

Safe Parks and Public Spaces Act

SECTION 1. Title and Purpose.

- A. This Act shall be known and may be cited as the “Safe Parks and Public Spaces Act.”
- B. The purpose of this Act is to protect the public from the dangers of unauthorized street camping in public parks, rights-of-way, and other public spaces. The Legislature recognizes the risk presented by unauthorized street camping, including conduct that results in the proliferation of drugs and drug paraphernalia, threats of random acts of violence, and the spread of disease and detritus. It is the intention of the Legislature to protect the people of [STATE] in public spaces and rights-of-way by enacting a prohibition on unauthorized street camping.

SECTION 2. Definitions.

As used in this Act, unless otherwise noted:

- A. "Campsite" shall mean a regular location of public grounds designated as a recreational camping ground, area, or facility, that allows temporary overnight occupancy without a permanently fixed structure.
- B. “Department” shall mean the [DEPARTMENT OF HEALTH AND HUMAN SERVICES].
- C. “State funds” shall mean any funds raised by the state and federal funds received by the state for housing or homelessness.
- D. “Public camping” shall mean to sleep upon, occupy, or otherwise use as a substitute for regular shelter, any public property or right-of-way in this state, as evidenced by, but not limited to, the erection of a tent or other temporary shelter, the presence of bedding or pillows, or the storage of personal property.

SECTION 3. Prohibitions.

- A. It shall be unlawful for any person to intentionally or knowingly engage in public camping upon any public property in this state not designated as a campsite by the state or controlling political subdivision, excluding public property specially designated as a temporary site for unsheltered homeless encampments.
- B. An offense committed by a person under this section is a [CLASS X MISDEMEANOR], except for the person’s first offense, whereby the law enforcement officer shall direct the person to the nearest emergency shelter for homeless individuals.

SECTION 4. Pertaining to political subdivisions.

- A. A county or municipality may not authorize or otherwise allow any person to regularly engage in public camping or sleeping on any public property not designated as a campsite by the state or controlling political subdivision, including, but not limited to, any public building or its grounds and any public right-of-way under the jurisdiction of the county or municipality, as applicable, excluding public property specially designated as a temporary site for unsheltered homeless encampments.
- B. A county or municipality may not prohibit or discourage a law enforcement officer or prosecuting attorney who is employed or otherwise under the direction or control of the county or municipality from enforcing any order or ordinance prohibiting public camping, sleeping, or obstruction of sidewalks or other rights-of-way.
- C. A resident of the county, an owner of a business located in the county, or the Attorney General may bring a civil action in any court of competent jurisdiction against any county or applicable municipality to enjoin a violation of subsections (A) or (B). If the resident or business owner prevails in a civil action, the court may award reasonable expenses incurred in bringing the civil action, including court costs, reasonable attorney fees, investigative costs, witness fees, and deposition costs.
 - a. An application for injunction filed pursuant to this subsection must be accompanied by an affidavit attesting that:
 - i. The applicant has provided written notice of the alleged violation of subsection (A) to the governing board of the county or applicable municipality.
 - ii. The applicant has provided the county or applicable municipality with five (5) business days to cure the alleged violation.
 - iii. The county or applicable municipality has failed to take all reasonable actions within the limits of its governmental authority to cure the alleged violation within five (5) business days after receiving written notice of the alleged violation.

SECTION 5. Funding conditional upon enforcement of law.

- A. Any county or municipality shall receive no further state funding for homelessness assistance, prevention, or services until the department determines the county or municipality is in compliance with Section 4 of this Act.
- B. For each day any county or municipality is found to be out of compliance with Section 4 of this Act, starting on the date of a filing of an application for injunction as specified in Section 4(C), the county or municipality shall forfeit a pro-rata amount of state funding for

homelessness assistance, prevention, or services equal to the amount of state funding for homelessness assistance awarded or provided to the county or municipality divided by the days in the award or funding period.

SECTION 6. Severability and Effective Date.

- A. If any provision of this chapter, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this chapter and the application of its provisions to any other person or circumstance shall not be affected thereby.
- B. This Act shall be immediately enforceable, the public health and welfare requiring it.