
A BILL FOR AN ACT

RELATING TO THE KAHO‘OLAWE ISLAND RESERVE.

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

1 SECTION 1. The Hawai‘i supreme court, in *Carlisle v. One*
2 (1) *Boat*, 119 Hawaii 245, 195 P.3d 1177 (2008), overturned an
3 intermediate court of appeals decision that allowed asset
4 forfeiture in cases of natural resource destruction. According
5 to the decision, the penalty sections of rules relating to
6 resource protection, including those of the Kaho‘olawe island
7 reserve commission, must specifically authorize forfeiture.

8 SECTION 2. Section 6K-8, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "§6K-8 Penalty. Any person who violates any of the laws
11 or rules applicable to the island reserve shall be guilty of a
12 petty misdemeanor and shall be fined not more than \$1,000 or
13 imprisoned not more than thirty days, or both, for each offense.
14 Each day of each violation shall be deemed a separate offense.
15 Any equipment, article, instrument, aircraft, vehicle, vessel,
16 business record, or natural resource used or taken in violation
17 of the rules applicable to the island reserve may be seized and



1 subject to forfeiture pursuant to section 199-7 and chapter
2 712A."

3 SECTION 3. The Kaho'olawe island reserve commission, in
4 accordance with section 6K-6, Hawaii Revised Statutes, shall
5 adopt rules pursuant to chapter 91 to provide for forfeiture
6 pursuant to chapter 712A, Hawaii Revised Statutes, for a
7 violation of any provision for which the penalty is established
8 by section 6K-8.

9 SECTION 4. New statutory material is underscored.

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

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INTRODUCED BY: Mele Carroll

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Report Title:

Kahoolawe Island Reserve; Asset Forfeiture

Description:

Provides for the seizure and forfeiture of a variety of equipment and instruments used or taken in violation of the laws or rules applicable to the island reserve.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

