
A BILL FOR AN ACT

RELATING TO PROPERTY FORFEITURE.

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

SECTION 1. Section 712A-5, Hawaii Revised Statutes, is amended to read as follows:

"§712A-5 Property subject to forfeiture; exemption. (1)

The following shall be subject to forfeiture:

(a) Property described in a statute authorizing forfeiture;

(b) Property used or intended for use in the commission of, attempt to commit, or conspiracy to commit a covered offense, or that facilitated or assisted the activity;

(c) Any firearm that is subject to forfeiture under any other subsection of this section or that is carried during, visible, or used in furtherance of the commission, attempt to commit, or conspiracy to commit a covered offense, or any firearm found in proximity to contraband or to instrumentalities of an offense;



- 1 (d) Contraband or untaxed cigarettes in violation of
2 chapter 245, shall be seized and summarily forfeited
3 to the State without regard to the procedures set
4 forth in this chapter;
- 5 (e) Any proceeds or other property acquired, maintained,
6 or produced by means of or as a result of the
7 commission of the covered offense;
- 8 (f) Any property derived from any proceeds that were
9 obtained directly or indirectly from the commission of
10 a covered offense;
- 11 (g) Any interest in, security of, claim against, or
12 property or contractual right of any kind affording a
13 source of influence over any enterprise that has been
14 established, participated in, operated, controlled, or
15 conducted in order to commit a covered offense; and
- 16 (h) All books, records, bank statements, accounting
17 records, microfilms, tapes, computer data, or other
18 data that are used, intended for use, or that
19 facilitated or assisted in the commission of a covered
20 offense, or that document the use of the proceeds of a
21 covered offense.



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

5 (3) The following limitations shall apply to the
6 forfeiture of property under this chapter; provided that nothing
7 in this subsection shall be construed to prevent the seizure of
8 property before conviction pursuant to section 712A-6:

9 (a) No property shall be forfeited under this chapter by
10 reason of the commission of any covered offense unless
11 the owner has received a charge for the covered
12 offense. If no such charge is filed within one year
13 from the date of seizure, all property seized shall be
14 returned to the legal owner, as determined by the
15 department or agency in possession of the property,
16 one year from the date of seizure; provided that
17 property that is contraband or otherwise unlawful
18 shall not be returned and shall be disposed of
19 pursuant to rules adopted by the attorney general;
20 provided further that if the legal owner cannot be
21 determined or located, the department or agency in



1 possession of the property shall follow procedures set
2 forth in rules adopted by the attorney general to
3 determine or locate the owner;

4 (b) Except as provided in subsection (4), ~~[No]~~ no property
5 shall be forfeited under this chapter by reason of any
6 act or omission established by the owner to have been
7 committed or omitted without the knowledge and consent
8 of the owner;

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

15 (d) No conveyance shall be subject to forfeiture under
16 this section by reason of any act or omission
17 established by the owner thereof to have been
18 committed or omitted without the owner's knowledge or
19 consent; and

20 (e) A forfeiture of a conveyance encumbered by a bona fide
21 security interest shall be subject to the interest of



1 the secured party if the secured party neither had
2 knowledge of nor consented to the act or omission.

3 (4) Real property, or an interest therein, may be
4 forfeited under the provisions of this chapter or section 712-
5 1230 for the offense of promoting gambling in the first or
6 second degree regardless of whether the crime was committed
7 without the knowledge and consent of the owner.

8 ~~[(4)]~~ (5) This chapter shall not apply to the forfeiture
9 of an animal pursuant to section 711-1109.2.

10 ~~[(5)]~~ (6) This section shall not prohibit or restrict
11 forfeitures authorized by law other than this chapter. "

12 SECTION 2. Section 712-1230, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§712-1230 Forfeiture of property used in illegal**
15 **gambling.** Any gambling device, paraphernalia used on fighting
16 animals, or birds, implements, furniture, personal property,
17 vehicles, vessels, aircraft, or gambling record possessed or
18 used in violation of this part, or any money or personal
19 property used as a bet or stake in gambling activity in
20 violation of this part, or real property used as a location for



1 violation of this part, may be ordered forfeited to the State,
2 subject to the requirements of chapter 712A. "

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

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

8 SECTION 5. This Act shall take effect on July 1, 2026.

9

INTRODUCED BY:



JAN 27 2026



H.B. NO. 2355

Report Title:

Illegal Gambling; Real Property; Forfeiture; Crime

Description:

Authorizes the forfeiture of real property when used to commit promoting gambling in the first or second degree regardless of whether it was committed without the knowledge and consent of the owner. Authorizes the forfeiture of real property under the gambling forfeiture section.

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

