

---

# A BILL FOR AN ACT

---

RELATING TO THE LAW OF THE SPLINTERED PADDLE.

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

1       SECTION 1. The legislature finds that King Kamehameha I  
2       enacted ke kānāwai māmalahoe, or the law of the splintered  
3       paddle, to protect his people by proclaiming that all innocent  
4       persons, especially the elderly and the youth, shall be allowed  
5       to lay safely on the side of the road without fear of harm or  
6       attack. This law was a symbol of the importance Native  
7       Hawaiians placed on caring for others and ensuring the safety of  
8       society's most vulnerable people and has endured for  
9       generations.

10       The legislature further finds that the law of the  
11       splintered paddle specifically states:

12       "O my people  
13       Honor thy gods  
14       Respect alike (the rights of)  
15       Men great and humble  
16       See to it that our aged  
17       Our women and our children



1 Lie down to sleep by the roadside

2 Without fear or harm.

3 Disobey, and die."

4 The legislature further finds that the law of the  
5 splintered paddle is enshrined in article IX, section 10, of the  
6 Hawaii State Constitution, which is both the supreme law of the  
7 State of Hawaii and the document from which all other sources of  
8 authority within the State are defined. The constitution  
9 specifically declares that the law of the splintered paddle  
10 "shall be a unique and living symbol of the State's concern for  
11 public safety". The legislature believes that the State and  
12 each of its political subdivisions must honor and uphold this  
13 most important and eternal provision of its Constitution.

14 Accordingly, the purpose of this Act is to uphold the law  
15 of the splintered paddle, as enshrined in the Hawaii State  
16 Constitution, by prohibiting any county from disturbing any  
17 person lying on the roadside of public lands in safety.

18 SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended  
19 by adding a new section to part V to be appropriately designated  
20 and to read as follows:



1        "§46-        Law of the splintered paddle; prohibition on  
2 disturbing a person lying by the roadside in safety.    (a)    In  
3 accordance with article IX, section 10 of the Hawaii  
4 constitution, no county shall enact any ordinance that prohibits  
5 a person from sitting or lying by the roadside of any public  
6 lands; provided that:

7        (1)    This section shall not prohibit a duly empowered  
8        county official from removing a person from a roadside  
9        if conditions exist that would place the person at  
10       risk of immediate bodily injury; and

11       (2)    Paragraph (1) shall not be construed to authorize any  
12       official to engage in any unprovoked assault of,  
13       threats to, or harassment of the person who is sitting  
14       or lying down.

15       (b)    As used in this section, "by the roadside" includes  
16 any sidewalk, as that term is defined in section 291C-1."

17       SECTION 3.    New statutory material is underscored.

18       SECTION 4.    This Act shall take effect upon its approval.

19  
INTRODUCED BY:



JAN 26 2022



# H.B. NO. 2486

**Report Title:**

Counties; Ke Kānāwai Māmalahoe; Law of the Splintered Paddle

**Description:**

Prohibits a county from enacting any ordinance that prohibits a person from lying by the roadside in safety in accordance with the law of the splintered paddle.

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

