

ACT 80

S.B. NO. 148

A Bill for an Act Relating to Nuisance Abatement.

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

SECTION 1. The legislature finds that part V of chapter 712, Hawaii Revised Statutes, authorizes civil lawsuits to abate criminal offenses relating to prostitution or the display of indecent matter, illegal manufacture or distribution of drugs, and certain fireworks offenses, which include every category of offenses against public health and morals included under chapter 712, Hawaii Revised Statutes, except gambling offenses under part III of that chapter. The legislature further finds that illegal gambling often attracts activity that involves physical violence and the distribution of narcotics and is therefore an appropriate subject of nuisance abatement. Further, the addition of gambling offenses to the nuisance abatement laws will authorize law enforcement to pursue civil remedies to bolster enforcement of the criminal gambling prohibitions found in part III of chapter 712, Hawaii Revised Statutes.

The purpose of this Act is to promote the prosecution of gambling offenses through their inclusion in the nuisance abatement laws.

SECTION 2. Section 712-1270, Hawaii Revised Statutes, is amended to read as follows:

“§712-1270 Places used to commit offenses against public health and morals, a nuisance. Every building, premises, or place used for the purpose of violating:

- (1) Those laws pertaining to offenses against public health and morals contained in ~~[parts I, II, and IV of]~~ this chapter, except offenses under part IV ~~[which]~~ that do not involve the manufacture or distribution of drugs[;] and activities under part III that involve only social gambling as defined in section 712-1231(a); or

(2) Section 132D-14(a)(1) or (3),
and every building, premises, or place in or upon which ~~[the]~~ violations of any of the laws set forth in paragraph (1) or (2) are held or occur [in parts I, II, and IV, or section 132D-14(a)(1) or (3)], is a nuisance that shall be enjoined, abated, and prevented, regardless of whether it is a public or private nuisance.”

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

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 Statutory material to be repealed is bracketed and stricken.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

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

(Approved June 3, 2015.)