
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 residential property and maintaining that property in such a
8 manner that any one or more of the following conditions or
9 activities is 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 Personal property includes:

16 (i) Abandoned, wrecked, or dismantled motor vehicles
17 or boats or vessels;



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



- 1 (c) Operating a junk yard or automobile dismantling yard,
- 2 except as a permitted use in an industrial zone;
- 3 (d) Permitting standing or stagnant water to accumulate,
- 4 allowing vermin and insects to live, breed, and
- 5 multiply;
- 6 (e) Creating, permitting, or maintaining any dangerous,
- 7 unsightly, or blighted condition that constitutes
- 8 visual blight;
- 9 (f) Attracting and providing a place of temporary abode
- 10 for vagrants, interlopers, or trespassers; and
- 11 (g) Creating, permitting, or maintaining any condition
- 12 recognized in law or in equity as constituting a
- 13 public nuisance.
- 14 (2) Maintaining a property nuisance is a misdemeanor.
- 15 (3) For purposes of this section, "visual blight" means
- 16 any unreasonable or unlawful condition, or use of premises or of
- 17 a building exterior or interior that by reason of its appearance
- 18 as viewed at ground level from the public right-of-way or from
- 19 the neighboring premises, is detrimental to the surrounding
- 20 areas and the property of others, or is detrimental to the
- 21 health, safety, and welfare of individuals residing within that
- 22 community."



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

3 "§712-1270 Places used to commit offenses against public
4 health and morals, a nuisance. Every building, premises, or
5 place used for the purpose of violating:

6 (1) Those laws pertaining to offenses against public
7 health and morals contained in parts I, II, and IV of
8 this chapter, except offenses under part IV which do
9 not involve the manufacture or distribution of drugs;
10 or

11 (2) Section 132D-14(a)(1) or (3),
12 and every building, premises, or place in or upon which the
13 violations are held or occur in parts I, II, and IV, [~~or~~]
14 section 132D-14(a)(1) or (3), or section 712- , is a nuisance
15 that shall be enjoined, abated, and prevented, regardless of
16 whether it is a public or private nuisance."

17 SECTION 3. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 4. This Act shall take effect on July 1, 2050.



Report Title:

Penal Code; Maintaining a Property Nuisance; Offense

Description:

Establishes the offense of maintaining a property nuisance as a misdemeanor. Specifies conditions that constitute maintaining a property nuisance. Effective 07/01/50. (SD1)

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