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## A BILL FOR AN ACT

RELATING TO PROPERTY FORFEITURE.

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

1           SECTION 1. Section 712A-5, Hawaii Revised Statutes, is  
2 amended by amending subsection (2) to read as follows:

3           " (2) Except that:

4           (a) Real property, or an interest therein, may be  
5           forfeited under the provisions of this chapter only in  
6           cases in which the covered offense is chargeable as a  
7           felony offense under state law;

8           (b) No property shall be forfeited under this chapter to  
9           the extent of an interest of an owner [~~, by~~]:

10           (i) By reason of the commission of any covered  
11           offense unless:

12           (A) The covered offense is chargeable as a  
13           felony offense under state law; and

14           (B) The owner has been convicted of the covered  
15           offense by a verdict or plea, including a no  
16           contest plea or a deferred acceptance of  
17           guilty plea or no contest plea; or



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

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

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

18           SECTION 2. 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.



# H.B. NO. 1559

1 SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval.

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# H.B. NO. 1559

**Report Title:**

Civil Asset Forfeiture

**Description:**

Prohibits civil asset forfeiture by reason of the commission of a covered offense, to the extent of the property owner's interest, unless the covered offense is a felony for which the property owner has been convicted.

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