
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 Hawaii has long been
2 a leader among the states in the development of progressive and
3 innovative undertakings on behalf of its neediest residents.
4 Securing the well-being of all of the State's citizens and
5 residents continues to be a policy objective deserving of the
6 highest priority. As a growing share of the State's resources
7 are committed to programs and services to assist those in
8 greatest need, the State also has both the obligation and the
9 opportunity to ensure that government resources are used
10 prudently, in a cost-effective manner, for the benefit of all
11 residents. This can be accomplished through new and innovative
12 solutions. One such solution is legislation that secures public
13 places for use by all of Hawaii's residents, not just the
14 homeless, and ensures that the homeless who loiter on public
15 property are referred for appropriate services.



1 The purpose of this Act is to provide law enforcement with
2 the tools necessary to limit habitation of public places by the
3 homeless.

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

7 "§711- Loitering on public property. (1) A person
8 commits the offense of loitering on public property if that
9 person remains within a five hundred square yard area on any
10 public property for more than two hours between 9:00 p.m. and
11 5:00 a.m.

12 (2) Any person who commits the offense of loitering on
13 public property shall be guilty of a petty misdemeanor; provided
14 that if the court determines that the person:

15 (a) Has no permanent residence; and

16 (b) Did not commit any other crime while committing the
17 loitering offense; the case shall be expedited and the
18 person shall be placed under supervision of the case
19 management system.

20 (3) For the purpose of this section, "public property" has
21 the same meaning as in section 101-51."



1 SECTION 3. Section 708–813, Hawaii Revised Statutes, is
2 amended by amending subsection (1) to read as follows:

3 **"§708–813 Criminal trespass in the first degree.** (1) A
4 person commits the offense of criminal trespass in the first
5 degree if:

6 (a) That person knowingly enters or remains unlawfully:

7 (i) In a dwelling; or

8 (ii) In or upon the premises of a hotel or apartment
9 building;

10 (b) That person:

11 (i) Knowingly enters or remains unlawfully in or upon
12 premises that are fenced or enclosed in a manner
13 designed to exclude intruders; and

14 (ii) Is in possession of a firearm, as defined in
15 section 134–1, at the time of the intrusion; or

16 (c) That person enters or remains unlawfully in or upon the
17 premises of any public school as defined in section 302A–101, or
18 any private school, after reasonable warning or request to leave
19 by school authorities or a police officer; provided however,
20 such warning or request to leave shall be unnecessary between
21 10:00 p.m. and 5:00 a.m. [-];



1 (d) That person enters or remains unlawfully in or upon
2 public property, as defined in section 101-51, after reasonable
3 warning or request to leave by a police officer; or

4 (e) That persons enters or remains unlawfully in or upon
5 public property, as defined in section 101-51, after three
6 convictions of petty misdemeanor loitering.

7 (2) Subsection (1) shall not apply to a process server who
8 enters or remains in or upon the land or premises of another,
9 unless the land or premises are secured with a fence and locked
10 gate, for the purpose of making a good faith attempt to perform
11 their legal duties and to serve process upon any of the
12 following:

13 (a) An owner or occupant of the land or premises;

14 (b) An agent of the owner or occupant of the land or
15 premises; or

16 (c) A lessee of the land or premises.

17 (3) As used in this section, "process server" means any
18 person authorized under the Hawaii rules of civil procedure,
19 district court rules of civil procedure, Hawaii family court
20 rules, or section 353C-10 to serve process.



1 (4) Criminal trespass in the first degree is a
2 misdemeanor."

3 SECTION 4. Chapter 601, Hawaii Revised Statutes, is amended
4 by adding a new section to be appropriately designated and to
5 read as follows:

6 "§601- Homeless case management special fund. (a) There
7 is established within the state treasury the homeless case
8 management special fund, to be administered and expended by the
9 judiciary.

10 (b) The proceeds of the fund shall be reserved for use by
11 the judiciary for the homeless case management program,
12 including purchases of service pursuant to chapter 103F, in
13 support of the program. The fund shall be kept separate from all
14 other funds in the treasury.

15 (c) The fund shall consist of appropriations from the
16 legislature, or as otherwise provided by law, interest and
17 investment earnings, grants, donations, and contributions from
18 private or public sources. All realizations of the fund shall be
19 subject to the conditions specified in subsection (b).

20 (d) The judiciary shall submit an annual report to the
21 legislature, no later than twenty days prior to the convening of



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1 each regular session, providing an accounting of the receipts of
 2 and expenditures from the homeless case management special
 3 fund."

4 SECTION 5. There is appropriated out of the general
 5 revenues of the State of Hawaii the sum of \$ or so much
 6 thereof as may be necessary for fiscal year 2023–2024 and the
 7 same sum or so much thereof as may be necessary for fiscal year
 8 2024–2025 to be deposited into the homeless case management
 9 special fund.

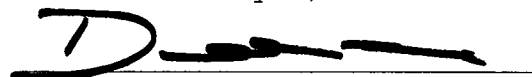
10 SECTION 6. There is appropriated out of the homeless case
 11 management special fund the sum of \$ or so much thereof as
 12 may be necessary for fiscal year 2023–2024 and the same sum or
 13 so much thereof as may be necessary for fiscal year 2024–2025 to
 14 operate the homeless case management program.

15 The sums appropriated shall be expended by the judiciary
 16 for the purposes of this Act.

17 SECTION 7. Statutory material to be repealed is bracketed
 18 and stricken. New statutory material is underscored.

19 SECTION 8. This Act shall take effect on July 1, 2023.

INTRODUCED BY:



JAN 24 2023



H.B. NO. 1209

Report Title:

Loitering; Public Property; Homelessness; Program; Appropriation

Description:

Establishes the offense of loitering on public property and adds trespassing on public property to the offense of criminal trespass in the first degree. Establishes the homeless case management program and special fund, administered by the judiciary for the benefit of homeless persons.

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

