

JAN 20 2023

A BILL FOR AN ACT

RELATING TO LIVING ACCOMMODATIONS.

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

1 PART I

2 SECTION 1. The purpose of this part is to prohibit camping
3 in public areas that are not designated as camping locations by
4 the State or a county.

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

8 "§708- Unauthorized camping on public property. (a) No
9 person shall camp on public property that is not designated as a
10 location for camping by the State or any county after a request
11 to leave is made by any law enforcement officer.

12 (b) Violation of this section is a petty misdemeanor.

13 (c) The court may order participation in homeless services
14 in lieu of prosecution or sentence, including:

15 (1) Referral to a drop off center for individuals who
16 appear to be in clear or questionable mental health
17 distress; provided that the drop off center shall



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1 assess the individual, provide any crisis
2 stabilization needed, and connect the individuals with
3 follow-up services in the community, such as case
4 management and in-patient treatment;

5 (2) Relocation programs, which may provide transportation
6 to locations where support may be provided; and

7 (3) Placement in an emergency or transitional shelter via
8 the homeless programs office of the department of
9 human services.

10 (d) For the purposes of this section:

11 "Camp" or "camping" means the use of a public area for
12 living accommodation purposes, including:

13 (1) Using a tent, shelter, other structure, or vehicle for
14 a living accommodation;

15 (2) Storing personal belongings for an extended period of
16 time;

17 (3) Making a campfire;

18 (4) Eating; and

19 (5) Sleeping.

20 "Law enforcement officer" has the same meaning as in
21 section 710-1000.



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1 "Public property" means any area or facility owned by or
2 under the control, maintenance, and management of the State or
3 any of the counties.

4 "Shelter" shall include but not be limited to any
5 tarpaulin, lean-to, sleeping bag, bedroll, blankets, or any form
6 of cover or protection from the elements other than clothing."

7 SECTION 3. There is appropriated out of the general
8 revenues of the State of Hawaii the sum of \$ or so
9 much thereof as may be necessary for fiscal year 2023-2024 and
10 the same sum or so much thereof as may be necessary fiscal year
11 2024-2025 for the establishment of a drop off center.

12 The sums appropriated shall be expended by the judiciary
13 for the purposes of this Act.

14 PART II

15 SECTION 4. The purpose of this part is to require the
16 governor to establish safe zones for homeless persons on lands
17 to be designated by the governor.

18 SECTION 5. (a) No later than December 31, 2023, the
19 governor shall establish safe zones, in which homeless persons
20 may reside, on lands to be designated by the governor.

21 (b) The governor may:



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1 (1) Contract with a public or private agency to operate
2 the safe zones; and

3 (2) Delegate the duties established pursuant to this
4 section to an executive agency.

5 (c) A designated agency shall assess, coordinate, and
6 refer those residing in a safe zone to appropriate and make
7 available wrap-around supports and community resources along the
8 entire continuum of care with the goal of reducing the number of
9 persons experiencing homelessness across the State.

10 (d) The State shall not be liable for any injury, damage,
11 conduct, or unlawful activity that may occur as a result of
12 establishing or operating a safe zone pursuant to this section.

13 SECTION 6. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$ or so
15 much thereof as may be necessary for fiscal year 2023-2024 and
16 the same sum or so much thereof as may be necessary fiscal year
17 2024-2025 for the establishment of safe zones for homeless
18 persons and expenses related to facility construction, provision
19 of services, staffing, and administrative costs.

20 The sums appropriated shall be expended by the office of
21 the governor for the purposes of this Act.



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PART III

SECTION 7. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 8. New statutory material is underscored.

SECTION 9. This Act shall take effect upon its approval; provided that sections 3 and 6 of this Act shall take effect on July 1, 2023.

INTRODUCED BY:





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Report Title:

Illegal Camping; Prohibition; Homelessness; Safe Zones; Drop Off Center; Judiciary; Appropriation

Description:

Prohibits camping in public areas that are not designated as camping locations by the State or a county. Allows the court to order participation in homeless services in lieu of prosecution or sentencing. Requires the Governor to establish safe zones for homeless persons. Makes appropriations.

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