

JAN 18 2013

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# A BILL FOR AN ACT

RELATING TO GAMBLING.

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

1           SECTION 1. The legislature finds that Act 181, Session  
2 Laws of Hawaii 1979, established part V of chapter 712, Hawaii  
3 Revised Statutes, to authorize civil lawsuits to abate criminal  
4 offenses against public health and morals relating to  
5 prostitution or the display of indecent matter. The scope of  
6 the nuisance abatement laws were later expanded by Act 158,  
7 Session Laws of Hawaii 1990, to include offenses relating to the  
8 illegal manufacture or distribution of drugs. Certain fireworks  
9 offenses were subsequently added to the nuisance abatement laws  
10 by Act 136, Session Laws of Hawaii 2010.

11           As a result of the foregoing statutory amendments, the  
12 nuisance abatement laws currently cover every category of  
13 offenses against public health and morals under chapter 712,  
14 Hawaii Revised Statutes, except the gambling offenses under part  
15 III of that chapter. The legislature finds that there is no  
16 compelling reason to exclude illegal gambling from the nuisance  
17 abatement laws. The consequences of illegal gambling, including  
18 the subversion of public order and morals, community disruption,



1 and injury or annoyance to citizens in the enjoyment of their  
2 property or legal rights, make these activities appropriate  
3 subjects of nuisance abatement. Moreover, the addition of  
4 gambling offenses to the nuisance abatement laws would provide  
5 law enforcement with the option to pursue civil remedies as a  
6 complement to the existing prohibitions found in part III of  
7 chapter 712, Hawaii Revised Statutes.

8 The purpose of this Act is to enhance the enforcement of  
9 gambling prohibitions by including these offenses in the  
10 nuisance abatement laws.

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

13 **"§712-1270 Places used to commit offenses against public**  
14 **health and morals, a nuisance.** Every building, premises, or  
15 place used for the purpose of violating:

16 (1) Those laws pertaining to offenses against public  
17 health and morals contained in [~~parts I, II, and IV~~  
18 ~~of~~] this chapter, except offenses under part IV which  
19 do not involve the manufacture or distribution of  
20 drugs; or

21 (2) Section 132D-14(a)(1) or (3),



1 and every building, premises, or place in or upon which [the]  
2 violations of any of the laws set forth in paragraphs (1) and  
3 (2) are held or occur [~~in parts I, II, and IV, or section 132D-~~  
4 ~~14(a)(1) or (3)~~], is a nuisance that shall be enjoined, abated,  
5 and prevented, regardless of whether it is a public or private  
6 nuisance."

7 SECTION 3. Section 712-1270.3, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 "§712-1270.3 **Citizen's rights.** Any citizen who brings a  
10 nuisance abatement suit against a place used for the purpose of  
11 committing:

12 (1) Fireworks related offenses contained in section 132D-  
13 14(a)(1) or (3); [~~or~~]

14 (2) Drug offenses under part IV of this chapter or who  
15 files a complaint with the local police or drug  
16 nuisance abatement unit of the department of the  
17 attorney general [~~or~~]; or

18 (3) Gambling offenses under part III of this chapter,  
19 shall be entitled to the same rights and protections of victims  
20 and witnesses in criminal proceedings in accordance with chapter  
21 801D."



1 SECTION 4. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon its approval.

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# S.B. NO. 317

**Report Title:**

Offenses Against Public Health and Morals; Nuisance Abatement;  
Gambling

**Description:**

Includes gambling among the types of offenses that are subject to the nuisance abatement laws. Entitles citizens who bring nuisance abatement suits against a place used for gambling to the rights and protections of victims and witnesses in criminal proceedings.

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

