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## 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 ~~cases in which the covered offense is chargeable as a~~  
 20 ~~felony offense under state law;~~]



1       ~~(b)~~ (a) No property shall be forfeited under this chapter  
2           to the extent of an interest of an owner, by reason of  
3           any act or omission established by that owner to have  
4           been committed or omitted without the knowledge and  
5           consent of that owner;

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

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

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



# H.B. NO. 1079

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

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 Statutory material to be repealed is bracketed  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

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

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INTRODUCED BY:

*[Signature]*  
*[Signature]*  
*[Signature]*  
*[Signature]*

JAN 27 2015



# H.B. NO. 1079

**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.

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

