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# 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 on July 1, 2050.

**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. Effective 7/1/2050. (SD2)