

JAN. 21 2011

A BILL FOR AN ACT

RELATING TO ASSET FORFEITURE.

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

1 SECTION 1. The Hawai'i Supreme Court, in *Carlisle v. One*
2 (1) *Boat and Tran*, 119 Hawai'i 245 (2008), overturned an
3 Intermediate Court of Appeals decision that allowed asset
4 forfeiture in cases of resource destruction, where applicable
5 penalty provisions did not specifically authorize forfeiture.

6 The purpose of this Act is to specifically authorize asset
7 forfeiture for violation of the laws and rules applicable to the
8 Kaho'olawe Island Reserve.

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

11 "**§6K-8 Penalty.** Any person who violates any of the laws
12 or rules applicable to the island reserve shall be guilty of a
13 petty misdemeanor and shall be fined not more than \$1,000 or
14 imprisoned not more than thirty days, or both, for each offense.
15 Each day of each violation shall be deemed a separate offense.
16 Any equipment, article, instrument, aircraft, vehicle, vessel,
17 business record, or natural resource used or taken in violation



1 of the laws or rules applicable to the island reserve may be
 2 seized and subject to forfeiture as provided by section 199-7
 3 and chapter 712A."

4 SECTION 3. New statutory material is underscored.

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

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Report Title:

Kaho'olawe Island Reserve Commission; Forfeiture

Description:

Requires the forfeiture of any equipment, article, instrument, aircraft, vehicle, vessel, business record, or natural resource used or taken in violation of the laws or rules applicable to the Kaho'olawe Island Reserve.

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