

JAN 17 2020

S.B. NO. 2537

A BILL FOR AN ACT

RELATING TO ACCESS TO PUBLIC PROPERTY.

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

1 SECTION 1. Section 115-9, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§115-9 Obstructing access to public property; penalty.

4 (a) A person commits the offense of obstructing access to
5 public property if the person, by action or by having installed
6 a physical impediment, intentionally prevents a member of the
7 public from traversing:

8 (1) A public right-of-way;

9 (2) A transit area;

10 (3) A public transit corridor; or

11 (4) A beach transit corridor;

12 and thereby obstructs access to and along the beach, the sea,
13 the shoreline, or any inland public recreational area.

14 (b) Physical impediments that may prevent traversing
15 include but are not limited to the following:

16 (1) Gates;

17 (2) Fences;



- 1 (3) Walls;
- 2 (4) Constructed barriers;
- 3 (5) Rubbish;
- 4 (6) Security guards;
- 5 (7) Guard dogs or animals; and
- 6 (8) A landowner's human-induced, enhanced, or unmaintained
- 7 vegetation that interferes or encroaches within beach
- 8 transit corridors.

9 (c) Obstructing access to public property is a
10 misdemeanor.

11 (d) Minimum fines for violation under this section shall
12 be as follows:

- 13 (1) \$100 for a first conviction;
- 14 ~~[(1)]~~ (2) \$1,000 for a second conviction; and
- 15 ~~[(2)]~~ (3) \$2,000 for any conviction after a second
- 16 conviction.

17 (e) As used in this section:

18 "Landowner" means the record owner of the property or the
19 record owner's agent, including a lessee, tenant, property
20 manager, or trustee.

21 "Person" means a natural person or a legal entity.



S.B. NO. 2537

1 "Public recreational area" means public lands or bodies of
2 water opened to the public for recreational use."

3 SECTION 2. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: _____



Clarence K. Nash



S.B. NO. 2537

Report Title:

Beach; Shoreline; Public Property; Misdemeanor

Description:

Amends section 115-9 of the Hawaii Revised Statutes to include beaches in the list of public property to which a person may not obstruct access and creates a one hundred dollar penalty for a first conviction of the section.

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

