
A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

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

1 SECTION 1. The legislature finds that the public has a
2 right to freely enjoy and utilize public spaces. Urinating and
3 defecating in public places create health hazards that stem from
4 human waste. Such concerns associated with public urination and
5 defecation discourage people from patronizing establishments.
6 The purpose of this Act is to prohibit public urination or
7 defecation.

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

11 "§711- Urinating or defecating in public. (1) A person
12 commits the offense of urinating or defecating in public if the
13 person intentionally or knowingly urinates or defecates in a
14 public place or any area where such an act is likely to be
15 observed by any member of the public.

16 (2) As used in this section, "public place" means any
17 publicly-owned or privately-owned property open for public use



1 or to which the public is invited for entertainment or business
2 purposes and includes but is not limited to any street,
3 sidewalk, driveway, alley, doorway, park, playground, plaza,
4 mall, building, parking lot, parking garage, and public
5 transportation.

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

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

13 (5) Urinating or defecating in public is a misdemeanor
14 punishable as follows:

15 (a) For a first offense, by:

16 (i) A fine of no less than \$500 and no more than
17 \$1,000; or

18 (ii) Forty-eight hours of community service work;

19 (b) For a second offense, by:

20 (i) A fine of no less than \$750 and no more than
21 \$1,000; or



- 1 (ii) No less than seventy-two hours of community
- 2 service work; and
- 3 (c) For a third or subsequent offense, by:
- 4 (i) A fine of no less than \$1,000 and no more than
- 5 \$2,000; or
- 6 (ii) No less than one hundred twenty hours of
- 7 community service work.
- 8 (6) After the arrest of a homeless person in violation of
- 9 this section, the arresting officer shall contact the department
- 10 of health's Hawai'i CARES 988 to get a social worker, or
- 11 psychiatrist, assigned to the arrestee. The assigned worker
- 12 shall conduct a mandatory mental health screening for the
- 13 homeless arrestee and provide supportive services as needed."

14 SECTION 3. This Act does not affect rights and duties that

15 matured, penalties that were incurred, and proceedings that were

16 begun before its effective date.

17 SECTION 4. New statutory material is underscored.

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

19

20

21



H.B. NO. 2601

INTRODUCED BY: *Dani*

JAN 23 2024



H.B. NO. 2601

Report Title:

Public Urination; Public Defecation; Public Safety; Public Order

Description:

Creates the offense of urinating or defecating in public. Provides penalties for public urination or defecation. Requires mental health evaluation and supportive services for a homeless person arrested for urinating or defecating in public places.

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

HB HMIA 2024-41-02

