

---

---

# A BILL FOR AN ACT

RELATING TO KAHO‘OLAWE ISLAND RESERVE.

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

1           SECTION 1. The Hawaii supreme court, in *Carlisle v. One*  
2    (1) *Boat*, overturned an intermediate court of appeals decision  
3    that allowed non-natural resource forfeiture in cases of natural  
4    resource destruction or degradation. According to the decision,  
5    the penalty provisions for violations of laws or administrative  
6    rules relating to resource protection, which would include those  
7    of the Kaho‘olawe island reserve commission, must specifically  
8    authorize forfeiture.

9           The purpose of this Act is to clarify that any equipment,  
10   article, instrument, aircraft, vehicle, vessel, business record,  
11   or natural resource used or taken in violation of laws or rules  
12   applicable to the Kaho‘olawe island reserve may be seized and  
13   subject to forfeiture pursuant to section 199-7 and chapter  
14   712A, Hawaii Revised Statutes, and subject to the limitations on  
15   excessive forfeitures in section 712A-5.5, Hawaii Revised  
16   Statutes, if the offense occurs within one nautical mile of the



1 shoreline of Kaho'olawe island, subject to rules adopted by the  
2 department.

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

5 **"§6K-8 Penalty[-]; offenses subject to forfeiture. (a)**

6 Any person who violates any of the laws or rules applicable to  
7 the island reserve shall be guilty of a petty misdemeanor and  
8 shall be fined not more than \$1,000 or imprisoned not more than  
9 thirty days, or both, for each offense. Each day of each  
10 violation shall be deemed a separate offense.

11 (b) Property or natural resources used or taken in  
12 violation of this chapter or rules adopted by the department or  
13 the commission may be subject to seizure, disposal, and  
14 forfeiture in accordance with section 199-7 and the procedures  
15 under chapter 712A, including the limitation on excessive  
16 forfeitures specified in section 712A-5.5; provided that the  
17 offense occurs within the fast lands of the reserve or by  
18 persons or on vessels located in the area extending seaward one  
19 nautical mile of the shoreline of Kaho'olawe island.



1        (c) The department and commission shall adopt rules,  
2 pursuant to chapter 91, to effectuate the purposes of this  
3 section."

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

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

9        SECTION 5. This Act shall take effect on July 1, 2050.



**Report Title:**

Kaho'olawe Island Reserve; Forfeiture; Seizure; Disposal

**Description:**

Clarifies that property or natural resources used or taken in violation of laws or rules pertaining to Kaho'olawe island may be subject to seizure, disposal, and forfeiture in accordance with existing law if the offense occurs within the fast lands of the reserve or by persons or on vessels located in the area extending seaward one nautical mile of the shoreline of Kaho'olawe island. Takes effect on 7/1/2050. (SD2)

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

