A BILL FOR AN ACT

RELATING TO PUBLIC REAL PROPERTY.

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

PART I

SECTION 1. The legislature finds that if laws and rules are not enforced, violators may believe that there are no consequences to the violations, may become more brazen and continue the violations, or may feel emboldened to violate other, more serious laws and rules. The result is detrimental to public safety and should not be tolerated.

The purpose of this part is to require the department of public safety to establish a temporary sheriff patrol program for the enforcement of laws and rules prohibiting trespassing, camping, or being present after closing hours on state real property. The temporary program shall apply to state real property under the ownership, control, or management of the department of transportation or department of land and natural resources.

The legislature intends that the temporary program take a consolidated approach to enforcing the laws and rules for the
participating state agencies. The legislature finds that the consolidated approach may result in efficiencies and cost savings to the State.

The legislature further intends to later evaluate the temporary program to determine whether it should be extended, permanently established, or terminated.

SECTION 2. Definitions. For the purpose of this part:

"Law prohibiting an individual from trespassing on state real property" means an offense under section 708-813, 708-814, 708-814.5, 708-814.7, or 708-815, Hawaii Revised Statutes.

"Law or rule prohibiting an individual from being present after closing hours on state real property" means any statute or rule that prohibits an individual from being on state real property when closed to the public; other than sections 708-813, 708-814, 708-814.5, 708-814.7, and 708-815, Hawaii Revised Statutes.

"Law or rule prohibiting an individual from camping on state real property" means any statute or rule, including section 291C-112, Hawaii Revised Statutes, that prohibits camping on state real property, even when the state real property is open to the public for non-camping use.
"State real property" means state real property under the ownership, control, or management of the department of transportation or department of land and natural resources.

SECTION 3. Temporary sheriff patrol program; establishment; operation. (a) The department of public safety shall establish a temporary sheriff patrol program to enforce laws and rules prohibiting an individual from trespassing, camping, or being present after closing hours on state real property.

(b) The department of public safety shall operate the temporary sheriff patrol program by creating a team of deputy sheriffs to patrol among state real property that is subject to the temporary program and enforce laws and rules prohibiting trespassing, camping, or being present after closing hours on the state real property. The teams shall enforce violations of laws or rules with or without receipt of complaints.

(c) To the extent possible, when observing or discovering a violation of a law or rule prohibiting trespassing, camping, or being present after closing hours on state real property, the deputy sheriffs first shall request the violator to leave the state real property. If the violator refuses to leave the state
real property or leaves and then returns to the state real
property in violation of the law or rule, the deputy sheriffs
shall cite or arrest the violator.

d) The team of deputy sheriffs may also enforce laws and
rules other than those prohibiting trespassing, camping, or
being present after closing hours on state real property.

SECTION 4. State real property subject to temporary
sheriff patrol program. (a) The temporary sheriff patrol
program shall apply to state real property under the ownership,
control, or management of the department of transportation or
department of land and natural resources.

(b) Nothing in this part shall prohibit any state or
county agency from engaging in its own effort to enforce laws
prohibiting trespassing, camping, or being present after closing
hours on real property under any state agency's ownership,
control, or management.

SECTION 5. No charge to the participating state agencies.
For the duration of the temporary sheriff patrol program, the
department of public safety shall not charge the department of
transportation or department of land and natural resources for
participation in the temporary program.
SECTION 6. Temporary sheriff patrol program; planning and preparation; commencement; termination. (a) Beginning on July 1, 2019, the department of public safety shall plan and prepare to implement the temporary sheriff patrol program established under this part.

(b) The department of public safety shall commence operation of the temporary sheriff patrol program in accordance with this part on January 1, 2020.

The department of public safety shall operate the temporary sheriff patrol program until June 30, 2021. The temporary program shall terminate on June 30, 2021.

SECTION 7. Temporary positions; authorized. The department of public safety may establish 2.00 temporary full-time equivalent deputy sheriff positions, the compensation of which may be paid from the appropriations under section 9 of this Act. The department of public safety shall use the temporary positions to employ deputy sheriffs for the temporary sheriff patrol program or to backfill for other deputy sheriffs assigned to the temporary program.

SECTION 8. Report; recommendation on temporary sheriff patrol program. (a) The department of public safety shall
submit a report regarding the implementation of the temporary sheriff patrol program established under this part to the legislature no later than twenty days prior to the convening of the regular session of 2021. The report shall include a recommendation on whether to extend the temporary program, permanently establish the program, or terminate the program.

(b) If the department of public safety recommends that the program be permanently established, the report shall include the:

(1) Projected annual cost of operating the permanent program;

(2) Number and type of positions needed for the permanent program; and

(3) Method proposed to deliver the patrol services of the program, whether by the department of public safety, another state agency, contract with a county, or contract with a private entity.

SECTION 9. Appropriations. There is appropriated out of the general revenues of the State of Hawaii the sum of $ or so much thereof as may be necessary for fiscal year 2019-2020 and the same sum or so much thereof as may be necessary for
fiscal year 2020-2021 for the operation of the temporary sheriff
patrol program established pursuant to this part, from January
1, 2020, until June 30, 2021.

The sums appropriated shall be expended by the department
of public safety for the purposes of this part.

PART II

SECTION 10. The purpose of this part is to require the
governor's coordinator on homelessness to establish a program,
contracting private security, for the enforcement of laws and
rules prohibiting trespassing, camping, or being present after
closing hours on state real property. The program is intended
to apply to state real property under the ownership, control, or
management of the department of transportation or department of
land and natural resources.

SECTION 11. Definitions. For the purpose of this part:
"Law prohibiting an individual from trespassing on state
real property" has the same meaning as in section 2 of this Act.
"Law or rule prohibiting an individual from being present
after closing hours on state real property" has the same meaning
as in section 2 of this Act.
"Law or rule prohibiting an individual from camping on state real property" has the same meaning as in section 2 of this Act.

"State real property" has the same meaning as in section 2 of this Act.

SECTION 12. Governor's coordinator on homelessness private security program; establishment; operation. The governor's coordinator on homelessness shall establish a program to contract with private security to enforce laws and rules prohibiting an individual from trespassing, camping, or being present after closing hours on state real property.

SECTION 13. State real property subject to the governor's coordinator on homelessness private security program. (a) The program shall apply to state real property under the ownership, control, or management of the department of transportation or department of land and natural resources.

(b) Nothing in this part shall prohibit any state or county agency from engaging in its own effort to enforce laws and rules prohibiting trespassing, camping, or being present after closing hours on real property under any state agency's ownership, control, or management.
SECTION 14. No charge to the participating state agencies. For the duration of the private security program, the governor's coordinator on homelessness shall not charge the department of transportation or the department of land and natural resources for participation in the private security program.

SECTION 15. Governor's coordinator on homelessness private security program; planning and preparation; commencement; termination. (a) Beginning on July 1, 2019, the governor's coordinator on homelessness shall plan and prepare to implement the private security program established under this part.

(b) The governor's coordinator on homelessness shall commence operation of the private security program in accordance with this part on January 1, 2020. The program shall terminate on June 30, 2021.

SECTION 16. Report on private security program. The governor's coordinator on homelessness shall submit a report regarding the implementation of the private security program established under this part to the legislature no later than twenty days prior to the convening of the regular session of 2020. The report shall include a recommendation on whether to
extend the program, permanently establish the program, or
terminate the program.

SECTION 17. Appropriation. There is appropriated out of
the general revenues of the State of Hawaii the sum of $500,000
or so much thereof as may be necessary for fiscal year 2019-2020
and the same sum or so much thereof as may be necessary for
fiscal year 2020-2021 to the governor's coordinator on
homelessness for the operation of the private security program
established pursuant to this part, from July 1, 2019, until June
30, 2021.

The sums appropriated shall be expended by the governor's
coorinator on homelessness for the purposes of this part.

PART III

SECTION 18. This Act shall take effect on July 1, 2019;
provided that this Act shall be repealed on June 30, 2021.
Report Title:
Enforcement; Temporary Sheriff Patrol Program; Governor's Coordinator on Homelessness; Private Security

Description:
Requires the Department of Public Safety to establish a temporary sheriff patrol program and the Governor's Coordinator on Homelessness to establish a program contracting private security for the enforcement of laws and rules prohibiting trespassing, camping, or being present after closing hours on certain state real property.

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