

JAN 20 2012

S.B. NO. 2495

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# A BILL FOR AN ACT

RELATING TO THE PENAL CODE.

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

1           SECTION 1. Chapter 712, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§712-     Maintaining a property nuisance. (1) A person  
5 commits the offense of maintaining a property nuisance by  
6 owning, leasing, occupying, or having charge or possession of  
7 any property and maintaining that property in such a manner that  
8 any one or more of the following conditions or activities is  
9 allowed to exist or continue:

10           (a) Keeping, storing, depositing, or accumulating on  
11           improved or unimproved real property any personal  
12           property that is within the view of persons on  
13           adjacent or nearby real property or public highway  
14           when the personal property constitutes visual blight,  
15           reduces the aesthetic appearance of the neighborhood,  
16           is offensive to the senses, or is detrimental to  
17           nearby property or property values. Personal property  
18           includes:



- 1            (i) Abandoned, wrecked, or dismantled motor vehicles  
2            or boats or vessels;
- 3            (ii) Automotive parts and equipment, appliances, and  
4            furniture;
- 5            (iii) Containers, packing materials, scrap metal, wood,  
6            building materials, concrete masonry units,  
7            litter, garbage, junk, rubbish, and debris;  
8            provided that wood and building materials being  
9            used, or to be used, for a project of repair or  
10           renovation and for which an active building  
11           permit is in effect may be stored for as long as  
12           is necessary to complete the project  
13           expeditiously. Upon expiration or cancellation  
14           of the building permit, wood and building  
15           materials for the project shall be immediately  
16           removed; and
- 17           (iv) Any photograph, drawing, sculpture, or similar  
18           visual representation of any person of the age of  
19           puberty or older that constitutes an offense of  
20           displaying indecent matter under section 712-  
21           1211;



- 1        (b) Keeping, storing, depositing, or accumulating dirt,  
2        sand, gravel, concrete, or other similar materials  
3        that constitute visual blight, reduce the aesthetic  
4        appearance of the neighborhood, are offensive to the  
5        senses, or are detrimental to nearby property or  
6        property values;
- 7        (c) Operating a junk yard or automobile dismantling yard,  
8        except as a permitted use in an industrial zone;
- 9        (d) Permitting standing or stagnant water to accumulate,  
10       allowing vermin and insects to live, breed, and  
11       multiply;
- 12       (e) Creating, permitting, or maintaining any dangerous,  
13       unsightly, or blighted condition that is detrimental  
14       to the health, safety, or welfare of the public;
- 15       (f) Maintaining the exterior of any vacant or unoccupied  
16       building, or the interior of any building that is  
17       readily visible from any public highway or adjacent  
18       parcel of property, in a state of unsightliness so as  
19       to constitute a blighted condition detrimental to the  
20       property values in the neighborhood or otherwise  
21       detrimental to the public welfare;



- 1        (g) Attracting and providing a place of temporary abode
- 2                for vagrants, interlopers, or trespassers;
- 3        (h) Creating, permitting, or maintaining any illegal
- 4                activity on the property that is detrimental to the
- 5                life, health, safety, and welfare of the residents,
- 6                neighbors, or public. For purposes of this paragraph,
- 7                "illegal activity" means any violation of state or
- 8                federal law, rules, or regulations, or county
- 9                ordinances or rules; and
- 10        (i) Creating, permitting, or maintaining any condition
- 11                recognized in law or in equity as constituting a
- 12                public nuisance.
- 13        (2) Maintaining a property nuisance is a misdemeanor."

14        SECTION 2. Section 712-1270, Hawaii Revised Statutes, is  
15 amended to read as follows:

16        **"§712-1270 Places used to commit offenses against public**  
17 **health and morals, a nuisance.** Every building, premises, or  
18 place used for the purpose of violating:

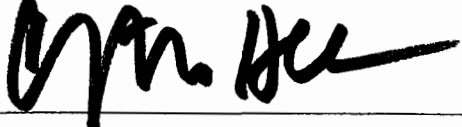
- 19        (1) Those laws pertaining to offenses against public
- 20                health and morals contained in parts I, II, and IV of
- 21                this chapter, except offenses under part IV which do



1 not involve the manufacture or distribution of drugs;  
2 or  
3 (2) Section 132D-14(a)(1) or (3),  
4 and every building, premises, or place in or upon which the  
5 violations are held or occur in parts I, II, and IV, or section  
6 132D-14(a)(1) or (3), or section 712- , is a nuisance that  
7 shall be enjoined, abated, and prevented, regardless of whether  
8 it is a public or private nuisance."

9 SECTION 3. New statutory material is underscored.

10 SECTION 4. This Act shall take effect upon its approval.

11  
INTRODUCED BY: 

# S.B. NO. 2495

**Report Title:**

Crimes; Maintaining a Property Nuisance

**Description:**

Establishes the offense of maintaining a property nuisance as a misdemeanor. Specifies conditions that constitute maintaining a property nuisance.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

