

JAN 23 2014

A BILL FOR AN ACT

RELATING TO CIVIL PENALTIES ON HISTORIC PRESERVATION.

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

1 SECTION 1. The purpose of this Act is to allow a
2 prevailing private party plaintiff seeking injunctive relief
3 against a defendant for any violation of chapter 6E, Hawaii
4 Revised Statutes, or rules adopted pursuant thereto, to recover
5 reasonable attorney's fees and costs from the defendant,
6 including the State, its agencies, and political subdivisions.

7 SECTION 2. Section 6E-13, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "**§6E-13 Injunctive relief.** (a) In addition to, and
10 without limiting the other powers of the attorney general and
11 without altering or waiving any criminal penalty, civil, or
12 administrative provisions of this chapter, the attorney general
13 shall have the power to bring an action in the name of the State
14 in any court of competent jurisdiction for restraining orders
15 and injunctive relief to restrain and enjoin violations or
16 threatened violations of this chapter.

17 (b) Any person may maintain an action in the trial court
18 having jurisdiction where the alleged violation occurred or is



1 likely to occur for restraining orders or injunctive relief
2 against the State, its political subdivisions, or any person
3 upon a showing of irreparable injury, for the protection of an
4 historic property or a burial site and the public trust therein
5 from unauthorized or improper demolition, alteration, or
6 transfer of the property or burial site.

7 (c) A prevailing private party plaintiff seeking
8 injunctive relief against a defendant for any violation of
9 chapter 6E, or rules adopted pursuant thereto, may recover
10 reasonable attorney's fees and litigation costs from the
11 defendant, including the State, its agencies, and political
12 subdivisions, by order of the court."

13 SECTION 3. New statutory material is underscored.

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

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INTRODUCED BY: 



S.B. NO. 3097

Report Title:

Historic Preservation; Civil Penalties; Court Costs

Description:

Allows a prevailing private party plaintiff seeking injunctive relief against a defendant for any violation of chapter 6E, Hawaii Revised Statutes, or its implementing regulations, to recover reasonable attorney's fees and litigation costs from the defendant.

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