STAND. COM. REP. NO. 33/7

Honolulu, Hawaii

APR 0 3 2008

RE: H.B. No. 1978

H.D. 1 S.D. 1

Honorable Colleen Hanabusa President of the Senate Twenty-Fourth State Legislature Regular Session of 2008 State of Hawaii

## Madam:

Your Committee on Judiciary and Labor, to which was referred H.B. No. 1978, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC ORDER,"

begs leave to report as follows:

The purpose of this measure is to make permanent the prohibition against urinating and defecating in a public place or any area where such act is likely to be observed by the public in Downtown Honolulu.

Your Committee received testimony in support of this measure from the Honolulu Police Department, Downtown Neighborhood Board No. 13, and three individuals.

Act 84, Session Laws of Hawaii 2004, relating to public order, enacted the offense of urinating or defecating in public which applies to the area of Downtown Honolulu only.

Your Committee notes the following findings of Senate Standing Committee Report No. 2919, Regular Session of 2004, of the Standing Committee on Judiciary and Hawaiian Affairs:

Your Committee finds that urinating and defecating in public has become increasingly common in Hawaii. These behaviors are vile, create health risks stemming from human waste, and discourage people from patronizing establishments in the area because of the smell and unsightliness. Currently

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there are no laws that make these acts illegal. However, your Committee believes that this measure will deter many from urinating and defecating in public and equip law enforcement with a tool to penalize individuals that continue to urinate and defecate in public.

Your Committee has amended this measure by:

- (1) Extending the sunset date to December 31, 2012, rather than making the law permanent;
- (2) Changing the effective date from July 1, 2112, to upon approval; and
- (3) Adding the Ramseyer language for underscored material.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1978, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1978, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on behalf of the members of the Committee on Judiciary and Labor,

BRIAN T. TANIGUCHI, Chair

## The Senate Twenty-Fourth Legislature State of Hawaii

## Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:*	Committee Referral:			ite:	
HB 1978 HD1	JDL		1777	3-2	5-08
The committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
TANIGUCHI, BRIAN T. (C)					<b></b>
HEE, Clayton (VC)					
GABBARD, Mike		V/			
KOKUBUN, Russell S.			<b>/</b>		
NISHIHARA, Clarence K.					
SLOM, Sam			V.		
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TOTAL	/	4			
Recommendation:  Adopted Not Adopted					
Chair's or Designee's Signature					
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<sup>\*</sup>Only one measure per Record of Votes