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# 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 on July 1, 2050.

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**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 administrative rules adopted pursuant thereto, to recover reasonable attorney's fees and litigation costs from the defendant. Eff. 7/1/2050. (SD1)

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

