

ACT 286

H.B. NO. 2932

A Bill for an Act Relating to Nuisance Abatement.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Part V of Chapter 712, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§712- Injunctions against persons. Nothing in this part shall be construed to prohibit injunctions against persons causing a nuisance from entering or residing in any public or private building, premises, or place, in or upon which the nuisance exists.”

SECTION 2. Section 712-1271, Hawaii Revised Statutes, is amended to read as follows:

“§712-1271 Suit to abate. (a) Whenever there is reason to believe that a nuisance as defined in this chapter is in existence, kept, or maintained in any county, the attorney general of the State or the prosecutor or prosecuting attorney of the respective counties shall, or any citizen of the State residing within such county may in the citizen’s own name, or any organization, including, but not limited to a tenant organization within such county may in the organization’s own name, maintain a suit to abate and prevent [such] the nuisance and to perpetually enjoin the person or persons causing the nuisance, or the owner, lessee, or agent of the building, premises, or place in or upon which the nuisance exists from directly or indirectly causing, maintaining, or permitting the nuisance.

(b) No action authorized under this part which seeks to abate or prevent a nuisance shall be filed or maintained against the State or any political subdivision thereof.”

SECTION 3. Section 712-1273, Hawaii Revised Statutes, is amended to read as follows:

“§712-1273 Suit to have precedence. The suit when brought shall have precedence over all cases, excepting criminal proceedings, election contests, and hearings on injunctions, and in [such] the suit evidence of the general reputation of the building, premises, [or] place, or persons shall be admissible for the purpose of proving the existence of the nuisance.”

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 Statutory material to be repealed is bracketed.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

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

(Approved July 20, 1998.)

Note

1. Edited pursuant to HRS §23G-16.5.