

REQUEST FOR LEGAL SERVICES

Date: September 21, 2021
From: Tasha Kama, Chair
Human Concerns and Parks Committee

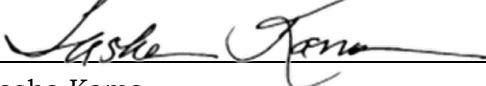
TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Mimi DesJardins, Esq.

Subject: REPEALING THE MINIMUM FINE FOR CERTAIN VIOLATIONS RELATING TO PARKS AND RECREATIONAL FACILITIES (HCP-30)

Background Data: Please see the attached bill. Please send response to hcp.committee@mauicounty.us.

Work Requested: ☒ FOR APPROVAL AS TO FORM AND LEGALITY
☐ OTHER:

Requestor's signature  Tasha Kama	Contact Person <u>Laksmi Abraham</u> (Telephone Extension: <u>7659</u>)
--	--

☐ ROUTINE (WITHIN 15 WORKING DAYS) ☐ RUSH (WITHIN 5 WORKING DAYS)
☐ PRIORITY (WITHIN 10 WORKING DAYS) ☐ URGENT (WITHIN 3 WORKING DAYS)

☒ SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): September 22, 2021
REASON: Posting for the October 1, 2021, Council Meeting

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
--------------	----------------	-----

TO REQUESTOR: ☐ APPROVED ☐ DISAPPROVED ☐ OTHER (SEE COMMENTS BELOW)
☐ RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): _____

DEPARTMENT OF THE CORPORATION COUNSEL

Date _____

By _____
(Rev. 7/03)

hcp:ltr:030acc01:lma

Attachment

ORDINANCE NO. _____

BILL NO. _____ (2021)

A BILL FOR AN ORDINANCE REPEALING THE MINIMUM FINE FOR CERTAIN
VIOLATIONS RELATING TO PARKS AND RECREATIONAL FACILITIES

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. The purpose of this Ordinance is to provide enforcement officers more flexibility in imposing penalties for certain violations relating to parks and recreational facilities, including being in a park between 10:00 p.m. and 6:00 a.m. or when closed to the public. This flexibility is needed in cases involving persons experiencing homelessness, where a mandatory minimum fine of \$150 could be excessive, ineffective, and counterproductive.

SECTION 2. Section 13.04A.270, Maui County Code, is amended to read as follows:

“A. Anyone who violates any provision of this chapter, except sections 13.04A.070(B)(1), 13.04A.070(E), 13.04A.260, or 13.04A.360 [shall] is, upon conviction, [be] subject to a fine of [not] no less than ~~[\$150.00]~~ \$150 and [not] no more than ~~[\$500.00]~~ \$500.

B. Anyone who violates section 13.04A.070(B)(1) is, upon conviction, subject to a fine of no more than \$500.

[B] C. Anyone who violates section 13.04A.070(E) [shall] is, upon conviction, [be] subject to a fine of [not] no less than ~~[\$50.00]~~ \$50 and [not] no more than ~~[\$500.00]~~ \$500.

[C] D. Anyone who violates section 13.04A.260 [shall] is, upon conviction, [be] guilty of a petty misdemeanor as defined in section 701-107, [Hawaii] Hawai‘i Revised Statutes, and is subject to a fine of up to ~~[\$1,000.00]~~ \$1,000, [and] imprisonment for a term not to exceed thirty days, or both.”

SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 4. This Ordinance takes effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

MIMI DESJARDINS
Department of the Corporation Counsel
County of Maui

hcp:misc:030abill01:lma