
A BILL FOR AN ACT

RELATING TO CRIMINAL TRESPASS.

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

1 SECTION 1. The legislature finds that it is necessary to
2 add a new criminal trespass section to protect against people
3 remaining on improved state department of transportation land
4 when it is closed or otherwise restricted and on or under state
5 highways.

6 SECTION 2. Chapter 708, Hawaii Revised Statutes, is
7 amended by adding to part II a new section to be appropriately
8 designated and to read as follows:

9 "§708- Criminal trespass onto state department of
10 transportation lands. (1) A person commits the offense of
11 criminal trespass onto state department of transportation lands
12 if:

13 (a) The person enters or remains unlawfully in or upon any
14 improved state department of transportation land when:

15 (i) Such land is closed to public use and its closure
16 hours are posted on a sign or signs on the

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1 improved state department of transportation land;
2 or
3 (ii) Such land is not open to the public and there is
4 a sign or signs sufficient to give reasonable
5 notice that read: "Government Property - No
6 Trespassing"; provided that such signs shall
7 contain letters not less than two inches in
8 height and shall be placed at reasonable
9 intervals along the boundary line of the land and
10 at roads and trails entering the land in a manner
11 and position as to be clearly noticeable from
12 outside the boundary line; or
13 (b) The person enters or remains unlawfully in or upon any
14 state department of transportation land on or under
15 any highway, and the state department of
16 transportation land has a sign or signs displayed upon
17 the land sufficient to give reasonable notice that
18 read: "Government Property - No Trespassing";
19 provided that the signs shall contain letters not less
20 than two inches in height and shall be placed at
21 reasonable intervals along the boundary line of the
22 land and at roads and trails entering the land in a

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1 manner and position as to be clearly noticeable from
2 outside the boundary line.

3 (2) For the purposes of this section, unless the context
4 requires otherwise:

5 "Highway" has the same meaning as in section 286-2.

6 "Improved state department of transportation land" means
7 any state department of transportation land upon which there is
8 improvement, including any structure, building, or facility; or
9 alteration of the land by grading, dredging, or mining that
10 would cause a permanent change in the land or that would change
11 the basic natural condition of the land, including but not
12 limited to, harbors under the care and control of the department
13 of transportation under chapter 266 or airports under the care
14 and control of the department of transportation under chapter
15 261. Land is not "improved state department of transportation
16 land" if it only has minor improvements, including utility
17 poles, signage, and irrigation facilities or systems; or minor
18 alterations undertaken for the preservation or prudent
19 management of the unimproved or unused land, including fences,
20 trails, or pathways. Land is not "improved state department of
21 transportation land" solely due to state maintenance activities,
22 including forest plantings and the removal of weeds, brush,

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1 rocks, boulders, or trees; or removal or securing of rocks or
2 boulders undertaken to reduce risk to downslope properties.

3 "State department of transportation lands" means all land
4 owned by the State through its department of transportation or
5 otherwise under the jurisdiction or management of its department
6 of transportation.

7 (3) Criminal trespass onto state department of
8 transportation lands is a petty misdemeanor."

9 SECTION 3. New statutory material is underscored.

10 SECTION 4. This Act upon its approval shall take effect on
11 July 1, 2017.

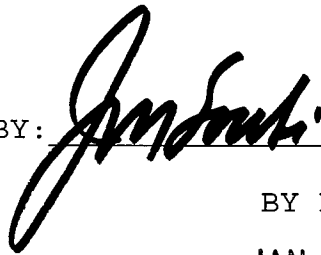
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INTRODUCED BY: _____



BY REQUEST

JAN 23 2017

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Report Title:

Criminal Trespass; State Department of Transportation Lands;
State Highways

Description:

Adds the offense of criminal trespass onto State Department of
Transportation lands to the penal code.

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

JUSTIFICATION SHEET

DEPARTMENT: Transportation

TITLE: A BILL FOR AN ACT RELATING TO CRIMINAL TRESSPASS.

PURPOSE: Adds the offense of criminal trespass onto state Department of Transportation lands to the penal code. Amends criminal trespass in the second degree to apply to the Department of Transportation regardless of whether it is fenced, enclosed, or otherwise secured.

MEANS: Adding a new section to part II of chapter 708, Hawaii Revised Statutes.

JUSTIFICATION: This bill aims to create an important statute that will assist the Department of Transportation in protecting its lands, property, and facilities under its jurisdiction.

Impact on the public: This bill will make criminal trespassing a petty misdemeanor.

Impact on the department and other agencies: This bill will protect the department from criminal trespassers.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: None.

OTHER AFFECTED AGENCIES: Department of the Attorney General.

EFFECTIVE DATE: July 1, 2017.