

JAN 25 2017

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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

# S.B. NO. 1008

**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.*

# SB. NO. 1008

## 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.