

**A BILL FOR AN ORDINANCE TO ESTABLISH A NEW ARTICLE 7,
CHAPTER 20, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO
CRIMINAL TRESPASS ONTO COUNTY LANDS**

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Chapter 20 of the Kaua'i County Code 1987, as amended, is hereby amended by adding a new Article 7 as follows:

"ARTICLE 7. CRIMINAL TRESPASS ONTO COUNTY LANDS

Sec. 20-7.1 Purpose. The purpose of this Ordinance is to establish a new criminal trespass offense to protect against people remaining on improved and unimproved county land when it is closed or otherwise restricted or in the interest of public safety, to prevent a person from returning to county land when a person committed a violation of law, ordinance, or established rule or regulation on county land.

Sec. 20-7.2 Definitions.

When used in this Article:

"Improved County land" means any County land, including but not limited to, any County structures, building, or facility; or alteration of the land by grading, dredging or mining that would cause a permanent change in the land or that would change the basic natural condition of the land. Land is not "improved County land" if it only has minor improvements, including utility poles, signage, and irrigation facilities or systems; or minor alterations undertaken for the preservation or prudent management of the unimproved or unused land, including fences, trails, or pathways. Land is not "improved County land" solely due to the performance of County maintenance activities on the land, including forest plantings and the removal of weeds, brush, rocks, boulders, or trees; or removal or securing of rocks or boulders undertaken to reduce risk to downslope properties.

"County lands" means all land owned by the County of Kaua'i through any of its departments or agencies.

Sec. 20-7.3 Trespass onto County Lands.

A person commits the offense of criminal trespass onto County lands if:

(a) The person knowingly enters or remains unlawfully in or upon an improved County land when:

(1) The land is closed to public use and its closure hours are posted on a sign or signs on the improved County land, or after a reasonable warning or request to leave is made by any law enforcement officer or county employee;
or

(2) The land is not open to the public and there are signs that are sufficient to give reasonable notice that read: "Government Property - No Trespassing";

or

(b) The person knowingly enters or remains unlawfully in or upon any County land and the County land has a sign, or signs displayed upon the land that are sufficient to give reasonable notice that read: "Government Property - No Trespassing";

For the purposes of this section, "reasonable warning or request" means a warning or request communicated in writing to a person which may contain but is not limited to the following information:

(i) A warning statement advising the person that the person's presence is no longer desired on the property for a period of one month from the date of the notice, that a violation of the warning will subject the person to arrest and prosecution for trespassing pursuant to this subsection.

(ii) The legal name, any aliases, and a photograph, if practicable, or a physical description, including but not limited to sex, racial extraction, age, height, weight, hair color, eye color, or any other distinguishing characteristics of the person warned;

(iii) The name of the person giving the warning along with the date and time the warning was given; and

(iv) The signature of the person giving the warning, the signature of a witness or police officer who was present when the warning was given and, if possible, the signature of the violator;

Sec. 20-7.4 Violation – Penalty.

Any person who violates Section 20-7.3, shall be penalized as follows:

(1) For a first offense, the person shall pay a fine of no more than one thousand dollars (\$1,000), or serve a term of imprisonment of no more than thirty (30) days, or both; or

(2) For an offense that occurs within one (1) year of two (2) or more prior convictions for the same offense, the person shall pay a fine of no more than two thousand dollars (\$2,000) or serve a term of imprisonment of no more than one (1) year, or both.”

SECTION 2. If any provision of this Ordinance or application thereof to any person, persons, or circumstances is held invalid, the invalidity does not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 3. Ordinance material to be repealed is bracketed. New Ordinance material is underscored. When revising, compiling, or printing this Ordinance for inclusion in the Kaua‘i County Code 1987, as amended, the brackets, bracketed material, and underscoring shall not be included.

SECTION 4. This Ordinance shall take effect upon its approval.

Introduced by: /s/ MEL RAPOZO
(By Request)

DATE OF INTRODUCTION:

February 26, 2025

Līhu‘e, Kaua‘i, Hawai‘i

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CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2943 which was adopted on second and final reading by the Council of the County of Kaua'i at its meeting held on April 9, 2025, by the following vote:

FOR ADOPTION:	Bulosan, Carvalho, Cowden, Holland, Kaneshiro, Kualii, Rapozo	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Lihu'e, Hawai'i
April 9, 2025



Jade K. Fountain-Tanigawa
County Clerk, County of Kaua'i

ATTEST:



Mel Rapozo
Chairman & Presiding Officer

DATE OF TRANSMITTAL TO MAYOR:

April 9, 2025

Approved this 9th day of
April, 2025.



Derek S.K. Kawakami,
Mayor
County of Kaua'i