness to establish a program,  
9 contracting private security, for the enforcement of laws and  
10 rules prohibiting trespassing, camping, or being present after  
11 closing hours on state real property. The program is intended  
12 to apply to state real property under the ownership, control, or  
13 management of the department of transportation or department of  
14 land and natural resources.

15 SECTION 11. Definitions. For the purpose of this part:

16 "Law prohibiting an individual from trespassing on state  
17 real property" has the same meaning as in section 2 of this Act.

18 "Law or rule prohibiting an individual from being present  
19 after closing hours on state real property" has the same meaning  
20 as in section 2 of this Act.



1 "Law or rule prohibiting an individual from camping on  
2 state real property" has the same meaning as in section 2 of  
3 this Act.

4 "State real property" has the same meaning as in section 2  
5 of this Act.

6 SECTION 12. Governor's coordinator on homelessness private  
7 security program; establishment; operation. The governor's  
8 coordinator on homelessness shall establish a program to  
9 contract with private security to enforce laws and rules  
10 prohibiting an individual from trespassing, camping, or being  
11 present after closing hours on state real property.

12 SECTION 13. State real property subject to the governor's  
13 coordinator on homelessness private security program. (a) The  
14 program shall apply to state real property under the ownership,  
15 control, or management of the department of transportation or  
16 department of land and natural resources.

17 (b) Nothing in this part shall prohibit any state or  
18 county agency from engaging in its own effort to enforce laws  
19 and rules prohibiting trespassing, camping, or being present  
20 after closing hours on real property under any state agency's  
21 ownership, control, or management.





1 SECTION 14. No charge to the participating state agencies.  
2 For the duration of the private security program, the governor's  
3 coordinator on homelessness shall not charge the department of  
4 transportation or the department of land and natural resources  
5 for participation in the private security program.

6 SECTION 15. Governor's coordinator on homelessness private  
7 security program; planning and preparation; commencement;  
8 termination. (a) Beginning on July 1, 2019, the governor's  
9 coordinator on homelessness shall plan and prepare to implement  
10 the private security program established under this part.

11 (b) The governor's coordinator on homelessness shall  
12 commence operation of the private security program in accordance  
13 with this part on January 1, 2020. The program shall terminate  
14 on June 30, 2021.

15 SECTION 16. Report on private security program. The  
16 governor's coordinator on homelessness shall submit a report  
17 regarding the implementation of the private security program  
18 established under this part to the legislature no later than  
19 twenty days prior to the convening of the regular session of  
20 2020. The report shall include a recommendation on whether to



1 extend the program, permanently establish the program, or  
2 terminate the program.

3 SECTION 17. Appropriation. There is appropriated out of  
4 the general revenues of the State of Hawaii the sum of \$500,000  
5 or so much thereof as may be necessary for fiscal year 2019-2020  
6 and the same sum or so much thereof as may be necessary for  
7 fiscal year 2020-2021 to the governor's coordinator on  
8 homelessness for the operation of the private security program  
9 established pursuant to this part, from July 1, 2019, until June  
10 30, 2021.

11 The sums appropriated shall be expended by the governor's  
12 coordinator on homelessness for the purposes of this part.

13 PART III

14 SECTION 18. This Act shall take effect on July 1, 2019;  
15 provided that this Act shall be repealed on June 30, 2021.

16 INTRODUCED BY:

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JAN 22 2019



# H.B. NO. 834

**Report Title:**

Enforcement; Temporary Sheriff Patrol Program; Governor's Coordinator on Homelessness; Private Security

**Description:**

Requires the Department of Public Safety to establish a temporary sheriff patrol program and the Governor's Coordinator on Homelessness to establish a program contracting private security for the enforcement of laws and rules prohibiting trespassing, camping, or being present after closing hours on certain state real property.

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