

JAN 22 2026

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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. The legislature finds that Act 288, Session  
2 Laws of Hawaii 2025 (Act 288), took important steps toward  
3 improving fairness and accountability in the State's property  
4 seizure and forfeiture processes, including allowing the  
5 forfeiture of property seized in relation to a crime only if the  
6 charge for a covered offense is filed within one year of the  
7 property seizure. Nevertheless, the legislature recognizes that  
8 these forfeiture laws, as amended by Act 288, still do not  
9 require law enforcement to obtain a conviction for the covered  
10 offense before selling or disposing of the seized property.

11 Accordingly, the purpose of this Act is to make property  
12 forfeiture under chapter 712A, Hawaii Revised Statutes, more  
13 just by restricting the forfeiture of property seized in  
14 relation to a crime to cases where the property owner has been  
15 convicted of the covered offense.

16 SECTION 2. Section 712A-5, Hawaii Revised Statutes, is  
17 amended by amending subsection (3) to read as follows:



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

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



- 1 (b) No property shall be forfeited under this chapter by
- 2 reason of any act or omission established by the owner
- 3 to have been committed or omitted without the
- 4 knowledge and consent of the owner;
- 5 (c) No conveyance used by any person as a common carrier
- 6 in the transaction of a business as a common carrier
- 7 shall be subject to forfeiture under this section
- 8 unless it appears that the owner or other person in
- 9 charge of the conveyance is a consenting party or
- 10 privy to a violation of this chapter;
- 11 (d) No conveyance shall be subject to forfeiture under
- 12 this section by reason of any act or omission
- 13 established by the owner thereof to have been
- 14 committed or omitted without the owner's knowledge or
- 15 consent; [and]
- 16 (e) A forfeiture of a conveyance encumbered by a bona fide
- 17 security interest shall be subject to the interest of
- 18 the secured party if the secured party neither had
- 19 knowledge of nor consented to the act or omission[-];
- 20 and



1        (f) No property shall be forfeited under this chapter  
2        unless the owner has been convicted of a covered  
3        offense by verdict or plea, including a no contest  
4        plea or a deferred acceptance of guilty plea or no  
5        contest plea."

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

9        SECTION 4. Statutory material to be repealed is bracketed  
10      and stricken. New statutory material is underscored.

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

12

INTRODUCED BY: Karl Rhoads



# S.B. NO. 2457

**Report Title:**

Property Forfeiture; Crime; Conviction Requirement

**Description:**

Amends forfeiture laws to require the owner of property seized in relation to a crime to be convicted of the covered offense before the property may be forfeited.

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

