
DEPARTMENT OF THE ATTORNEY GENERAL

Adoption of Chapter 5-51
Hawaii Administrative Rules

December 31, 2019

SUMMARY

Chapter 5-51, Hawaii Administrative Rules,
entitled "Administrative Asset Forfeiture" is adopted.

PREAMBLE

Administrative asset forfeiture is an important law enforcement tool in the fight against crime. It deprives criminals of the money and resources necessary to continue illegal enterprises and reduces the economic incentive to engage in criminal activity. Asset forfeiture redirects the money from supporting illegal activity to supporting law enforcement, specifically community policing activities, training, and law enforcement operations intended to protect and serve communities. Chapter 5-51, Hawaii Administrative Rules, entitled "Administrative Asset Forfeiture," clarifies the procedures applicable to county law enforcement officials and those seeking remission or mitigation of an asset forfeiture decision. Chapter 5-51 also establishes policies and procedures that facilitate consistent and timely processing of petitions for administrative asset forfeiture. To further bolster the integrity of the asset forfeiture process, Chapter 5-51 incorporates by reference, the National Code of Professional Conduct for Asset Forfeiture. (See appendix A). All seizing and prosecutorial agencies must comply with Chapter 712A, Hawaii Revised Statutes, Chapter 5-51, Hawaii Administrative Rules, and the National Code of Professional Conduct for Asset Forfeiture.

HAWAII ADMINISTRATIVE RULES

TITLE 5

DEPARTMENT OF THE ATTORNEY GENERAL

SUBTITLE 5

FORFEITURES

CHAPTER 51

ADMINISTRATIVE ASSET FORFEITURE

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SUBCHAPTER 1

GENERAL PROVISIONS

§5-51-1 Purpose. This chapter shall govern the practice and procedure for the filing and processing of petitions for administrative forfeiture, pursuant to section 712A-10, Hawaii Revised Statutes. [Eff 1/17/2020] (Auth: HRS §§712A-10) (Imp: HRS §§712A-1, 712A-10, 712A-16)

§5-51-2 Definitions. The definitions set forth in chapter 712A, Hawaii Revised Statutes, are incorporated herein by reference. [Eff 1/17/2020] (Auth: HRS §712A-10) (Imp: HRS §§712A-1, 712A-10)

SUBCHAPTER 2

PETITIONS FOR ADMINISTRATIVE FORFEITURE

§5-51-21 Petitions for administrative forfeiture.
(a) In addition to the requirements set forth in section 712A-10, Hawaii Revised Statutes, the petition for administrative forfeiture provided in section 712A-10(1), Hawaii Revised Statutes, shall include:

- (1) An itemized listing of all property subject to forfeiture in the caption;
- (2) The estimated value of each item and the aggregate value of all subject property listed in the caption;
- (3) The vehicle identification number of any vehicle listed in the caption (if no vehicle identification number can be ascertained, the petition shall include a statement setting forth the reason why the vehicle identification number is not ascertainable);
- (4) A statement that all requirements and deadlines of chapter 712A, Hawaii Revised Statutes, have been met;
- (5) A statement setting forth the applicable covered offense(s) and any lesser included

offense(s) upon which the property is subject to forfeiture pursuant to section 712A-4, Hawaii Revised Statutes, and the basis for the forfeiture pursuant to section 712A-5, Hawaii Revised Statutes;

- (6) A statement of relevant facts sufficient to support a finding of probable cause for forfeiture of the property pursuant to section 712A-6, Hawaii Revised Statutes;
- (7) The identity of all persons who have an interest in the property;
- (8) A statement setting forth the interest in the subject property held by each person known to have an interest in the subject property as defined in section 712A-1, Hawaii Revised Statutes; and
- (9) Copies of all police reports pertaining to the covered offense(s) and any other documentation relevant to supporting a finding of probable cause as to the covered offense(s) as set forth in the petition shall be submitted as a separate document. Any police report or other confidential documentation submitted pursuant to this subsection shall be protected from disclosure as provided by law.

(b) There shall be only one petition filed in matters involving multiple interested parties when the forfeiture of subject property shares the same underlying factual basis.

(c) In matters where the subject property includes currency:

- (1) All subject currency shall:
 - (A) Be deposited in accordance with the procedures set forth in appendix E, "Deposit of Currency - Procedures"; and
 - (B) Be deposited after but no later than thirty days after the petition for administrative forfeiture is filed with the attorney general.
- (2) After the subject currency has been deposited, proof of deposit shall be given to the attorney general by submitting the following:
 - (A) The completed "List of Deposits Form," attached hereto as appendix F;
 - (B) The bank's preprinted deposit ticket, a sample of which has been attached hereto

as appendix G, "Preprinted Deposit Ticket"; and

(C) The bank receipt showing the deposit has been made.

(d) A petition for administrative forfeiture shall be filed with the attorney general within forty-five days of the prosecuting attorney receiving the written request for forfeiture from the seizing agency, calculated as set forth under section 712A-10, Hawaii Revised Statutes.

(e) In addition to the petition for administrative forfeiture, a "Notice of Intention to Administratively Forfeit Property," a sample template of which is attached as appendix B, shall be filed with the following attachments:

- (1) As "Exhibit 1," the "Verified Petition for Remission or Mitigation Form," attached herein as appendix C; and
- (2) As "Exhibit 2," the "Declaration in Support of Request to Proceed In Forma Pauperis Form," attached herein as appendix D.

(f) A petition may be sent by regular mail, email, or facsimile transmittal to the appropriate division within the department of the attorney general, within the time limit for such filing. The date on which the petition is received by the attorney general shall be deemed to be the date of filing.

(g) A petition that fails to comply with the requirements set forth in subchapter 2 herein may be dismissed or denied by the attorney general with or without prejudice. Any order of dismissal or denial issued pursuant to subchapter 2 shall state the underlying reason(s) for dismissal or denial.

(h) There shall be no appeal from the attorney general's decision or order pursuant to section 712A-10(11). [Eff 1/17/2020] (Auth: HRS §712A-10) (Imp: HRS §§712A-1, 712A-4, 712A-5, 712A-6, 712A-9, 712A-10)

§5-51-22 Refiled petitions for administrative forfeiture. (a) A petition dismissed without prejudice may be refiled if filed with the attorney general within forty-five days of the date of the dismissal. Any and all refiled petitions shall comply with the filing requirements set forth in subchapter 2.

(b) The prosecuting attorney shall be barred from refiled a petition if the petition is not refiled

within the forty-five-day deadline provided in section 5-51-22(a), unless the prosecuting attorney establishes good cause for failing to timely refile.

(c) There shall be no appeal from the attorney general's decision or order pursuant to section 712A-10(11). [Eff 1/17/2020] (Auth: HRS §712A-10) (Imp: HRS §§712A-1, 712A-10)

§5-51-23 Amended petitions for administrative forfeiture. (a) The prosecuting attorney may seek to amend a petition, provided the amended petition:

- (1) Complies with the filing requirements set forth in subchapter 2 herein;
- (2) Is received by the attorney general prior to the filing of any order in the matter;
- (3) Includes a transmittal stating the good faith reason the amended petition is necessary; and
- (4) Complies with deadlines set by the attorney general within the attorney general's discretion and pursuant to the applicable law.

(b) The attorney general shall not accept an amended petition for administrative forfeiture unless there is a good faith reason for the amendment.

(c) An amended petition that fails to comply with the requirements, set forth in subchapter 2 herein, may be dismissed or denied by the attorney general with or without prejudice. Any order of dismissal or denial issued pursuant to subchapter 2 herein shall state the underlying reason(s) for dismissal or denial.

(d) There shall be no appeal from the attorney general's decision or order pursuant to section 712A-10(11). [Eff 1/17/2020] (Auth: HRS §712A-10) (Imp: HRS §§712A-1, 712A-10)

§5-51-24 Withdrawal of petition for administrative forfeiture. (a) The prosecuting attorney may submit a motion to withdraw a petition for administrative forfeiture at any time prior to the filing of an order on the petition by the attorney general.

(b) Upon receipt of the motion to withdraw a petition, the attorney general shall file an order dismissing the petition without prejudice.

(c) Any petition dismissed without prejudice under this section shall comply with the refiling requirements set forth in section 5-51-22 herein.

(d) The prosecuting attorney shall be barred from refiling a petition that has been withdrawn if the petition is not refiled within the forty-five-day deadline provided in section 5-51-22(a) herein. [Eff 1/17/2020] (Auth: HRS §712A-10) (Imp: HRS §§712A-1, 712A-10)

§5-51-25 Documentation of service efforts for notice of pending forfeiture and petition for administrative forfeiture. (a) In addition to complying with the notice requirements in sections 712A-10(2), 712A-10(3), and 712A-8, Hawaii Revised Statutes, when serving copies of the notice of pending forfeiture and petition for administrative forfeiture on any interested party or parties, the prosecuting attorney shall:

- (1) Submit to the attorney general, as soon as practicable, a "Certificate of Service and Certificate of Attempt to Serve," a sample of which is attached hereto as appendix H, that indicates whether service was:
 - (A) Completed by personal service;
 - (B) Completed by certified mail;
 - (C) Attempted by certified mail, which was returned and marked "UNCLAIMED" or "REFUSED," and was subsequently completed by regular mail; or
 - (D) Attempted by both certified and regular mail and both were returned. In such instances, the prosecuting attorney shall also indicate all other efforts undertaken to serve the interested party and shall complete the "Certificate of Attempt to Serve" section of the sample form attached hereto as appendix H; and
- (2) Submit to the attorney general either a copy of the original return receipt for certified mail or copy of the returned envelope.

(b) In matters for which service attempts are unsuccessful, the attorney general shall determine whether the service efforts are sufficient. In the event service efforts are deemed insufficient, the attorney general may require the prosecuting attorney

to make further service efforts, which may include providing notice by publication pursuant to section 712A-8(c), Hawaii Revised Statutes. [Eff 1/17/2020] (Auth: HRS §712A-10) (Imp: HRS §§712A-1, 712A-8, 712A-10)

§5-51-26 Publication. Publication by the attorney general, as set forth under section 712A-10(3), Hawaii Revised Statutes, shall be completed as soon as practicable after the filing of a petition for administrative forfeiture or in accordance with a publication schedule established by the attorney general. [Eff 1/17/2020] (Auth: HRS §712A-10) (Imp: HRS §§712A-1, 712A-10)

SUBCHAPTER 3

PETITIONS FOR REMISSION OR MITIGATION OF FORFEITURE; CLAIMS AND COST BONDS; AND CLAIMS AND IN FORMA PAUPERIS BONDS

§5-51-31 Who may file a petition for remission or mitigation of forfeiture; a claim and cost bond; or a claim and in forma pauperis bond. The following persons may file a petition for remission or mitigation of forfeiture; a claim and cost bond; or a claim and in forma pauperis bond with the attorney general in any administrative forfeiture matter:

- (1) Any person claiming ownership of seized property, pursuant to section 712A-10, Hawaii Revised Statutes;
- (2) Any interest holder, including any lienholder; and
- (3) Any person having due authority under the law to act on behalf of any person designated under section 712A-10(5), Hawaii Revised Statutes, or section (1) above, including:
 - (A) Any attorney duly licensed to engage in the practice of law within the State; and
 - (B) Any person not licensed to engage in the practice of law under subsection (A),

who is authorized to so act under the law, as evidenced by a power-of-attorney. [Eff 1/17/2020] (Auth: HRS §712A-10) (Imp: HRS §§712A-1, 712A-10)

§5-51-32 Filing requirements for petitions for remission or mitigation of forfeiture; claims and cost bonds; and claims in forma pauperis bonds. In addition to the requirements set forth in section 712A-10, Hawaii Revised Statutes, the filing requirements for a petition for remission or mitigation of forfeiture; a claim and cost bond; or a claim and in forma pauperis bond are as follows:

- (1) A party named as an interested party in a petition for administrative forfeiture shall file a petition for remission or mitigation of forfeiture; a claim and cost bond; or a claim and in forma pauperis bond with the attorney general within thirty days after being served with a copy of the notice of pending forfeiture and petition for administrative forfeiture. As defined by section 5-51-31 herein, a party other than the party named as an interested party, or any party served with written notice, shall file a petition for remission or mitigation of forfeiture; a claim and cost bond; or a claim and in forma pauperis bond with the attorney general within thirty days of notice by publication;
- (2) Any request for an extension of time in which to file a petition for remission or mitigation of forfeiture; a claim and cost bond; or a claim in forma pauperis bond:
 - (A) Shall be made in writing; and
 - (B) May be submitted to the attorney general by e-mail, facsimile transmittal, or mail;
- (3) When a party claiming an interest in the subject property submits a petition for remission or mitigation of forfeiture, the following procedures shall apply:
 - (A) Within thirty days of receipt of the petition, the attorney general shall review the petition and determine if it complies with the filing requirements

- set forth in chapter 712A, Hawaii Revised Statutes, and these rules;
- (B) In matters where the attorney general determines that the petition fails to comply with the applicable filing requirements, the attorney general may:
 - (i) File both a notice of receipt of petition for remission or mitigation of forfeiture and an order denying the petition for remission or mitigation of forfeiture, and shall send copies of both the notice and order to the prosecuting attorney and all interested parties; or
 - (ii) Return the petition for remission or mitigation of forfeiture to the petitioner with a letter setting forth the underlying reasons why the petition was not accepted;
 - (C) In matters where the attorney general determines that the petition complies with the applicable filing requirements, the attorney general shall file a notice of receipt of petition for remission or mitigation of forfeiture and shall send a copy of both the notice of receipt and the filed petition to the prosecuting attorney and the petitioner; and
 - (D) In matters where the petitioner has not previously been served with the initial petition for administrative forfeiture, the prosecuting attorney shall then serve petitioner with a copy of the petition for administrative forfeiture as soon as practicable and report service efforts in accordance with section 5-51-25 herein;
- (4) When a party claiming an interest in the subject property submits a claim and cost bond or a claim and in forma pauperis bond, the following procedures shall apply:
- (A) Within thirty days of receipt of the claim and cost bond or the claim and in forma pauperis bond, the attorney general shall review the claim and cost bond or the claim and in forma pauperis bond and determine if it complies with

- the filing requirements set forth in chapter 712A, Hawaii Revised Statutes, and these rules;
- (B) In matters where the attorney general determines that the claim and cost bond or the claim and in forma pauperis bond fails to comply with the applicable filing requirements, the attorney general shall return the claim and cost bond or the claim and in forma pauperis bond to the claimant with a letter setting forth the underlying reasons why the claim and cost bond or the claim and in forma pauperis was not accepted;
 - (C) In matters where the attorney general determines that the claim and cost bond or the claim and in forma pauperis bond comply with the applicable filing requirements, the attorney general shall file a notice of receipt of claim and cost bond or claim and in forma pauperis bond, and shall send a copy of the notice of receipt and the filed claim and cost bond or claim and in forma pauperis bond to the prosecuting attorney and the claimant; and
 - (D) In matters where the claimant has not previously been served with the initial petition for administrative forfeiture, the prosecuting attorney shall then serve claimant with a copy of the petition for administrative forfeiture as soon as practicable and report service efforts in accordance with section 5-51-25 herein;
- (5) Within thirty days after the filing of the notice of receipt of either the petition for remission or mitigation of forfeiture; the claim and cost bond; or claim and in forma pauperis bond, the prosecuting attorney may file its opposition to such with the attorney general; and
- (6) There shall be no appeal from the attorney general's decision or order pursuant to section 712A-10(11). [Eff 1/17/2020] (Auth: HRS §712A-10) (Imp: HRS §§712A-1, 712A-10)

§5-51-33 Notary requirement. The notary requirement provided in sections 712A-10(5) and (9), Hawaii Revised Statutes, may be applied as follows:

- (1) The attorney general, with sole discretion, may waive the notary requirement for a petition for remission or mitigation of forfeiture; a claim and cost bond; or a claim and in forma pauperis bond if the interested party is detained or incarcerated at a detention facility and a notary public is not available. In such cases, the interested party shall:
 - (A) Use only the "Verified Petition for Remission or Mitigation Form," attached as appendix C, when filing a petition for remission or mitigation of forfeiture or only the "Declaration in Support of Request to Proceed In Forma Pauperis Form," attached as appendix D, when filing a claim and in forma pauperis bond; and
 - (B) Sign the form in front of an employee of the detention facility, who may bear witness to said signature and in turn sign the document attesting to the process;
- (2) Any petition for remission or mitigation of forfeiture; claim and cost bond; or claim and in forma pauperis bond submitted for filing by a duly licensed attorney pursuant to section 712A-10, Hawaii Revised Statutes, shall not be subject to the notary requirement but the licensed attorney shall submit a declaration under penalty of perjury attesting to his/her licensed attorney status; and
- (3) Unless otherwise specified under these rules, any petition for remission or mitigation of forfeiture; claim and cost bond; or claim and in forma pauperis bond submitted for filing pursuant to section 712A-10, Hawaii Revised Statutes, by any person other than a duly licensed attorney must comply with the notary requirement. [Eff 1/17/2020] (Auth: HRS §712A-10) (Imp: HRS §§712A-1, 712A-10)

§5-51-34 When remission is not warranted.

Remission is not warranted and shall not be granted under any of the following conditions:

- (1) When any person filing a petition pursuant to this section has been:
 - (A) Alleged to have engaged in the specific conduct that serves as the factual basis for the commission of the covered offense or offenses that have occurred, subjecting the subject property to forfeiture; and
 - (B) Convicted of the same or a substantially similar offense as the alleged covered offense under subsection (1)(A) above no earlier than five years prior to the alleged commission of that covered offense; or
 - (2) When any person filing a petition under this section who is not alleged to have committed the covered offense as set forth under section (1) above, either knew or reasonably should have known that the subject property would be used in furtherance of the commission, attempt to commit, or conspiracy to commit a covered offense, as evidenced by:
 - (A) Knowledge of any prior conviction of the person alleged to have committed the covered offense as set forth under section (1) above, for the same or substantially similar offense having occurred no earlier than five years prior as specified; or
 - (B) Knowledge of any prior history of engaging in the same or similar type of conduct by the person alleged to have committed the covered offense, which subjected the subject property to forfeiture, as set forth under subsection (1)(A) above, and such conduct having occurred no earlier than five years prior to the alleged commission of the covered offense.
- [Eff 1/17/2020] (Auth: HRS §712A-10)
(Imp: HRS §§712A-1, 712A-10)

§5-51-35 When mitigation may be warranted. If the attorney general, with sole discretion, determines that remission of subject property is not warranted, the attorney general may discretionally mitigate the forfeiture where the petitioner has not met the minimum requirements for remission but where there are other extenuating circumstances, as provided in section 712A-10(6), Hawaii Revised Statutes, indicating that some relief should be granted to avoid extreme hardship. Mitigation may also be granted where the minimum requirements for remission have been met but the overall circumstances are such that the attorney general determines that complete relief is not warranted. Mitigation shall take the form of a money penalty imposed upon the petitioner, which shall be deposited into the criminal defense fund established under section 712A-16, Hawaii Revised Statutes. In addition to the extenuating circumstances provided in section 712A-10(6), Hawaii Revised Statutes, the attorney general shall consider the following:

- (1) Whether petitioner had any level of knowledge as set forth under section 5-51-33(2) herein, and if so, the degree of culpability attributed to petitioner based upon that level of knowledge; and
- (2) Any extenuating circumstance, other than those identified in section 712A-10(6), Hawaii Revised Statutes, which the attorney general determines to be relevant, including the number of different extenuating circumstances present at the time of the alleged commission of the covered offense(s) and the degree to which each is present.
[Eff 1/17/2020] (Auth: HRS §712A-10) (Imp: HRS §§712A-1, 712A-10, 712A-16)

§5-51-36 False claims and misrepresentations.

(a) Petitions and claims filed pursuant to this section shall not contain false claims or misrepresentations. Any petition or claim found to contain any false claim or misrepresentation that was knowingly made by the petitioner or claimant shall be dismissed with prejudice.

(b) If the attorney general finds that the false claim or misrepresentation has not been made knowingly, or the misrepresentation of facts is not material to

its consideration of the petition, the attorney general may elect not to dismiss the petition and instead reduce the petitioner's interest in the subject property in an amount proportionate to the culpability of the petitioner in making the false claim or misrepresentation.

(c) The attorney general shall consider the following factors in determining any reduction in interest in the subject property:

- (1) The overall effect of any false claim or misrepresentation on the merits of the petition;
- (2) The likelihood that the false claim or misrepresentation was made knowingly; and
- (3) The degree to which the petitioner reasonably should have known that the claim or misrepresentation was false. [Eff 1/17/2020] (Auth: HRS §712A-10) (Imp: HRS §§712A-1, 712A-10)

SUBCHAPTER 4

ADMINISTRATIVE FORFEITURE SETTLEMENTS

§5-51-41 Administrative forfeiture settlements.

(a) All administrative forfeiture settlement agreements between a prosecuting attorney and the interested party or parties as to the disposition of the subject property any time during an administrative forfeiture proceeding shall be submitted to the attorney general for approval or denial.

(b) The attorney general shall only consider for approval, settlement agreements that have been filed:

- (1) After property subject to administrative forfeiture has been seized for forfeiture and notice has been given to the known interested parties, and prior to the filing of a petition for administrative forfeiture by the prosecuting attorney;
- (2) After a petition for administrative forfeiture has been filed by the prosecuting attorney and the matter is pending; or

(3) In a pending administrative forfeiture matter, after a claim and cost bond or a claim and in forma pauperis bond has been filed by an interested party or parties, and prior to the filing of a verified judicial petition by the prosecuting attorney with the circuit court and within the forty-five days in which the prosecuting attorney has to file the verified judicial petition for forfeiture with the circuit court.

(c) The attorney general may only consider settlement agreements, for which the subject property has been properly seized for forfeiture, notice to all persons known to have an interest in the property has been provided, and publication as set forth under section 712A-8(c), Hawaii Revised Statutes, has been made.

(d) All proposed settlement agreements must be submitted to the attorney general in writing and must be signed by the prosecuting attorney and all the parties known to have an interest in the subject property of the settlement agreement.

(e) The attorney general shall not approve any settlement agreement that fails to satisfy (via written approval of the settlement agreement, waiver of all claims, or failure to take action upon proper notification) the claims of all parties known to have an interest in the subject property.

(f) Pursuant to the attorney general's approval of a settlement agreement, the subject property shall be disposed of in accordance with subchapter 7 herein.

(g) All settlement agreements approved by the attorney general must include language indemnifying the State and the department of the attorney general.

(h) When a settlement agreement is entered into pursuant to this section, the prosecuting attorney shall bear the burden of providing notice by publication to any unknown interested parties as required by section 712A-8(c), Hawaii Revised Statutes.

[Eff 1/17/2020] (Auth: HRS §712A-10)

(Imp: HRS §§712A-1, 712A-8, 712A-10)

SUBCHAPTER 5

JUDICIAL FORFEITURES

§5-51-51 Responsibility of the prosecuting attorney. (a) The prosecuting attorney filing for judicial forfeiture shall be responsible for informing the attorney general of the judicial forfeiture proceedings, from the filing of the verified petition in circuit court to the final disposition or outcome of the matter.

(b) The prosecuting attorney shall provide the attorney general with a file-stamped copy of the verified petition. If real property is the subject of the judicial forfeiture:

(1) The prosecuting attorney shall inform the attorney general of its the intent to file for judicial forfeiture before filing a verified petition; and

(2) The prosecuting attorney shall submit a certified copy of the lis pendens for the real property to the attorney general upon the filing of the verified petition.

(c) The prosecuting attorney shall submit status updates of the case to the attorney general upon request until there is a final disposition in the matter.

(d) At the conclusion of the judicial forfeiture, the prosecuting attorney shall notify the attorney general in writing within forty-five days of the final judgment or order and shall provide the attorney general with a file-stamped copy of the judgment or order. [Eff 1/17/2020] (Auth: HRS §712A-10) (Imp: HRS §§712A-1, 712A-10, 712A-11, 712A-12, 712A-13)

SUBCHAPTER 6

MISCELLANEOUS PROCEEDINGS AND HEARINGS

§5-51-61 Responsibility of the prosecuting attorney. The prosecuting attorney shall be responsible for responding to and appearing at all

proceedings and hearings regarding or relating to the seizure and forfeiture of property that is the subject of a petition for administrative forfeiture, including but not limited to, any hearings on motions for return of property, motions to set aside an illegal judgment, or reconsideration of a court order. [Eff 1/17/2020] (Auth: HRS §712A-10) (Imp: HRS §§712A-1, 712A-10)

SUBCHAPTER 7

DISPOSITION OF PROPERTY

§5-51-71 Contraband and untaxed cigarettes.

Contraband and untaxed cigarettes, as defined in chapter 245, Hawaii Revised Statutes, are not subject to the administrative forfeiture procedures set forth under chapter 712A, Hawaii Revised Statutes. As such:

- (1) The attorney general assumes no jurisdiction over any property that is considered contraband or untaxed cigarettes;
- (2) Any contraband or untaxed cigarettes seized under chapter 712A, Hawaii Revised Statutes, is automatically forfeited to the State, notwithstanding the procedures set forth under chapter 712A, Hawaii Revised Statutes, and likewise, notwithstanding the forfeiture program administered by the attorney general;
- (3) The attorney general shall not accept possession of any contraband or untaxed cigarettes seized pursuant to forfeiture proceedings, because all contraband and untaxed cigarettes fall outside of the authority of the attorney general granted by chapter 712A, Hawaii Revised Statutes; and
- (4) The prosecuting attorney, acting on behalf of the State in forfeiture proceedings, shall be responsible for arranging for the disposal of any contraband and untaxed cigarettes that have been seized pursuant to forfeiture proceedings. [Eff 1/17/2020] (Auth: HRS §§712A-10, 712A-16) (Imp: HRS §§712A-10, 712A-16)

§5-51-72 Return of property to an interested party. The return of property seized pursuant to an administrative forfeiture proceeding to an interested party or parties shall be accomplished as follows:

- (1) In all administrative forfeiture proceedings where a petition for administrative forfeiture has been filed, property shall not be returned to any owner or interested party until the attorney general's order providing for such return has been filed and publication, as set forth under section 712A-8(c), Hawaii Revised Statutes, has been made;
- (2) In administrative forfeiture proceedings where a settlement agreement has been proposed that provides for the return of property, property shall not be returned until:
 - (A) All persons known to have an interest in the property have been notified;
 - (B) Publication as set forth under section 712A-8(c), Hawaii Revised Statutes, has been made; and
 - (C) The attorney general files an order approving the settlement agreement;
- (3) In administrative forfeiture proceedings where a claim and cost bond or a claim and in forma pauperis bond has been filed by any interested party and the prosecuting attorney elects to honor the claim, the prosecuting attorney shall notify the attorney general of its decision to honor the claim and shall do so in writing within forty-five days of receipt of notice that the claim and cost bond or the claim and in forma pauperis bond has been filed. Upon receipt of notice that the prosecuting attorney has elected to honor the claim, the attorney general shall file an order directing the return of subject property to the interested party or parties;
- (4) In matters initially filed as administrative forfeitures and then transferred to the court, after the court has issued a final judgment or order, the attorney general shall file an administrative order recognizing the judicial judgment or order. When a judicial order directs the return of subject property, the administrative order filed by the

- attorney general shall order the return of subject property to the seizing agency for return to the interested party or parties;
- (5) In forfeiture matters that are initially filed judicially with the court and after the court issues a final judgment or order, no administrative order shall be filed by the attorney general and the subject property shall be disbursed pursuant to the order of the court; and
 - (6) Whenever the attorney general dismisses a petition with prejudice, the prosecuting attorney fails to refile a petition dismissed without prejudice, or the attorney general denies a petition, the attorney general may file an order directing the return of the subject property to the seizing agency so that the subject property may be returned to the interested party or parties.
[Eff 1/17/2020] (Auth: HRS §§712A-10, 712A-16) (Imp: HRS §§712A-1, 712A-8, 712A-10, 712A-16)

§5-51-73 Disposition of subject property following an order granting a petition for administrative forfeiture. After an order granting a petition for administrative forfeiture is filed by the attorney general, the subject property that has been forfeited to the State shall be disposed of as follows:

- (1) Any request by a governmental agency for the forfeited property pursuant to chapter 712A, Hawaii Revised Statutes, shall be made within ten days after the filing of the order by the attorney general;
- (2) Forfeited property, other than currency, shall be disposed of by sale at public auction to be held by the attorney general as often as practicable;
- (3) All persons are eligible to purchase forfeited property at public auction, except:
 - (A) Any person employed by the various county police departments;
 - (B) Any person employed by any county prosecuting attorney's office;
 - (C) Any person employed by the attorney general; or

- (D) Any person employed by any other public or private agency that serves as a seizing agency or petitioning agency or conducts sales of forfeited property;
- (4) All proceeds from any public auction held by the attorney general under this section shall be disbursed and distributed as set forth under section 712A-16, Hawaii Revised Statutes; and
- (5) Distributions from the revolving fund or criminal forfeiture fund shall be made in accordance with section 712A-16(4), Hawaii Revised Statutes, as follows:
 - (A) Asset forfeiture funds in excess of the amounts required for maintenance of the asset forfeiture program may be distributed upon written request by the various law enforcement agencies to the attorney general for the following purposes:
 - (i) As a supplemental sum to support a legitimate law enforcement purpose of any state or county law enforcement agency;
 - (ii) As expenses to supplement programs for training and education of law enforcement officers, as long as the primary purpose of the training is law enforcement; and
 - (iii) As payment of rewards for information or assistance leading to a criminal or civil proceeding;
 - (B) Written requests for funds shall be submitted to the attorney general utilizing the form entitled "Request for Funds Forms," attached as appendix I;
 - (C) No funds from the revolving fund shall be distributed to satisfy personnel staffing requirements, except in support of the asset forfeiture program administration in the department of the attorney general; and
 - (D) The attorney general shall make the final decision regarding whether a request for funds from the revolving fund is approved in whole or in part.

[Eff 1/17/2020] (Auth: HRS §§712A-10,
712A-16) (Imp: HRS §§712A-1, 712A-10,
712A-16)

SUBCHAPTER 8

ENFORCEMENT

§5-51-81 Compliance with an administrative order.
The specific provisions of any order filed by the attorney general in an administrative forfeiture proceeding shall be fully complied within no later than six months after the date that the order is filed.
[Eff 1/17/2020] (Auth: HRS §§712A-10) (Imp: HRS §§712A-1, 712A-10)

§5-51-82 Recoupment. The attorney general may require recoupment from the prosecuting attorney or seizing agency for non-compliance with these rules, including but not limited to the following:

- (1) Payment to the forfeiture fund for the amount of currency that was forfeited but not deposited into or missing from the forfeiture fund;
- (2) Payment to the forfeiture fund for any costs related to the value of damaged or missing property;
- (3) Payment to the forfeiture fund as reimbursement for any unauthorized release or return of subject property, or any loss of forfeited property, in the amount of the total value of the released or lost property; and
- (4) Payment to the forfeiture fund for the reimbursement of shipping or transport costs of any property for which a petition has been filed and returned or released to any owner or interested party without the required approval of the attorney general.

[Eff 1/17/2020] (Auth: HRS §712A-10)
(Imp: HRS §§712A-1, 712A-10)

DEPARTMENT OF THE ATTORNEY GENERAL

Chapter 5-51. Hawaii Administrative Rules, on the summary page dated December 31, 2019, was adopted on December 31, 2019, pursuant to section 712A-10, Hawaii Revised Statutes.

The adoption of chapter 5-51 shall take effect on January 17, 2020.



Clare E. Connors
Attorney General

Date: December 31, 2019

APPROVED AS TO FORM:


Deputy Attorney General

Appendix A

(National Code of Professional Conduct
for Asset Forfeiture)

APPENDIX A:

National Code of Professional Conduct for Asset Forfeiture

1. Law enforcement is the principal objective of forfeiture. Potential revenue must not be allowed to jeopardize the effective investigation and prosecution of criminal offenses, officer safety, the integrity of ongoing investigations, or the due process rights of citizens.
2. The Constitution and Federal Statutes prohibit the improper use of personal characteristics such as race, color, national origin, gender, or religion to target individuals for law enforcement action.
3. No prosecutor's or sworn law enforcement officer's employment or salary shall be made to depend upon the level of seizures or forfeitures he or she achieves.
4. Whenever practicable, and in all cases involving real property, a judicial finding or probable cause shall be secured when property is seized for forfeiture. Seizing agencies shall strictly comply with all applicable legal requirements governing seizure practice and procedures.
5. If no judicial finding of probable cause is secured, the seizure shall be approved in writing by a prosecuting or agency attorney or by a supervisory-level official.
6. Seizing entities shall have a manual detailing the statutory grounds for forfeiture. This manual will include procedures for prompt notice to interest holders, the expeditious release of seized property where appropriate, and the prompt resolution of claims of innocent ownership.
7. Seizing entities retaining forfeited property for official law enforcement use shall ensure that the property is subject to internal controls consistent with those applicable to property acquired through the normal appropriations processes of that entity.
8. Unless otherwise provided by law, forfeiture proceeds shall be maintained in a separate fund or account subject to appropriate accounting controls and annual financial audits of all deposits and expenditures.
9. Seizing agencies shall strive to ensure that seized property is protected and its value preserved.
10. Seizing entities shall avoid any appearance of impropriety in the sale or acquisition of forfeited property.

Appendix B

(Notice of Intention to
Administratively Forfeit Property)

NOTICE OF INTENTION TO ADMINISTRATIVELY FORFEIT PROPERTY

TO: (insert: interested parties) AND ANY AND ALL PERSONS WHO MAY HAVE INTERESTS IN THE DESCRIBED PROPERTY AND ALL KNOWN OR UNKNOWN INTERESTED PARTIES OF OR INTEREST HOLDERS IN THE DESCRIBED PORPERTY:

YOU ARE HEREBY NOTIFIED that a Petition for Administrative Forfeiture has been filed with the Department of the Attorney General seeking forfeiture of the property described above pursuant to the Hawaii Omnibus Forfeiture Act, Title 37, (hereinafter referred to as "Forfeiture Act"), Chapter 712A of the Hawaii Revised Statutes, as amended. The property was seized for forfeiture on (insert: date), in the County of (insert: county), State of Hawaii, and is alleged to be subject to forfeiture because of its connection with the violation of (insert: violations)

YOU ARE FURTHER NOTIFIED that you may respond to this notice by doing one, but only one of the following:

1. You may do nothing, in which case the property will be administratively forfeited;
2. You may file a Petition for Remission or Mitigation with the Department of the Attorney General. A Petition for Remission or Mitigation admits that the property is subject to forfeiture but asks the Attorney General to pardon the property, in whole or in part, due to extenuating circumstances. The Attorney General's decision is final, not subject to appeal, and may be made without hearing:
 - a. A Petition for Remission or Mitigation must be signed by the petitioner, and sworn on oath before a notary public (a suggested version of which is attached as Exhibit "1") and shall contain the following:

- i. A reasonably complete description of the property;
 - ii. A statement of the interest of the petitioner in the property, as owner or interest-holder which may be supported by bills of sale, contracts, or mortgages, or other documentary evidence; and
 - iii. Facts and circumstances sufficient to show whether you:
 - A. Own or hold an interest as defined by Section 712A-1, Hawaii Revised Statutes, in the seized property;
 - B. Had any knowledge that the property was or would be involved in any violation of the law;
 - C. Had any knowledge of the particular violation, which subjected the property to seizure and forfeiture; and
 - D. Had any knowledge that the user of the property had any record, including arrests, except where the person was acquitted or the charges dismissed due to lack of evidence, for the violation that subjected the property to seizure and forfeiture or for any crime which is similar in nature.
- b. If the Attorney General, with sole discretion, determines that remission is not warranted, the Attorney General may, in his or her discretion, mitigate the forfeiture where the petitioner has met the minimum requirements for remission but where there are other extenuating circumstances indicating that some relief should be granted to avoid extreme hardship. Extenuating circumstances include:

- i. Language or cultural barrier;
 - ii. Humanitarian factors such as youth or extreme age;
 - iii. Presence of physical or mental disease, disorder or defect;
 - iv. Limited or peripheral criminal culpability;
 - v. Cooperation with the seizing agency or the prosecuting attorney;
 - and
 - vi. Any contributory error on the part of government officials.
 - c. The Attorney General will inquire into the facts and circumstances alleged in the Petition for Remission or Mitigation and provide a written decision on the Petition within sixty (60) days. If the circumstances of the case require more time, the Petitioner will be notified in writing within the sixty (60)-day period, informed of the circumstances requiring more time, and further notified of the expected decision date;
 - or
3. You may file a claim and a cost bond or a claim and an in forma pauperis bond with the Department of the Attorney General to seek judicial determination of the forfeiture:
 - a. A claim must be signed by the claimant, be sworn on oath before a notary public, and comply with the requirements of Section 712A-12(5), Hawaii Revised Statutes, as amended, and shall be accompanied by one of the following:

- i. A cost bond in the amount of \$2,500.00 or ten percent of the appraised or estimated value of the property, whichever is greater; or
 - ii. An in forma pauperis bond consisting of a declaration in the form of and containing the elements specified in the Appendix to the Hawaii Rules of Penal Procedure, a suggested version of which is attached as Exhibit "2".
- b. Upon receipt of the claim and bond, the Attorney General will notify the Prosecuting Attorney who may either petition the Circuit Court for forfeiture of the property or may elect to honor the claim and forego further forfeiture proceedings. If the Prosecuting Attorney petitions the Circuit Court for forfeiture and prevails, all costs and expenses of the proceedings will be deducted from any cost bond filed. If the Prosecuting Attorney foregoes further proceedings, the seizing agency will be instructed to release the property, or some specified interest in it.

One extension of thirty (30) days for filing said petition or claim may be granted upon a written request to the Department of the Attorney General, demonstrating good cause, provided the request is received within the thirty (30) day period provided for filing of a petition or claim. The Attorney General shall decide and provide a written decision on the request for extension.

A Petition for Remission or Mitigation; a claim and bond; or a request for extension of thirty (30) days must be filed with the **Department of the Attorney General, Civil Recoveries Division, 425 Queen Street, Honolulu, Hawaii, 96813**, within thirty

(30) days after you receive the Notice of Intention to Administratively Forfeit Property (Notice) or thirty (30) days after the date on which this Notice is published in a newspaper of general circulation in the county in which the seizure for forfeiture took place, whichever occurs first.

IF YOU FAIL TO FILE A PETITION FOR REMISSION OR MITIGATION; A CLAIM AND COST; A CLAIM AND IN FORMA PAUPERIS BOND; OR AN EXTENSION REQUEST IN A TIMELEY MANNER AND IN SUBSTANTIAL COMPLIANCE WITH SECTION 712A-10 OF THE HAWAII REVISED STATUTES, AS AMENDED, THE PETITION FOR ADMINISTRATIVE FORFEITURE WILL BE GRANTED AND THE PROPERTY SHALL BE FORFEITED TO THE STATE OF HAWAII.

DATED: Honolulu, Hawaii: _____

(Insert: Name –
PROSECUTING ATTORNEY)
Prosecuting Attorney for the
(insert: County Name)
Petitioner

(Insert: Name – DEPUTY
PROSECUTING ATTORNEY)
Deputy Prosecuting Attorney
(insert: County Name)

Appendix C

(Verified Petition for
Remission or Mitigation Form)

DEPARTMENT OF THE ATTORNEY GENERAL

STATE OF HAWAII

STATE OF HAWAII,

Petitioner,

vs.

(Description of Property)

Defendant.

OWNER(S): _____
(all interest holders' names)

A. G. NO. _____

VERIFIED PETITION FOR REMISSION
OR MITIGATION

VERIFIED PETITION FOR REMISSION OR MITIGATION

Comes now petitioner, [name] _____, and upon verified petition alleges and states:

1. [name] _____ is a resident of the City and County of Honolulu, State of Hawaii whose residence is [address] _____

2. Petitioner does not challenge the sufficiency of the evidence to support the forfeiture or the actions of any governmental official but presumes a valid forfeiture and instead asks the Attorney General to invoke the executive power to pardon the property, in whole or in part, pursuant to §712A-10(5) of the Hawaii Revised Statutes.

3. Provide a reasonably complete description of the property claimed:

4. Specify interest in property, as owner or interest-holder, that can be supported by bills of sale, contracts, or mortgages, or other documentary evidence:

5. Petitioner owns or holds an interest in the seized property in the following manner:

6. Petitioner had no knowledge that the property was or would be involved in any violation of the law as indicated by the following facts and circumstances:

7. Petitioner had no knowledge of the particular violation that subjected the property to seizure and forfeiture, as indicated by the following facts and circumstances:

8. Petitioner had no knowledge that the user of the property had any record, including arrests, except when the user was acquitted or the charges against the user were dismissed for lack of evidence, for the violation that subjected the property to seizure and forfeiture or for any crime which is similar in nature, as indicated by the following facts and circumstances:

9. Should the Attorney General determine that remission is not warranted, Petitioner requests that the forfeiture be mitigated, by presenting other extenuating circumstances indicating that some relief should be granted to avoid extreme hardship as follows [specify in detail where applicable]:

- a. language or cultural barrier;
- b. humanitarian factors such as youth or extreme age;
- c. presence of physical or mental disease, disorder, or defect;
- d. limited or peripheral criminal culpability;
- e. cooperation with the seizing agency or the prosecuting attorney; and/or
- f. contributory error on the part of government officials.

10. In further support of the Petition, Petitioner alleges [state any other reason justifying mitigation or remission]:

WHEREFORE, Petitioner requests remission or mitigation by the return of the property claimed.

Dated at Honolulu, Hawaii: _____.

I swear on oath that the foregoing is true and correct.

Executed on ____ of _____, 20____.
(date) (month) (year)

(signature)

(type or print name)

Subscribed and sworn to before me this ____ day of _____, 20 ____.

Signature

Print Name
Notary Public; State of Hawaii
My commission expires: _____

NOTARY PUBLIC CERTIFICATION

Judicial Circuit

Doc. Description: _____

No. of pages _____ Date of Doc _____

Notary Signature Date _____

Appendix D

(Declaration in Support of Request to
Proceed In Forma Pauperis Form)

DEPARTMENT OF THE ATTORNEY GENERAL

STATE OF HAWAII

STATE OF HAWAII,

Petitioner,

vs.

(Description of Property)

Defendant.

OWNER(S):

(All Interest Holders' Names)

A. G. NO. _____

DECLARATION IN SUPPORT OF
REQUEST TO PROCEED IN FORMA
PAUPERIS

**[NOTE: THIS IS NOT A CLAIM. IF YOU ARE SUBMITTING A CLAIM, YOU MUST
SUBMIT A SEPARATE DOCUMENT WITH THE INFORMATION AS SET FORTH IN
§712A-12(5), H.R.S.]**

I, [name], declare that I am the claimant in
the above-entitled case. I ask to proceed without posting a bond as required by Section
712A-10(9) of the Hawaii Revised Statutes. In support of my request, I state that
because of my poverty, I am unable to pay the costs of said proceeding or to give
security and that I believe I am entitled to relief.

1. Are you presently employed?

Yes___ No___

a. If the answer is "yes," state the amount of your salary or wages per month,
and give the name and address of your employer.

b. If the answer is "no," state the date of last employment and the amount of the salary or wages per month that you received.

2. Have you received within the past twelve months any money from any of the following sources?

a. Business, profession, or other employment:

Yes___ No___

b. Rent payments, interest, or dividends?

Yes___ No___

c. Pensions, annuities, or life insurance payments?

Yes___ No___

d. Gifts or inheritances?

Yes___ No___

e. Any other sources?

Yes___ No___

If the answer to any of the above is "yes," describe each source of money and state the amount received from each during the past twelve months.

3. Do you own any cash, or do you have money in a checking or savings account? (Include any funds in prison accounts.)

Yes___ No___

If the answer is "yes," state the total value of the items owned.

4. Do you own real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)?

Yes___ No___

If the answer is "yes," describe the property and state its approximate value.

5. List the persons who are dependent upon you for support, state your relationship to these persons, and indicate how much you contribute toward their support.

I swear on oath that the foregoing is true and correct.

Executed on ____ of _____, 20____ .
(date) (month) (year)

(signature)

(type or print name)

Subscribed and sworn to before me this ____ day
of _____ 20____.

Signature

Print Name

Notary Public; State of Hawaii

My commission expires: _____

NOTARY PUBLIC CERTIFICATION

Judicial Circuit

Doc. Description: _____

No. of pages _____ Date of Doc _____

Notary Signature Date _____

Appendix E

(Deposit of Currency - Procedures)

DEPOSIT OF CURRENCY PROCEDURES

I. There are two different currency deposit designations:

1. Seized Currency

Seized currency is currency that has been seized for forfeiture (as opposed to being seized for evidence). A Notice of Seizure for Forfeiture should have been served upon all known parties by the police or other law enforcement agency (i.e. Narcotics Enforcement Division of the State Department of Public Safety).

2. Forfeited Currency

Forfeited currency is currency that has gone through the administrative forfeiture process and an Order was filed by the Attorney General granting the forfeiture of the currency or currency received/retained through a Settlement Stipulation.

II. Deposits with the Attorney General

The Attorney General has one First Hawaiian Bank account, into which agencies may deposit currency. Within that bank account are three funds:

1. 906 Account is for seized currency.
2. 320 Account is for forfeited currency.
3. A third fund is used by the Attorney General to hold cost bond monies paid by persons seeking the return of their seized property through the judiciary.

III. Which fund should the currency go into?

Is there an Order granting forfeiture of the currency (including any currency received/retained pursuant to a Settlement Stipulation)?

1. NO: Deposit currency into 906 Account
2. YES: Deposit currency into 320 Account

IV. Preparing the Deposit

1. Deposits to the same account may be made individually or in bulk. Deposits made individually have a deposit slip for each case. Deposits made in bulk will have a number of cases made utilizing one deposit slip.
2. Keep 906 Account deposits (seized currency) separate from 320 Account deposits (forfeited currency).
3. Prepare two (2) deposit slips.

NOTE: Original slip is for the bank.

- b. The second slip should be validated by the bank on the front of the slip and along with the bank deposit receipt (looks like a cash register receipt) should be sent to the Attorney General. See Part VI. below.

NOTE: The State Department of Budget and Finance prefers the use of the pre-printed deposit slips. If you need to order more deposit slips, please contact the Legal Clerk of the Asset Forfeiture Unit to have more deposit slips ordered. Please have the number of slips needed, the branch you want to pick the slips up from, the contact person, and the contact phone number. The bank takes about 5-10 business days to have the slips completed and delivered.

V. Making the Deposit

Deposits can be made at any branch of First Hawaiian Bank.

VI. Sending Deposit Receipts to the Attorney General

1. Send the validated deposit slips and bank deposit receipts to the Attorney General as soon as possible.

NOTE: If a deposit receipt is received by the Attorney General and a Petition is not filed within one-year from date of deposit, the monies will be returned to the County Police Department.

2. Also complete and send the Deposit of Funds Form listing the following information (use separate forms for seized currency deposits (906) and for forfeited currency deposits (320)).

Report No: Your report number

A.G. No: Our A.G. or Court Case Number (For seized currency deposits (906), there may not be an A.G. Number assigned yet so unless you have an A.G. Number, this may be left blank.)

Name(s): Provide at least one name of the interested part(ies)

Amount: Amount of the deposit

Deposit Date: Date of deposit

3. Send the Deposit of Funds form(s), validated deposit slip(s) and bank deposit receipt(s) to:

Department of the Attorney General

Civil Recoveries Division

Asset Forfeiture Unit

425 Queen Street

Honolulu, Hawaii 96813-2903

*NOTE: The Attorney General no longer receives a reconciliation report from the State Department of Budget and Finance. Therefore, the failure to properly account for the currency could result in the currency being transferred to the State's General Fund (and loss to Asset Forfeiture program). **The loss to the General Funds will be the burden of the County if the Attorney General failed to receive deposit receipts.***

VII. Contact Information

Civil Recoveries Division

Phone: (808) 586-1100

Fax: (808) 586-8116

Appendix F

(List of Deposits Form)

Appendix G

(Preprinted Deposit Ticket)

APPENDIX G

TAB CM 2131 (REV 1001r14)

DIRECTOR OF FINANCE, STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
AG/CRD - ASSET FORFEITURE
425 QUEEN STREET
HONOLULU, HI 96813

DATE _____
DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL

SIGN HERE FOR CASH RECEIVED (IF REQUIRED)

DEPOSIT TICKET PLEASE ENTER AMOUNT OF CASH AND CHECKS
ATTACH ADDING MACHINE TAPE OR DEPOSIT RECEIPT

MAIN BANKING REGION

 **First Hawaiian Bank.**
HONOLULU, HAWAII

CURRENCY ▶
COIN ▶
CHECK ▶
TOTAL FROM BACK ▶
SUBTOTAL ▶
LESS CASH ▶
\$



Appendix H

(Certificate of Service and
Certificate of Attempt to Serve Forms)

CERTIFICATE OF SERVICE

Certification is hereby made of service of copies of the Petition for Administrative Forfeiture and Notice of Intention to Administratively Forfeit Property in A.G. No. _____ on (INTERESTED PARTY) by:

Certified Mail on (DATE) (Return Receipt attached) **or if not attached** fill out where addressed:

(address where mailed - only if return receipt not included)

Personal Service on (DATE) at (address where served)

Received by: _____

Print Name: (Name)

First-Class Mail on (DATE) because of the return of 'UNCLAIMED' Certified Mail:

First-Class Mail not returned as of (DATE)

Mail returned on (DATE) (Return Envelope attached)

CERTIFICATE OF ATTEMPT TO SERVE

For return of Certified Mail for reasons other than "Unclaimed" (REASON)

(include copy(ies) of returned envelope)

Additional information listed in comments below.

Certification is hereby made of attempt(s) to serve copies of the Petition for Administrative Forfeiture and Notice of Intention to Administratively Forfeit Property in A.G. No. _____ on:

(INTERESTED PARTY) at (LAST KNOWN ADDRESS)

Further action taken:

Incarcerated (State or Federal)

CJIS

Probation

eCourt* Kokua

Driver's License

Vehicle Registration

Westlaw/Lexis

Other: _____

COMMENTS: _____

Signature

Print Name

Date

Appendix I

(Request for Funds Form)

Date: _____

Requestor Name, Address, Phone No.:

Clare E. Connors
Attorney General
Department of the Attorney General
425 Queen Street
Honolulu, Hawaii 96813

Attention: Michael S. Vincent

Dear Ms. Connors:

The _____ would like to purchase the following equipment:

The approximate costs are:

Justification/Reason for purchase (Please include how this purchase benefits law enforcement):

Include any supporting documents you feel may assist in our decision-making.

Should you have any questions, call _____ at _____.

Sincerely,

Department Head or Designee Signature
Print Name: _____

APPROVAL/DISAPPROVAL RECOMMENDED:

APPROVED/DISAPPROVED:

MICHAEL S. VINCENT
Supervising Deputy Attorney General

CLARE E. CONNORS
Attorney General
DANA O. VIOLA
First Deputy Attorney General

**Reimbursement of Mailing Expenses Incurred in the Service of Asset
Forfeiture Documents ONLY**

Submittals must be received by June 1 and/or December 1.

Date: _____

Requestor Name, Address, Phone No.:

Clare E. Connors
Attorney General
Department of the Attorney General
425 Queen Street
Honolulu, Hawaii 96813

Attention: Michael S. Vincent

Dear Ms. Connors:

Our office requests reimbursement for mailing expenses in the amount of: _____
incurred in the service of asset forfeiture documents for the period from _____
through _____ as required by §712A-8 of the Haw. Rev. Stat. Attached is
a list summarizing the above referenced amount. We agree to keep and provide calculations and copies
of receipts upon request.

Should you have any questions, call _____ at _____.

Sincerely,

Department Head or Designee Signature

Print Name: _____

Attachment(s)

APPROVAL/DISAPPROVAL RECOMMENDED:

APPROVED/DISAPPROVED:

MICHAEL S. VINCENT
Supervising Deputy Attorney General

CLARE E. CONNORS
Attorney General
DANA O. VIOLA
First Deputy Attorney General

Date: _____

Requestor Name, Address, Phone No.:

Clare E. Connors
Attorney General
Department of the Attorney General
425 Queen Street
Honolulu, Hawaii 96813

Attention: Michael S. Vincent

Dear Ms. Connors:

The _____ would like to send _____
_____ of the _____ to attend the _____
_____. The training/seminar will be held from _____, in _____
_____. Enclosed is a copy of the training/seminar announcement.

The approximate costs are:

Airfare	_____
Per diem	_____
Registration	_____
Ground Transportation	_____
Other	_____
TOTAL:	=====

If you are requesting forfeiture funds for ground transportation, please write justification for funds: _____

Should you have any questions, call _____ at _____.

Sincerely,

Enclosure(s)

Department Head or Designee Signature
Print Name: _____

APPROVAL/DISAPPROVAL RECOMMENDED:

APPROVED/DISAPPROVED:

MICHAEL S. VINCENT
Supervising Deputy Attorney General

CLARE E. CONNORS
Attorney General
DANA O. VIOLA
First Deputy Attorney General