

JAN 22 2015

A BILL FOR AN ACT

RELATING TO NUISANCE ABATEMENT.

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

1 SECTION 1. The legislature finds that the Honolulu police
2 department has often used the nuisance abatement law to remind
3 homeowners and landlords about their responsibility to monitor
4 the use of property. However, gambling offenses are not listed
5 as qualifying offenses even though gambling rooms have been the
6 scene of extremely violent crimes, such as homicides, and are
7 known to be used for the distribution of narcotics. Currently,
8 there are no consequences for owners who fail to take action
9 against ongoing gambling activity occurring on their property.
10 The legislature further finds that the law should be amended to
11 address this absence of legal consequences and to provide an
12 additional course of action for law enforcement to use to create
13 a safer community.

14 The purpose of this Act is to deem buildings, premises, or
15 places used to commit gambling offenses under part III of
16 chapter 712, Hawaii Revised Statutes, as nuisances that shall be
17 enjoined, abated, and prevented.



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, III, and
8 IV of this chapter, except offenses under part IV
9 which do not involve the manufacture or distribution
10 of drugs; 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, III, and IV, or
14 section 132D-14(a) (1) or (3), is a nuisance that shall be
15 enjoined, abated, and prevented, regardless of whether it is a
16 public or private nuisance."

17 SECTION 3. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

20 SECTION 4. New statutory material is underscored.

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S.B. NO. 108

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

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INTRODUCED BY:

Will Evers

Randy De Beke

~~DC. Keith~~ [Signature]



S.B. NO. 108

Report Title:

Nuisance Abatement; Gambling Offenses

Description:

Specifies that property upon which gambling offenses occur shall constitute nuisances.

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

