

JAN 18 2013

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 law enforcement has
2 often used the nuisance abatement law to hold owners and
3 landlords accountable for addressing known criminal activities
4 occurring on their real property. However, the nuisance
5 abatement law currently does not include gambling offenses even
6 though illegal gambling rooms have been the scene of extremely
7 violent crimes such as homicides and are known to be used for
8 the distribution of narcotics. Currently, there are no
9 consequences for property owners who fail to take action to halt
10 ongoing gambling activity occurring on their property. The
11 nuisance abatement law must therefore be amended to provide an
12 additional course of action for law enforcement to address
13 illegal gambling activities.

14 The purpose of this Act is to enhance the ability of law
15 enforcement to create safer communities by including gambling
16 offenses in the nuisance abatement law.

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



1 "§712-1270 Places used to commit offenses against public
2 health and morals, a nuisance. Every building, premises, or
3 place used for the purpose of violating:

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

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

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

18 "§712-1270.3 Citizen's rights. Any citizen who brings a
19 nuisance abatement suit against a place used for the purpose of
20 committing:

21 (1) Fireworks related offenses contained in section 132D-
22 14(a)(1) or (3); [~~of~~]



1 (2) Drug offenses under part IV of this chapter or who
 2 files a complaint with the local police or drug
 3 nuisance abatement unit of the department of the
 4 attorney general[~~7~~]; or

5 (3) Gambling offenses under part III of this chapter,
 6 shall be entitled to the same rights and protections of victims
 7 and witnesses in criminal proceedings in accordance with chapter
 8 801D."

9 SECTION 4. Statutory material to be repealed is bracketed
 10 and stricken. New statutory material is underscored.

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

12

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Report Title:

Nuisance Abatement; Gambling

Description:

Includes gambling in the nuisance abatement law. Grants citizens who bring nuisance abatement suits against a place used for gambling the same rights and protections as 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.

