

JAN 15 2020

A BILL FOR AN ACT

RELATING TO LIQUOR LAW VIOLATIONS.

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

1 SECTION 1. Chapter 281, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§281- Multiple violations; penalties. Notwithstanding
5 any other law to the contrary, if the liquor commission or
6 liquor control adjudication board established pursuant to
7 section 281-11 in a county with a population of five hundred
8 thousand or more determines that any licensee has violated any
9 section of this chapter or any rule in effect by authority of
10 this chapter within twelve months of the initial violation, the
11 penalty for the second or subsequent violation of the same
12 section or rule shall be as follows:

13 (1) For a second violation, the fine shall be a minimum of
14 \$2,000 and a maximum of \$4,000;

15 (2) For a third violation, the fine shall be a minimum of
16 \$4,000 and a maximum of \$8,000;



1 (3) For a fourth violation, the licensee's license shall
2 be suspended for one month; and

3 (4) For a fifth violation, the licensee's license shall be
4 revoked.

5 This section shall be in addition to, and shall not affect,
6 any other applicable penalties."

7 SECTION 2. Section 281-76, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "**§281-76 Tampering with samples; penalty.** Any person who
10 tampers with any sample of liquor taken for analysis under this
11 chapter shall be fined not more than \$2,000 or imprisoned not
12 more than one year, or both[-]; provided that in a county with a
13 population of five hundred thousand or more, the amount of
14 penalty assessed and collected for a second or subsequent
15 violation of this section by a licensee within twelve months of
16 the initial act of tampering shall be assessed pursuant to
17 section 281- ."

18 SECTION 3. Section 281-77, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§281-77 Refusal of samples; penalty.** Any licensee who
21 refuses to deliver or accede to the taking of any sample of



1 liquor for analysis upon disclosure of the procurer's authority
 2 as provided by section 281-75 shall be fined not more than
 3 \$2,000 [-]; provided that in a county with a population of five
 4 hundred thousand or more, the amount of penalty assessed and
 5 collected for a second or subsequent violation of this section
 6 by a licensee within twelve months of the initial act of refusal
 7 shall be assessed pursuant to section 281- ."

8 SECTION 4. Section 281-79, Hawaii Revised Statutes, is
 9 amended to read as follows:

10 "§281-79 Entry for examination; obstructing liquor
 11 commission operations; penalty. Every investigator shall, and
 12 any officer having police power may, at all reasonable times,
 13 and at any time whatsoever if there is any reasonable ground for
 14 suspicion that the conditions of any license are being violated,
 15 without warrant enter into and upon any licensed premises and
 16 inspect the same and every part thereof, and any books or
 17 records therein, to ascertain whether or not all conditions of
 18 the license and all provisions of this chapter and chapter 244D
 19 are being complied with by the licensee.

20 If any investigator or officer, or any person called by the
 21 investigator or officer to the investigator's or officer's aid,



1 is threatened with the use of violence, force, or physical
2 interference or obstacle, or is hindered, obstructed, or
3 prevented by any licensee, the licensee's employees, or any
4 other person from entering into any such premises, or whenever
5 any investigator or officer is by any licensee, the licensee's
6 employees, or any other person opposed, obstructed, or molested
7 in the performance of the officer's duty in any respect, the
8 licensee, the licensee's employee, or any other person shall be
9 fined not more than \$2,000 or imprisoned not more than one year,
10 or both[-]; provided that in a county with a population of five
11 hundred thousand or more, the amount of penalty assessed and
12 collected for a second or subsequent violation of this section
13 by a licensee within twelve months of the initial violation
14 shall be assessed pursuant to section 281- .

15 Whenever any investigator or officer, having demanded
16 admittance into any licensed premises and declared the
17 investigator's or officer's name and office, is not admitted by
18 the licensee or the person in charge of the premises, it shall
19 be lawful for the investigator or officer to forcibly and in any
20 manner to break into and enter the premises."



1 SECTION 5. Section 281-102, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§281-102 Other offenses; penalty. If any person violates
4 this chapter or any rule or regulation in effect by authority of
5 this chapter, whether in connection therewith a penalty is
6 referred to or not, for which violation no penalty is
7 specifically prescribed, the person shall be imprisoned not more
8 than six months or fined not more than \$1,000, or both[-];
9 provided that in a county with a population of five hundred
10 thousand or more, the amount of penalty assessed and collected
11 for a second or subsequent violation of this section by a
12 licensee within twelve months of the initial violation shall be
13 assessed pursuant to section 281- ."

14 SECTION 6. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 7. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 8. This Act shall take effect upon its approval.

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INTRODUCED BY: Paul M. Hood
[Signature]

S.B. NO. 2034

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Sena Mercado
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S.B. NO. 2034

Report Title:

Liquor; Honolulu Liquor Commission; Penalties; Multiple Violations

Description:

Establishes enhanced penalties for multiple violations of the same liquor law by licensees in a county with a population of 500,000 or more under certain circumstances.

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

