
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, promoting prostitution, solicitation of a
15 minor for prostitution, habitual solicitation of
16 prostitution, or electronic enticement of a child that
17 is chargeable as a felony offense under state law;



1 (c) The manufacture, sale, or distribution of a controlled
2 substance in violation of chapter 329, promoting
3 detrimental drugs or intoxicating compounds, promoting
4 pornography, promoting pornography for minors, or
5 solicitation of prostitution near schools or public
6 parks, which is chargeable as a felony or misdemeanor
7 offense [~~, but not as a petty misdemeanor,~~] under state
8 law; [~~and~~]

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

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

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

16 "(2) Except that:

17 [~~(a) Real property, or an interest therein, may be~~
18 ~~forfeited under the provisions of this chapter only in~~
19 ~~eases in which the covered offense is chargeable as a~~
20 ~~felony offense under state law;~~

21 ~~(b)] (a) No property shall be forfeited under this chapter~~

22 to the extent of an interest of an owner, by reason of



1 any act or omission established by that owner to have
2 been committed or omitted without the knowledge and
3 consent of that owner;

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

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

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

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

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



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

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H.B. NO. 2057

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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