

A Bill for an Act Relating to the Hawaii Penal Code.

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

SECTION 1. Section 353-9, Hawaii Revised Statutes, is amended to read as follows:

“§353-9 **Records, etc., delivered to successor.** The department of social services and housing shall file all warrants, mittimus, processes, and other official papers, or the attested copies of them, by which any prisoner has been committed, paroled, liberated, or retaken and they shall be safely kept in a suitable box or safe. Upon the death, resignation, or removal from office of the agent of the department having custody of the papers, they shall be delivered, together with all other official records, papers, and journals, to [his] the agent's successor or to any other officer or person duly appointed to receive them. In default of such delivery the agent, if living, may be held liable for [embezzlement,] theft, as provided by section [739-4,] 708-830, and shall also be civilly liable in damages to any person who is injured by such nondelivery. If the agent is dead, the civil liability shall attach to [his] the agent's personal representatives and the sureties upon [his] the agent's official bond, if any has been required jointly and severally. In addition to the civil liability, the agent or [his] the agent's personal representatives and sureties on [his] the agent's official bond shall forfeit and pay for each such default in delivery the sum of \$200 to be recovered for the use of the treasury.”

SECTION 2. Section 409-32, Hawaii Revised Statutes, is amended to read as follows:

“§409-32 **False swearing; penalty.** Any person, having taken an oath in any proceedings or matter where an oath is required by or has been administered under this chapter, who wilfully, corruptly, and falsely states, orally or in writing, some material fact, or wilfully and corruptly procures another to make any statement [as aforesaid,] violating this section, shall be deemed guilty of perjury [or subornation of perjury (as the case may be), and shall be punished as in section 756-5 provided.] as provided in sections 710-1060 to 710-1068 or of criminal solicitation as provided in sections 705-510 to 705-512, as the case may be.”

SECTION 3. Section 666-3, Hawaii Revised Statutes, is amended to read as follows:

“§666-3 **Forfeiture, warning, notice to vacate, refunds.** (a) Any tenancy created by or described in section 666-2 shall be subject to forfeiture where the tenant or any invitee or employee of the tenant commits any act, or causes any condition to exist, within or upon the rented premises which act or condition [is defined as the offense of] constitutes a [common] nuisance [in section 727-1] as defined in section 712-1270.

(b) A written notice shall first be delivered by the landlord to the tenant warning the tenant to abate or cause to be abated the common nuisance within twenty-four hours from the time the notice is delivered. If the common nuisance complained of remains unabated after twenty-four hours from the time the notice is delivered to the tenant, the landlord may terminate the tenancy by a written notice to vacate the premises within five days from the date the second notice is delivered to the tenant. Where rent has been paid in advance by the tenant, refund shall be made by the landlord of the amount of rent so paid

covering the period from the date the rent was paid to and including the date the premises are vacated. If the tenant fails or refuses to vacate the premises within five days from the date of delivery of the second notice, then in case rent has been paid in advance, the landlord shall make a tender of the amount of the refund of rent to which the tenant would have been entitled had [he] the tenant vacated the premises upon the date the notice to vacate was delivered to [him.] the tenant. Thereafter, upon the continued failure or refusal on the part of the tenant to vacate, the landlord may proceed, without further notice, to evict the tenant in any manner authorized by law.”

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

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

(Approved May 19, 1986.)