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## 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 State's nuisance  
2       abatement laws have been used to hold property owners  
3       responsible for knowingly allowing criminal activities to occur  
4       on the owner's property. The laws also protect citizens who  
5       bring civil nuisance abatement suits for certain criminal  
6       offenses. However, the rights and protections offered to  
7       citizens who bring suits for fireworks-related offenses or drug  
8       offenses are not offered to citizens who bring suits related to  
9       illegal gambling. Additionally, the financial penalties imposed  
10      on property owners who allow illegal gambling on the owner's  
11      property are minimal and discretionary, providing little  
12      deterrence.

13      Accordingly, the purpose of this Act is to:

- 14      (1) Offer rights and protections to citizens who bring  
15              civil nuisance abatement suits related to illegal  
16              gambling; and



(2) Impose a mandatory fine of \$5,000 for violating  
nuisance abatement laws related to gambling offenses.

SECTION 2. Section 712-1270.3, Hawaii Revised Statutes, is  
amended to read as follows:

**"§712-1270.3 Citizen's rights.** Any citizen who brings a  
nuisance abatement suit against a place used for the purpose of  
committing:

(1) Fireworks related offenses contained in section  
132D-14(a)(1) or (3); ~~[or]~~

(2) Drug offenses under part IV of this chapter or who  
files a complaint with the local police or drug  
nuisance abatement unit of the department of the  
attorney general~~[r]~~; or

(3) Gambling offenses under part III of this chapter,  
shall be entitled to the same rights and protections of victims  
and witnesses in criminal proceedings in accordance with chapter  
801D."

SECTION 3. Section 712-1275, Hawaii Revised Statutes, is  
amended to read as follows:

**"§712-1275 Order of abatement.** (1) If the existence of a  
nuisance is established in a suit as provided herein, an order



1 of abatement shall be entered as a part of the judgment in the  
2 case, which order shall include a provision permanently  
3 prohibiting the person or persons causing, maintaining, aiding,  
4 abetting, or permitting the nuisance, if said person or persons  
5 are a party to the proceeding, from residing in or entering into  
6 the building, premises, or place in or upon which the nuisance  
7 exists.

8 (2) Upon the entry of an order of abatement, the court  
9 shall impose a mandatory fine of \$5,000 against any person to  
10 whom the order applies.

11 (3) The court, on the application of the person, may  
12 suspend the prohibition imposed pursuant to subsection (1) if  
13 the person is participating in a court-approved treatment and  
14 monitoring program [which-addresses] to address the person's  
15 conduct [which] that caused the nuisance. If the court  
16 determines that the person has successfully completed the  
17 program and [that-the-person] is not likely to again create a  
18 nuisance, the court may dissolve the injunction against the  
19 person.

20 ~~[In the event that]~~ (4) If the court determines that an  
21 injunction against the person or persons causing, maintaining,



1 aiding, abetting, or permitting the nuisance will not completely  
2 abate the nuisance or that one or more of the persons causing,  
3 maintaining, aiding, abetting, or permitting the nuisance are  
4 not parties to the proceeding, the court shall also direct the  
5 effectual closing of the building, premises, or place, against  
6 its use for any purpose, and that it be kept closed for a period  
7 not exceeding one year, unless sooner released, as provided by  
8 section 712-1277. While the order remains in effect as to  
9 closing, the building, premises, or place shall remain in the  
10 custody of the court.

11 (5) The court's orders may also include~~[, but are not~~  
12 ~~limited to,]~~ an order suspending or revoking any business,  
13 professional, operational, or liquor license."

14 SECTION 4. 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 5. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 6. This Act shall take effect upon its approval.  
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INTRODUCED BY: 



# H.B. NO. 1219

**Report Title:**

Gambling; Nuisance Abatement; Civil Suits; Victim Protection;  
Penalties

**Description:**

Offers rights and protections to citizens who bring civil nuisance abatement suits related to illegal gambling. Imposes a mandatory fine of \$5,000 for violating nuisance abatement laws related to gambling offenses.

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

