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Testimony of the Office of the Public Defender to the House Committee on Human Services and Homelessness re: H.B. 1486: RELATING TO PUBLIC ORDER

Chair Lisa Marten, Vice-Chair Ikaika Olds and Members of the Committee:

The Office of the Public Defender respectfully **opposes HB 1486**.

HB 1486 seeks to amend HRS section 711-1101 (1) (Disorderly Conduct) by adding a new subsection (f) with the language:

“Remains or loiters within twenty feet of a bus stop with no intent to utilize any bus services”

Thus, making it a crime of disorderly conduct to be within 20 feet of a bus stop if you are not planning on riding the bus. This bill is clearly meant to target those individuals who choose to occupy bus stops in lieu of other shelter options. However, using the criminal justice system (arrest, charging and incarceration) to deter the unintended use of bus stops is not a practical way of resolving this “problem”. Those that choose to improperly occupy bus stops are those that usually have no other options, or have economic, emotional or psychological issues that leave them with little choice or good decision making. This is not the population that is deterred by criminal sanctions. Furthermore, prosecution of these individuals is not the best use of the limited resources of law enforcement, the court system, and all those that work within said system. The problems of homelessness and mental illness are social issues and not issues of crime.

In practical terms it would be impossible for this law to be enforced, as police officers finding someone sleeping at a bus stop, would not be able to determine if said person was waiting for the bus, or just taking a nap. The police would not be

allowed to ask the individual if they were waiting for the bus or just sleeping, as such an inquiry of a “criminal suspect” might be considered unconstitutional when the wrong answer would result in one’s arrest. Furthermore, it would be impractical to have police officers patrol bus stops looking for violators, or stopping at bus stops to make inquiries of any person that might appear to not be waiting to “utilize bus services”.

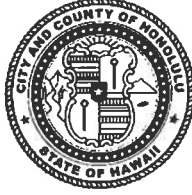
Lastly, this bill would add language to subsection (3) which would allow police officers to immediately remove any person they determine is committing the offense of disorderly conduct, with no prior notice (warning) given, and to then confiscate any and all personal property of said arrestee, and determine whether said property should be saved or discarded. This language would clearly invite litigation regarding the misappropriation of personal property. Currently, almost all criminal defendants are arrested with their property, and said property follows them to the jail where it is held for disposition.

This bill is clearly an expression of the frustration and loss of patience many in the community feel towards the “homeless problem”. However, the criminal justice system is not best equipped to handle issues dealing with inconvenience caused by a very small population of people suffering from the social problems of our time.

Thank you for the opportunity to comment on this measure.

HONOLULU POLICE DEPARTMENT  
KA 'OIHANA MĀKA'I O HONOLULU  
CITY AND COUNTY OF HONOLULU

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RICK BLANGIARDI  
MAYOR  
MEIJA

ARTHUR J. LOGAN  
CHIEF  
KAHU MĀKA'I

KEITH K. HORIKAWA  
RADE K. VANIC  
DEPUTY CHIEFS  
HOPE LUNA NUI MĀKA'I

OUR REFERENCE RP-TS

January 30, 2025

**LATE**

The Honorable Lisa Marten, Chair  
and Members  
Committee on Human Services  
and Homelessness  
House of Representatives  
415 South Beretania Street, Room 329  
Honolulu, Hawai'i 96813

Dear Chair Marten and Members:

SUBJECT: House Bill No. 1486, Relating to Public Order

I am Major Randall Platt of District 3 ('Aiea/Pearl City/Waipahu) of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 1486, Relating to Public Order. To remain or loiter within 20 feet of a bus stop with no intent to utilize any bus service would be a disorderly conduct offense. The intent of this bill is to keep bus stops clear of homeless individuals and their property.

The HPD urges you to support House Bill No. 1486, Relating to Public Order.

Thank you the opportunity of testify.

Sincerely,

*fr*

A handwritten signature in black ink, appearing to be "R. Platt".

Randall Platt, Major  
District 3

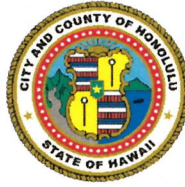
APPROVED: \_\_\_\_\_

A handwritten signature in black ink, appearing to be "A. Logan".  
Arthur J. Logan  
Chief of Police

OFFICE OF THE MAYOR  
KE KE'ENA O KA MEIA  
CITY AND COUNTY OF HONOLULU

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RICK BLANGIARDI  
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MICHAEL D. FORMBY  
MANAGING DIRECTOR  
PO'O HO'OKELE

KRISHNA F. JAYARAM  
DEPUTY MANAGING DIRECTOR  
HOPE PO'O HO'OKELE

January 29, 2025

**LATE**

The Honorable Lisa Marten, Chair  
The Honorable Ikaika Olds, Vice Chair  
and Members of the House Committee on Human Services and Homelessness  
House of Representatives  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Marten, Vice Chair Olds, and Members of the Committee:

Subject: HB1486 – Relating to Public Order

HB 1486 would create a disorderly conduct offense for the intentional misuse of the public bus stops. The City and County of Honolulu **supports** enforceable legislative proposals designed to discourage the misuse of public bus stops to the disadvantage of transit riders.

Thank you for the opportunity to testify in support of this measure,

Sincerely,

A handwritten signature in black ink, appearing to read "Michael D. Formby".

Michael D. Formby  
Managing Director Designate

**LATE**

**HB-1486**

Submitted on: 1/29/2025 10:53:51 AM

Testimony for HSH on 1/30/2025 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jeff Konn	Individual	Support	Written Testimony Only

Comments:

Hello,

Thank you for the opportunity to express my concerns about the Homeless issue and especially in my Honolulu District #23 where I have been a life long resident. At the age of 72,

I have seen the gradual, but very concerning upward spiral of the homeless here on Oahu. One only needs to walk around their own neighborhood to know that the many Homeless can be found pretty much everywhere. I see them at our Public Parks, at the Bus Stops, and various hidden and secluded areas near businesses. I have brought this up with my State House District Representative Ikaika Olds and hope that these Homeless issues can be addressed. It is a serious problem that will not go away.

I thank you for giving me the opportunity to express my concerns.

Aloha, Jeff Konn

**LATE**

**HB-1486**

Submitted on: 1/29/2025 11:15:45 AM

Testimony for HSH on 1/30/2025 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Michael EKM Olderr	Individual	Oppose	Written Testimony Only

Comments:

I strongly disapprove of this bill. This anti-humane bill would continue the trend of criminalizing people who, through no fault of their own, can't find a place to sleep at night. Also, this bill would be unenforceable because how would an officer be able to distinguish a person whose bus is delayed versus someone who needs to rest after a big run and someone who has no place to go without making grave assumptions of character? This bill is inhumane and evil. It trivializes the human condition. It will only exaggerate our detention facilities for no reason, but it doesn't solve the issue that brings this bill up in the first place. If you don't want homeless people loitering and sleeping on public benches, then give them more options than having them stay at an overcrowded shelter where there is theft, abuse, and judgment. The IHS isn't the way to stop homelessness, and neither is locking them up. Because they aren't the problem; the problem is the lack of empathy and the bare minimum of human decency. We talk and preach about the aloha spirit, but if you believe that, practice what you preach and deffer this bill.

**LATE**

**HB-1486**

Submitted on: 1/29/2025 1:03:41 PM

Testimony for HSH on 1/30/2025 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
John Deutzman	Individual	Support	Written Testimony Only

Comments:

**Aloha Representatives,**

**Within the last few months in Waikiki a**

**man was hanging out inside a bus stop at the corner of Kapahulu and Kalakaua in Waikiki . He was not breaking any laws because he was sitting not lying in the bus stop. Only lying in the bus stop is illegal in Honolulu “No person may lie down in a designated bus stop area” . On January 12th this man was arrested for attacking and assaulting a homeless man . He was released over the prosecutor’s objection . Nine days later he allegedly punched a tourist who was getting into a Uber He was arrested again for assault and is currently in custody. This bill would allow police to intervene when people are occupying a bus stop or the bus stop area . That same bus stop in Waikiki has lots of service workers who use the bus but are terrified to use it because of the man and others who lurk there.**

**Note: I would suggest the word “ loitering “ be changed to “occupying “and more specifically to “occupying a bus stop/area” for legal reasons .**

**John Deutzman**

**Waikiki**



**LATE**

**HB-1486**

Submitted on: 1/29/2025 5:05:26 PM

Testimony for HSH on 1/30/2025 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jacob Wiencek	Individual	Support	Written Testimony Only

Comments:

Aloha Committee Members,

As a regular user of our public transit network, the safety, security and cleanliness of our bus stops is important. Individuals loitering around bus stops, with no intention of taking the bus create an unsafe dynamic for transit users. I urge the Committee to SUPPORT this proposal!

**LATE**

**HB-1486**

Submitted on: 1/29/2025 8:34:40 PM

Testimony for HSH on 1/30/2025 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Jean Shimabuku	Individual	Support	Written Testimony Only

Comments:

Please make the bus stops safer for seniors

The following incidents are near the bus stops on Kapiolani Blvd

My dog and I were attacked by a homeless man's dog on Dec. 17, 2024 near the Moiliili Japanese graveyard.

We were coming down the overpass steps and his dog was loose with a leash on. He called his dog but the dog ran up the stairs to us. In the scuffle I fell 5/6 steps and had to go to Urgent care in Kahala. I have suffered pain in my neck, shoulder and my back due to the fall.

I also have pictures of his van.

Also, the rivers near Kaimuki High school is filthy with furniture, clothes, rubbish and it's all going to the ocean!

All the stolen bikes, mopeds, supermarket carts are such an eyesore and a horrible impression for our tourists and not safe for citizens to walk past.

Please help make Hawai'i safe again 🙏

January 29, 2025

## Testimony in Support of HB 1486

From Betsy Kawamura, Honolulu, Hawaii

*“Makes it a disorderly conduct offense to remain or loiter within twenty feet of a bus stop with no intent to utilize any bus service. Authorizes law enforcement officers to immediately remove any person committing a disorderly conduct offense of remaining or loitering within twenty feet of a bus stop with no intent to utilize any bus service and confiscate any of their personal property. Authorizes law enforcement officers to determine if the confiscated property is to be saved or discarded. Appropriates funds.”*

The following paragraphs are in support of HB 1486 regarding homeless around bus stops. I have been a resident of 1670 Kalakaua Avenue for over 2 years now, returning back to the USA after some time away. Since my arrival back in Honolulu and after purchasing my simpler condo on 1670 Kalakaua Avenue, I have noticed **much problems** with the bus stops right in front of our building ‘Kalakaua Sands’, and right across the street on 1649 Kalakaua Avenue in front of Joun Flower House, a very small Korean owned flower shop. We have had **persistent** homeless squatting/occupying both bus stops literally right in front of our apartment and businesses day and night, often left with trash, human excrement, graffiti and shopping carts which we as private residents have to clear up, unfortunately. They often sit on the stops with **no intention of using the buses**, and at times leave graffiti and food/drink debris soiling the benches and grounds, which are **seldom** cleaned unfortunately. The concrete grounds around the stops are very grimy/dirty as a result. We have no choice but as private residents to clean up after them at our time and expenses which can involve clearing human waste which is a **biohazard**, especially considering the larger Kupuna population in our area and sensitivities after COVID.

It has also been disheartening to see the many homeless tents and shopping wagons and people residing inside the **Makiki Stream adjacent to the bus stops right on South King and Kalakaua Avenue**. There are many kupuna in this immediate area, with various bus stops. The terrible situation of homeless living inside the Makiki Stream and on the 2 bus stops by S. King and Kalakaua was so bad that we had to reach out to Council person’s C. Say’s office, along with various other constituents including Ian Ross, Ikaika Olds, Paul Robotti on the McCully Moilili neighborhood board. During summer last year, after *much going back and forth*, there were **7 large rubbish trucks** from Dept of Maintenance that were brought to the Makiki Stream at that intersection to finally clean it out, and the immediate bus stop areas. As a public bus rider, we find it at times *really uncomfortable* to wait for buses that are occupied by the homeless.

As said, right in front of both 1670 Kalakaua Ave and 1649 Kalakaua Ave where various homeless persons squat or over-night on or right around the stops, we find trash, debris, graffiti and at times human waste left over. As small time/private stores and apartment building dwellers, we do NOT have the monies/resources to clean up after the homeless, especially as they tend to use our areas as latrines. We can not afford full time property managers or building managers. Thus, we are unfairly burdened to clean up after them every time they occupy/squat on our bus stops. The Joun Flower Shop manager told me several times that she had to bleach and disinfect her store front on daily basis for a while when there was a persistent Caucasian homeless woman insisting to squat/overnight right on the bus stop bench in front of her store. She also frequently squatted in front of 1670 bus stop right across the street where I reside, leaving trash/graffiti and using our area as a latrine in our building parking lot.

**Ikaika Olds, Scott Nishimoto, Ian Ross, Paul Robbotti and Ed Case** are all familiar with my reaching out to HPD, CORE and other agencies to *very regularly* ask for removal of homeless on 1649 Kalakaua, 1670 Kalakaua and on intersection of S. King and Kalakaua. We have brought this persistent homelessness squatting including on Makiki Stream up to neighborhood board meetings various times ad nauseum.

There is an additional problem of **shopping carts** that are parked around these bus stops and/or abandoned. Paul Robbotti and I have personally contacted Don Quijote to address abandoned shopping cars and asked for a strategic action plan to solve the situation. I have not heard anything concrete from them regarding a valid strategic management plan on this, despite my *repeated* requests from last year, unfortunately.

As a resident of a neighborhood filled with many Kupuna and many Asians from Korea, China and Japan *who do not have English as their first language*, it becomes a really unpleasant pressure and serious frustration to constantly have to call HPD/CORE and other entities to have the homeless removed. The vast majority seem to have some significant mental illness and therefore it is *not* safe for us as ordinary individuals to approach them at all. The Quality of Life in this area can be haphazard at times and we feel that this area is a kind of *DIY – Do it yourself – area* when it comes to creating life quality and protection from homelessness and declining infrastructure, etc.. This is really unfortunate. There is a *clear disadvantage* of being in a less wealthy area here, compared to newer high end developments in Kakaako, buildings closer to Ala Moana shopping center, Kahala, etc where residential property managers are hired to protect their areas.

We ask for you to please kindly consider these points above to pass and implement HB 1486 to intervene with homeless occupying/squatting/residing around bus stops. *This problem is not only in our McCully neighborhood but also Oahu-wide of course and can be*

*of great value.* As our home insurance and maintenance costs rise, they become higher sources of extreme frustration adding to our HOA costs/rent/maintenance to try to keep the areas by public bus stops right in front of our private residences clean. This is exacerbated by the homeless frequently digging through the **large rubbish bins set up by the bus stop benches**, with the rubbish strewn out by them, which we as private residence and business owners have to clean. This is *not* sustainable and very unfair to us as ordinary smaller time private residences/businesses. We do not have the resources to have on-site professional building management. Even the Korean business manager who oversees 1649 Kalakaua Ave and adjacent businesses told me about the homeless forcibly going through their trash bins and leaving human waste right by the bus stops in front of their stores.

**Thank you very much for your time and concern.** Under increasing housing costs, maintenance and HOA insurance costs, this bill is really direly needed, as we literally have these bus stops right in front of our resident apartment buildings and small businesses who cannot afford full time business managers to guard our properties. This bill can surely assist neighborhoods throughout Oahu or Hawaii affected by occupied bus stops and can encourage increased rider-ship of collective transportation i.e. buses, etc. which would be of positive value to our environment impacted by increased natural disasters such as fires as we speak.