
A BILL FOR AN ACT

RELATING TO ASSET FORFEITURE.

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

1 SECTION 1. Section 712A-4, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§712A-4 Covered offenses.** Offenses for which property is
4 subject to forfeiture under this chapter are:

5 (a) All offenses that specifically authorize forfeiture;

6 (b) Murder, kidnapping, labor trafficking, gambling,
7 criminal property damage, robbery, bribery, extortion,
8 theft, unauthorized entry into motor vehicle,

9 burglary, money laundering, trademark counterfeiting,

10 insurance fraud, promoting a dangerous, harmful, or

11 detrimental drug, commercial promotion of marijuana,

12 methamphetamine trafficking, manufacturing of a

13 controlled substance with a child present, promoting

14 child abuse, or electronic enticement of a child that

15 is chargeable as a felony offense under state law;

16 (c) The manufacture, sale, or distribution of a controlled

17 substance in violation of chapter 329, promoting

18 detrimental drugs or intoxicating compounds, promoting



1 pornography, promoting pornography for minors, or
 2 promoting prostitution, which is chargeable as a
 3 felony or misdemeanor offense [~~, but not as a petty~~
 4 ~~misdemeanor,~~] under state law; [and]

5 (d) The attempt, conspiracy, solicitation, coercion, or
 6 intimidation of another to commit any offense for
 7 which property is subject to forfeiture [~~-~~]; and

8 (e) Any violation of laws or rules that is charged as a
 9 petty misdemeanor."

10 SECTION 2. Section 712A-5, Hawaii Revised Statutes, is
 11 amended by amending subsection (2) to read as follows:

12 "(2) Except that:

13 ~~[(a) Real property, or an interest therein, may be~~
 14 ~~forfeited under the provisions of this chapter only in~~
 15 ~~cases in which the covered offense is chargeable as a~~
 16 ~~felony offense under state law;~~

17 ~~(b)]~~ (a) No property shall be forfeited under this chapter
 18 to the extent of an interest of an owner, by reason of
 19 any act or omission established by that owner to have
 20 been committed or omitted without the knowledge and
 21 consent of that owner;



1 ~~[(e)]~~ (b) No conveyance used by any person as a common
2 carrier in the transaction of a business as a common
3 carrier is subject to forfeiture under this section
4 unless it appears that the owner or other person in
5 charge of the conveyance is a consenting party or
6 privy to a violation of this chapter;

7 ~~[(d)]~~ (c) No conveyance is subject to forfeiture under this
8 section by reason of any act or omission established
9 by the owner thereof to have been committed or omitted
10 without the owner's knowledge or consent; and

11 ~~[(e)]~~ (d) A forfeiture of a conveyance encumbered by a bona
12 fide security interest is subject to the interest of
13 the secured party if the secured party neither had
14 knowledge of nor consented to the act or omission."

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

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

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

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INTRODUCED BY:

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JAN 24 2013



Report Title:

Petty Misdemeanor; Forfeiture

Description:

Authorizes the forfeiture of any property used or taken in any violation of laws or rules that results in a petty misdemeanor.

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