
A BILL FOR AN ACT

RELATING TO CEMETERIES.

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

1 SECTION 1. The legislature finds that Sunset Memorial Park
2 in Pearl City, Oahu, has been neglected for years and has been
3 the subject of numerous complaints by individuals who have
4 family members buried there. The cemetery has been described as
5 having a damaged mausoleum, sinking graves, and markers that are
6 hidden under overgrown grass and bushes. The cemetery was owned
7 and operated by a corporation. That corporation, Hawaiian
8 Cemetery Association, Ltd., dba Sunset Memorial Park,
9 involuntarily dissolved in 2010. Garden Crypts, Inc., owns a
10 small portion of the property that is the site of the mausoleum.
11 That entity was involuntarily dissolved in 2006.

12 Act 193, Session Laws of Hawaii 2018 (Act 193), was enacted
13 to limit liability for the overwhelming number of volunteers
14 maintaining or repairing the cemetery grounds at Sunset Memorial
15 Park. Act 193 further required the department of commerce and
16 consumer affairs, in consultation with the department of
17 accounting and general services, to develop short-term and long-



1 term strategies for the upkeep, repair, and maintenance of
2 Sunset Memorial Park. As a result of Act 193, the department of
3 commerce and consumer affairs worked with a surveyor to map the
4 cemetery and create a website and database to help identify
5 graves at Sunset Memorial Park.

6 The department of commerce and consumer affairs launched
7 the website portal on February 18, 2022, to provide access to
8 grave marker information at Sunset Memorial Park. This portal
9 also allowed members of the public who have family members
10 buried at the cemetery to share information regarding their plot
11 as well as information on purchased plots that are vacant or
12 unmarked. The department of commerce and consumer affairs did
13 not receive much information regarding plots at the cemetery.
14 Due to the lack of an owner for the cemetery, there are no
15 security measures or services for Sunset Memorial Park, and the
16 Park is often the target of vandalism and desecration, with
17 thieves displacing ashes from copper urns to sell the urns,
18 headstones taken off grave sites, and people from homeless
19 encampments setting fire to the area. The effects of cemetery
20 vandalism are not limited to property damage but can also extend



1 to emotional trauma to the relatives and friends of the decedent
2 whose grave has been damaged or desecrated.

3 The purpose of this Act is to permit the director of
4 commerce and consumer affairs to appoint a limited owner of a
5 cemetery for which no owner can be found and authorize the
6 limited owner to:

- 7 (1) File complaints, including trespass complaints, with
- 8 the appropriate law enforcement authorities against
- 9 persons engaged in wrongful acts at the cemetery; and
- 10 (2) Engage in certain security and perpetual care
- 11 activities for the cemetery.

12 SECTION 2. Chapter 662D, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§662D- Limited ownership of cemetery grounds. (a)
 16 The director of commerce and consumer affairs, in accordance
 17 with subsection (b), may appoint an organization as the limited
 18 owner of a cemetery for the purpose of bringing criminal, civil,
 19 or administrative complaints, including trespass or other
 20 complaints, to secure appropriate relief against persons engaged
 21 in wrongful acts.



1 (b) Appointment of limited ownership shall only be made if
2 the director of commerce and consumer affairs determines that:

3 (1) A cemetery has been abandoned;

4 (2) A cemetery is in need of perpetual care or protection
5 from wrongful acts; and

6 (3) No owner or operator for the cemetery can be located.

7 (c) Any organization granted limited ownership pursuant to
8 subsection (a) may engage in security and perpetual care
9 activities for the cemetery, including but not limited to:

10 (1) The installation of security measures, such as fencing
11 and lighting;

12 (2) The implementation of hours of operation;

13 (3) Major repair work by contract, such as tree trimming,
14 electrical and plumbing connectivity, and the
15 integration of solar photovoltaic structures;

16 (4) The generation and raising of long-term funds to
17 support the cemetery; and

18 (5) Any activities in which a volunteer may engage under
19 section 662D-5.



1 (d) Any organization designated as a limited owner shall
2 be entitled to the same limited liability protections as
3 volunteers under section 662D-5.

4 (e) Any organization designated as a limited owner shall
5 submit annual reports to the department of commerce and consumer
6 affairs on the status and progress of any new and existing
7 initiatives undertaken to improve the cemetery.

8 (f) The director of commerce and consumer affairs, in the
9 director's sole discretion, may terminate the limited ownership
10 appointment at any time.

11 (g) Appointment as a limited owner of a cemetery property
12 under this section shall vest no property rights in or
13 entitlements to the land or property. The limited privileges
14 granted to a limited owner under this section shall not be
15 construed as vested rights and may be revoked at any time at the
16 sole discretion of the director of commerce and consumer
17 affairs. No action, including an action seeking damages, or
18 appeal under chapter 91 may be brought by any person against the
19 director or department of commerce and consumer affairs or
20 against the State relating to an organization's appointment,
21 non-appointment, or termination of a designation as a limited



1 owner, or an organization's actions or omissions as a limited
2 owner.

3 (h) For purposes of this section, "wrongful acts" includes
4 activities that are illegal pursuant to any federal, state, or
5 county law, rule, or ordinance."

6 SECTION 3. New statutory material is underscored.

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



Report Title:

DCCA; Cemeteries; Limited Ownership; Perpetual Care; Security; Reports

Description:

Authorizes the Director of Commerce and Consumer Affairs to appoint an organization as the limited owner of a cemetery, under certain circumstances, for the purposes of filing complaints and engaging in certain security and perpetual care activities for the cemetery. Requires an appointed limited owner of a cemetery to submit annual progress reports to the Department of Commerce and Consumer Affairs. (CD1)

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