

\_\_\_\_.B. NO. \_\_\_\_\_

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# A BILL FOR AN ACT

RELATING TO ENFORCEMENT.

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

1           SECTION 1. The legislature finds that it is necessary to  
2 confer the powers of police upon the executive director and any  
3 officer, employee, or representative of the Hawaii community  
4 development authority to keep public parks free from public  
5 health and safety issues.

6           The legislature finds that other state agencies with public  
7 park responsibilities, such as the department of land and  
8 natural resources, have similar authorities.

9           The legislature further finds that the community  
10 development districts created by the legislature are often the  
11 subject of confusion regarding jurisdiction of police powers to  
12 enforce existing criminal statutes. This confusion has  
13 manifested itself in various ways, but most recently with  
14 approximately 180 illegal campers living in the Kakaako Makai  
15 parks, which forced its temporary closure.

16           This has led to various public health and safety issues  
17 such as tampering with lamp poles and other electrical systems

.B.NO.          

1 exposing live wires, increased attacks from loose dogs, and  
2 standing pools of water from vandalized water fixtures.

3         The legislature further finds that to effectively manage  
4 and maintain the public's parks, there is a need for consistent  
5 enforcement of existing criminal statutes such as section 708-  
6 814.5, criminal trespass onto public parks and recreational  
7 grounds that was passed by the legislature in 2005.

8         SECTION 2. Chapter 206E, Hawaii Revised Statutes, is  
9 amended by adding two new sections to part I to be appropriately  
10 designated and to read as follows:

11         "§206E-\_\_ Enforcement. (a) The executive director shall  
12 enforce this chapter and all rules thereunder, except for the  
13 rules relative to the control and management of the beaches  
14 encumbered with easements in favor of the public and ocean  
15 waters which shall be enforced by the department of land and  
16 natural resources. For the purpose of the enforcement of this  
17 chapter and of all rules adopted pursuant to this chapter, the  
18 powers of police officers are conferred upon the executive  
19 director and any officer, employee, or representative of the  
20 authority. Without limiting the generality of the foregoing,  
21 the executive director and any person appointed by the executive  
22 director hereunder may serve and execute warrants, arrest

**.B. NO.**           

1 offenders, and serve notices and orders. The executive director  
2 and any employee, agent, or representative of the authority  
3 appointed as enforcement officers by the executive director, and  
4 every state and county officer charged with the enforcement of  
5 any law, statute, rule, regulation, ordinance, or order, shall  
6 enforce and assist in the enforcement of this chapter and of all  
7 rules and orders issued pursuant thereto, and in carrying out  
8 the responsibilities hereunder, each shall be specifically  
9 authorized to:

10       (1) Conduct any enforcement action hereunder in any area  
11           over which the authority and the executive director  
12           has jurisdiction under this chapter;

13       (2) Inspect and examine at reasonable hours any premises,  
14           and the buildings and other structures thereon, where  
15           authority facilities are situated, or where authority  
16           activities are operated or conducted; and

17       (3) Subject to limitations as may be imposed by the  
18           executive director, serve and execute warrants, arrest  
19           offenders, and serve notices and orders.

20       For purposes of this subsection, the term "agents and  
21 representatives" includes persons performing services under  
22 contract with the authority.

1  
2 (b) The authority, in the name of the State, may enforce  
3 this chapter and the rules and orders issued pursuant thereto by  
4 injunction or other legal process in the courts of the State.

5 §206E-\_\_ **Arrest or citation.** Except when required by  
6 state law to take immediately before a district judge a person  
7 arrested for a violation of any provision of this part,  
8 including any rule or regulation adopted and promulgated  
9 pursuant to this part, any person authorized to enforce the  
10 provisions of this part, hereinafter referred to as enforcement  
11 officer, upon arresting a person for violation of any provision  
12 of this part, including any rule or regulation adopted and  
13 promulgated pursuant to this part shall, in the discretion of  
14 the enforcement officer, either (1) issue to the purported  
15 violator a summons or citation, printed in the form hereinafter  
16 described, warning the purported violator to appear and answer  
17 to the charge against the purported violator at a certain place  
18 and at a time within seven days after such arrest, or (2) take  
19 the purported violator without unnecessary delay before a  
20 district judge.

21 The summons or citation shall be printed in a form  
22 comparable to the form of other summonses and citations used for  
23 arresting offenders and shall be designed to provide for  
24 inclusion of all necessary information. The form and content of

.B. NO.

1 such summons or citation shall be adopted or prescribed by the  
2 district courts.

3 The original of a summons or citation shall be given to the  
4 purported violator and the other copy or copies distributed in  
5 the manner prescribed by the district courts; provided that the  
6 district courts may prescribe alternative methods of  
7 distribution for the original and any other copies.

8 Summonses and citations shall be consecutively numbered and  
9 the carbon copy or copies of each shall bear the same number.

10 Any person who fails to appear at the place and within the  
11 time specified in the summons or citation issued to the person  
12 by the enforcement officer, upon the person's arrest for  
13 violation of any provision of this part, including any rule or  
14 regulation promulgated pursuant to this part, shall be guilty of  
15 a misdemeanor and, on conviction, shall be fined not more than  
16 \$1,000, or be imprisoned not more than six months, or both.

17 In the event any person fails to comply with a summons or  
18 citation issued to such person, or if any person fails or  
19 refuses to deposit bail as required, the enforcement officer  
20 shall cause a complaint to be entered against such person and  
21 secure the issuance of a warrant for the person's arrest.

.B. NO.

1 When a complaint is made to any prosecuting officer of the  
2 violation of any provision of this part, including any rule or  
3 regulation promulgated thereunder, the enforcement officer who  
4 issued the summons or citation shall subscribe to it under oath  
5 administered by another official of the authority whose names  
6 have been submitted to the prosecuting officer and who have been  
7 designated by the executive director to administer the same."

8 SECTION 3. This Act does not affect rights and duties that  
9 matured, penalties that were incurred, and proceedings that were  
10 begun before its effective date.

11 SECTION 4. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 5. This Act shall take effect upon its approval.

14

15 INTRODUCED BY: \_\_\_\_\_

16 BY REQUEST

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\_\_\_\_\_.B. NO.\_\_\_\_\_

**Report Title:**

Conferring police powers to the Hawaii Community Development Authority.

**Description:**

To confer powers of police officers upon the executive director and any officer, employee, or representative of the Hawaii Community Development Authority.

*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

Revised: 10/10/17 1st DRAFT DATE: 9/18/17
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DEPARTMENT: Business, Economic Development, and Tourism

TITLE: A BILL FOR AN ACT RELATING ENFORCEMENT.

PURPOSE: To confer powers of police officers upon the executive director and any officer, employee, or representative of the Hawaii Community Development Authority (HCDA).

MEANS: Add two new section to chapter 206E, Hawaii Revised Statutes (HRS).

JUSTIFICATION: Community development districts created by the legislature are often the subject of confusion regarding jurisdiction of police powers to enforce existing criminal statutes. This confusion has manifested itself in various ways, but most recently with approximately 180 illegal campers living in the Kakaako Makai parks, which forced its temporary closure.

In order to effectively manage and maintain the public's parks, there is a need for consistent enforcement of existing criminal statues such as section 708-814.5, criminal trespass onto public parks and recreational grounds that was passed by the legislature in 2005.

Other state agencies with public park responsibilities, such as the department of land and natural resources, have similar authorities.

Impact on the public: Provides enforcement powers to prevent unsafe conditions from occurring, allowing everyone to enjoy public parks.



Impact on the department and other agencies:  
Allows the Hawaii Community Development Authority to more effectively manage and maintain the public's parks under its jurisdiction.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: BED-150.

OTHER AFFECTED  
AGENCIES: Department of Land and Natural Resources,  
Department of Public Safety, City and County  
of Honolulu.

EFFECTIVE DATE: Upon approval.