
A BILL FOR AN ACT

RELATING TO PROPERTY.

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

SECTION 1. The legislature finds that the right to exclude persons from entering, and the right to direct persons to immediately vacate, residential and commercial real property are fundamental property rights.

SECTION 2. Chapter 666, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§666- Alternative remedy to remove unauthorized persons. (a) In addition to any other remedy authorized by law, a property owner seeking to remove a person from the owner's property may submit an application to the director of law enforcement.

(b) The application shall include:

(1) A request for the director of law enforcement to immediately remove a person from the property;

(2) A statement signed under penalty of perjury that:



1 (A) The individual signing the statement is the owner
2 of the property or the owner's authorized agent;

3 (B) The person to be removed occupies the property
4 without the permission of the property owner;

5 (C) The property owner has directed the person to be
6 removed to leave the property and that person
7 continues to occupy the property;

8 (D) The person to be removed is not a former tenant
9 of the property;

10 (E) The person to be removed entered the property
11 when the property was not open to the public;

12 (F) The person to be removed is not an immediate
13 family member of the property owner; and

14 (G) There is no pending litigation between the person
15 to be removed and the property owner regarding
16 occupation of the property; and

17 (3) An indemnity provision by which the property owner
18 agrees to indemnify, defend, and hold harmless the
19 State, any political subdivision of the State, and its
20 officers, agents, and employees for good faith conduct
21 that was based on the application;



1 provided that an application shall be processed upon payment of
2 a fee in the amount of \$ _____.

3 (c) Upon receipt of the application and fee, the director
4 of law enforcement shall conduct a preliminary investigation
5 that may include reviewing any alleged lease agreement,
6 interviewing neighbors, and conducting any other relevant
7 inquiries to ascertain the validity of the application. If the
8 preliminary investigation indicates probable cause that the
9 assertions made in the application are valid, then the director
10 of law enforcement shall:

11 (1) Serve notice on the person to be removed to
12 immediately vacate the property;

13 (2) Remove that person from the property;

14 (3) Remove any household goods and personal effects of the
15 person from the property; and

16 (4) Put the property owner in possession of the property.

17 (d) Any individual who submits an application under this
18 section that contains false information shall be guilty of the
19 offense of false swearing in official matters under section
20 710-1061.



1 (e) A person wrongfully removed from a property under this
2 section may bring a civil action for appropriate relief and
3 damages within two years after the occurrence of the alleged
4 violation. The civil action shall be brought in the circuit
5 court for the circuit where the property is located.

6 (f) For purposes of this section:

7 "Damages" means damages for injury or loss caused by each
8 violation of this section, including reasonable attorney fees.

9 "Director of law enforcement" includes any designee of the
10 director of law enforcement. The director of law enforcement
11 may designate the chiefs of police of the counties for purposes
12 of this section, who may then designate any employee of their
13 respective departments for purposes of this section.

14 "Property" means real property with at least one
15 residential dwelling unit or commercial building.

16 "Property owner" includes an authorized agent of the
17 property owner."

18 SECTION 3. Chapter 708, Hawaii Revised Statutes, is
19 amended by adding two new sections to part III to be
20 appropriately designated and to read as follows:



1 "§708- Criminal trespasser property damage in the first
2 degree. (1) A person commits the offense of criminal
3 trespasser property damage in the first degree if:

4 (a) The person occupies a property having a residential
5 dwelling or commercial building without the permission
6 of the property owner or authorized agent of the
7 property owner;

8 (b) The property owner or authorized agent of the property
9 owner has directed the person to leave the property
10 and the person continues to occupy the property;

11 (c) The person is not a former tenant of the property;

12 (d) The person entered the property when the property was
13 not open to the public;

14 (e) The person is not an immediate family member of the
15 property owner or of the authorized agent of the
16 property owner;

17 (f) There is no pending litigation between the person and
18 the property owner regarding occupation of the
19 property; and



1 (g) The person intentionally damaged a residential
2 dwelling or commercial building on the property and
3 the cost of damage exceeded \$1,000.

4 (2) Criminal trespasser property damage in the first
5 degree is a class C felony.

6 **§708- Criminal trespasser property damage in the second**
7 **degree.** (1) A person commits the offense of criminal
8 trespasser property damage in the second degree if:

9 (a) The person occupies a property having a residential
10 dwelling or commercial building without the permission
11 of the property owner or authorized agent of the
12 property owner;

13 (b) The property owner or authorized agent of the property
14 owner has directed the person to leave the property
15 and the person continues to occupy the property;

16 (c) The person is not a former tenant of the property;

17 (d) The person entered the property when it was not open
18 to the public;

19 (e) The person is not an immediate family member of the
20 property owner or of the authorized agent of the
21 property owner;



1 (f) There is no pending litigation between the person and
2 the property owner regarding occupation of the
3 property; and

4 (g) The person intentionally damaged a residential
5 dwelling or commercial building on the property and
6 the cost of the damage exceeded \$100.

7 (2) Criminal trespasser property damage in the first
8 degree is a misdemeanor."

9 SECTION 4. Chapter 708, Hawaii Revised Statutes, is
10 amended by adding two new sections to part VI to be
11 appropriately designated and to read as follows:

12 **"§708- False statement to detain real property. (1) A**
13 person commits the offense of false statement to detain real
14 property if the person intentionally or knowingly presents a
15 false document purporting to convey real property rights to
16 another.

17 (2) False statement to detain real property is a
18 misdemeanor.

19 **§708- Fraudulent sale or lease of residential real**
20 **property. (1) A person commits the offense of fraudulent sale**
21 **or lease of residential real property if the person:**



1 (a) Intentionally or knowingly lists or advertises
2 residential real property for sale or rent; and
3 (b) Does not own the residential real property or have
4 permission from the owner or owner's authorized agent
5 of the residential real property to list or advertise
6 the residential real property for sale or rent.


7 (2) Fraudulent sale or lease of residential real property
8 is a class C felony."

9 SECTION 5. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun before its effective date.

12 SECTION 6. New statutory material is underscored.

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

14
INTRODUCED BY: _____


JAN 23 2025



H.B. NO. 1398

Report Title:

Eviction; Squatters; Property; Department of Law Enforcement;
Police

Description:

Establishes an expedited procedure to remove persons from a property who are not tenants or former tenants. Establishes criminal offenses for persons who illegally occupy and damage property, for making a false statement to detain real property, and for fraudulent sale or lease of residential real property.

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

