
A BILL FOR AN ACT

RELATING TO FORFEITURE.

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

1 SECTION 1. The Hawaii supreme court in the case of
2 *Carlisle v. One (1) Boat, et al.* (No. 26995, November 17, 2008),
3 held that the State's forfeiture laws, and the department of
4 land and natural resources administrative rules, as applied to
5 natural resource violations do not provide the requisite
6 specificity to authorize forfeiture claims by the State.

7 The purpose of this Act is to clarify that the forfeiture
8 laws apply to violations of conservation and resources statutes
9 and rules and to the protection of caves, historic preservation,
10 and the Kaho'olawe island reserve.

11 SECTION 2. Chapter 6K, Hawaii Revised Statutes, is amended
12 by adding a new section to be appropriately designated and to
13 read as follows:

14 "§6K- Forfeiture. In addition to criminal penalties to
15 be imposed for violations of this chapter or rules adopted
16 pursuant to this chapter, violators may be subject to civil
17 remedies, including forfeiture pursuant to chapter 712A."

1 SECTION 3. The department of land and natural resources,
2 as a matter of policy, shall participate in the forfeiture
3 program as defined in chapter 712A, Hawaii Revised Statutes, and
4 adopt administrative rules pursuant to chapter 91, Hawaii
5 Revised Statutes, in conformance therewith. The department of
6 land and natural resources shall adopt rules in accordance with
7 this section for the protection of caves, historic preservation,
8 and the Kaho‘olawe island reserve.

9 SECTION 4. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun, before its effective date.

12 SECTION 5. New statutory material is underscored.

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

Report Title:

Natural Resources; Forfeiture

Description:

Clarifies that the forfeiture laws apply to violations of conservation and resources statutes and rules and to the protection of caves, historic preservation, and the Kaho'olawe island reserve. (SD1)