

ACT 99

S.B. NO. 362

A Bill for an Act Relating to the Enforcement Program of the Department of Land and Natural Resources.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 199-7, Hawaii Revised Statutes, is amended to read as follows:

“[[§199-7]] Seizure and forfeiture of [equipment.] certain property. Any equipment, article, [or] instrument, aircraft, vehicles, or vessels, used or possessed in violation of title 12 and rules [and regulations promulgated] adopted thereunder, is declared to be a public nuisance and subject to seizure by any enforcement officer of the department of land and natural resources or by any police officer; and upon conviction of the person having possession or control of such equipment, article, [or] instrument, aircraft, vehicles, or vessels, for a violation of any provision of [such] the laws or rules [and regulations], the equipment, article, [or] instrument, aircraft, vehicles, or vessels, may be declared by the court to be forfeited to the State[.] in accordance with the procedure set forth in the Hawaii Penal Code. Any property so forfeited shall be turned over to the department of land and natural resources and destroyed, if illegal, or otherwise shall be sold at public auction in the judicial circuit in which it was seized, the auction to be held once annually at a place and time to be designated by the department and notice thereof to be published in a newspaper of general circulation within the judicial circuit at least once before the auction, the first publication to be not less than twenty days prior to the auction. The auction shall be conducted by a person other than an employee of the department but designated by the department.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.

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

(Approved May 24, 1983.)