

JAN 17 2025

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 law enforcement has
2 often used nuisance abatement laws to hold owners and landlords
3 accountable for allowing known criminal activities to occur on
4 their real property. However, the nuisance abatement law
5 currently does not give citizens who bring suit against a place
6 used for illegal gambling the same rights and protections of
7 victims of crime, and it does not provide the same rights and
8 protections provided to citizens who bring suit against a place
9 used for fireworks related offenses or drug offenses. Further,
10 the financial penalties for property owners are minimal and
11 discretionary, providing little incentive for property owners to
12 make sincere efforts to prevent illegal gambling activity on
13 their property.

14 The purpose of this Act is to:

- 15 (1) Impose a mandatory fine of \$5,000 per violation for
16 nuisance abatement laws related to gambling offenses;
17 and



(2) Authorize citizens who bring civil nuisance abatement suits against places used for illegal gambling the same rights and protections as those afforded to victims and witnesses in criminal proceedings.

SECTION 2. Chapter 712, Hawaii Revised Statutes, is amended by adding a new section to part V to be appropriately designated and to read as follows:

"§712- Fines; gambling. In addition to any other penalty that may be imposed for a violation of part III of this chapter, the court shall impose a mandatory fine of \$5,000 per violation upon any property owner found to have violated nuisance abatement laws under part V of this chapter related to gambling offenses."

SECTION 3. 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~~[7]~~; 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 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

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 Statutory material to be repealed is bracketed and stricken.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

SECTION 6. This Act shall take effect upon its approval.

INTRODUCED BY:

Kurt Ferrel



S.B. NO. 653

Report Title:

Nuisance Abatement; Gambling Offenses; Mandatory Fine

Description:

Requires the court to impose a mandatory fine per violation for nuisance abatement laws related to gambling offenses. Allows citizens who bring civil nuisance abatement suits against places used for illegal gambling the same rights and protections as those afforded to victims and witnesses in criminal proceedings.

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