

**Testimony of the Office of the Public Defender
State of Hawaii
to the House Committee on Judiciary**

January 29, 2013

H.B. No. 33: RELATING TO PUBLIC ORDER

Chair Rhoads and Members of the Committee:

We oppose passage of H.B. No. 33 which would make permanent the downtown public urination and defecation law. This law was one in a line of legislation which applies disproportionately to the homeless or needy population. It has often been lamented that downtown Honolulu is in need of better public accommodations. Until that problem is solved, it is extremely insensitive to penalize persons who have no other choice but to relieve themselves in public areas.

Moreover, there have been instances where laws in this area appear to be unreasonably enforced. Police have patrolled the area around public restrooms in Waikiki after they have closed and cited persons who relieve themselves after discovering the restrooms are locked.

Thank for the opportunity to comment on this measure.