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MICHELE MCLEAN  
KA'IULANI MURPHY

*KŪKULU KE EA A KANALOA*  
**KAHO'OLAWE ISLAND RESERVE COMMISSION**

811 Kolu Street, Suite 201, Wailuku, HI 96793  
Telephone (808) 243-5020 Fax (808) 243-5885  
Website: <http://kahoolawe.hawaii.gov>

Michael K. Nāho'opi'i  
*Executive Director*

**Testimony of  
MICHAEL K. NAHO'OPTI  
Executive Director**

**Before the Senate Committee on  
JUDICIARY AND LABOR**

**Tuesday, March 1, 2011  
9:00 AM  
State Capitol, Conference Room 016**

**In consideration of  
SENATE BILL 815  
RELATING TO ASSET FORFEITURE**

Senate Bill 815, provides for the seizure and forfeiture of a variety of equipment and instruments used or taken in violation of the laws or rules applicable to the island Reserve . The Kaho`olawe Island Reserve Commission (KIRC) supports this measure for it would strengthen our enforcement ability and provide the KIRC with another tool to manage the Kaho`olawe Island Reserve (Reserve).

The Hawai'i Supreme Court, in *Carlisle v. One (1) Boat and Tran* (Nov 17, 2008), overturned an Intermediate Court of Appeals decision that allowed asset forfeiture in cases of natural resource destruction – ultimately taking the teeth out of any enforcement rules in place. According to the decision, the penalty sections of DLNR (and, therefore, KIRC) rules must specifically authorize forfeiture.

The KIRC seeks the addition of the forfeiture clause to HRS 6K-8 to increase the penalties for violators, thus strengthening our enforcement capabilities and our protection of the Reserve's resources.