

JAN 17 2024

---

---

# A BILL FOR AN ACT

RELATING TO SCHOOL ZONES.

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

1 SECTION 1. Chapter 711, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§711- Loitering in or obstructing school-zoned  
5 property; radius. (1) A person commits the offense of  
6 loitering in or obstructing school-zoned property if during  
7 school hours, the person:

8 (a) Loiters in any school-zoned property; or  
9 (b) Intentionally or knowingly stands, sits, or lies on a  
10 school-zoned property in a manner that obstructs  
11 access to or use of a building, walkway, public  
12 passage, road, highway, sidewalk, or structure on a  
13 school-zoned property.

14 (2) The prohibitions in subsection (1) shall not apply to:

15 (a) Any student enrolled at the school within the  
16 school-zoned property;



- 1        (b) Any person transporting a student attending the school  
2                    or schools within the school-zone property;
- 3        (c) Any person standing, sitting, or lying due to a  
4                    medical emergency;
- 5        (d) Any person who, as a result of a disability, is  
6                    utilizing a wheelchair or other, similar wheeled chair  
7                    device to move about within two hundred feet from a  
8                    school;
- 9        (e) Any person standing, sitting, or lying for the purpose  
10                   of engaging in an expressive activity;
- 11       (f) Any person standing or sitting while attending or  
12                   viewing any festival, performance, rally,  
13                   demonstration, or similar event conducted on a  
14                   sidewalk or nearby area pursuant to a permit issued by  
15                   the appropriate authority;
- 16       (g) Any person engaged in a maintenance, repair, or  
17                   construction activity on behalf of a governmental  
18                   entity or a public utility;
- 19       (h) Any child who is sitting or lying in a baby carriage,  
20                   stroller, carrier, or similar device, to move about  
21                   the school-zoned property;



1        (i) Any person sitting on a chair or bench that was placed  
2                there by a public agency;

3        (j) Any person standing or sitting in line to receive  
4                goods or services; or

5        (k) Any person engaging in an authorized activity pursuant  
6                to a permit issued by the appropriate authority.

7        (3) No person shall be deemed to have violated this  
8        section unless the person engages in conduct prohibited by this  
9        section after being notified by a law enforcement officer that  
10       the conduct violates this section.

11       (4) For purposes of this section:

12       "Expressive activity" means speech or conduct, the  
13       principal object of which is the expression, dissemination, or  
14       communication by verbal, visual, literary, or auditory means of  
15       political, religious, philosophical, or ideological opinions,  
16       views, or ideas, and for which no fee is charged or required as  
17       a condition of participation in or attendance at the activity.

18       The term generally does not include sports events, such as  
19       marathons; fundraising events; beauty contests; commercial  
20       events; cultural celebrations, or other events the principal  
21       purpose of which is entertainment.



1       "School hours" means Monday through Friday from 7:00 a.m.  
2       until 4:00 p.m., excluding days when classes are not in session.

3       "School-zoned property" means any public school property or  
4       any public property within a two-hundred-foot radius of a public  
5       school property.

6       (5) Loitering in or obstructing school-zoned property is a  
7       petty misdemeanor."

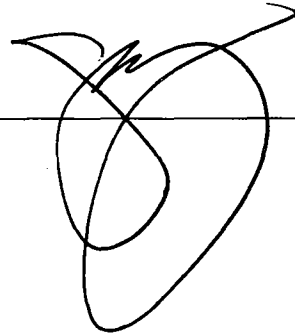
8       SECTION 2. This Act does not affect rights and duties that  
9       matured, penalties that were incurred, and proceedings that were  
10      begun before its effective date.

11      SECTION 3. New statutory material is underscored.

12      SECTION 4. This Act shall take effect on January 1, 2025.

13

INTRODUCED BY: \_\_\_\_\_

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right, crossing the line of the signature.

# S.B. NO. 2099

**Report Title:**

School Zones; Loitering; Obstructing

**Description:**

Prohibits loitering at schools and public property within 200 feet of a school. Prohibits obstructing a building, walkway, public passage, road, highway, sidewalk, or structure of a school or a public property within 200 feet of a school.

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

