STAND. COM. REP. NO. 3100

Honolulu; Hawaii

APR 2 5 2016

RE: H.C.R. No. 4

Honorable Ronald D. Kouchi President of the Senate Twenty-Eighth State Legislature Regular Session of 2016 State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred H.C.R. No. 4 entitled:

"HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO AUDIT THE ASSET FORFEITURE PROGRAM OF THE DEPARTMENT OF THE ATTORNEY GENERAL,"

begs leave to report as follows:

The purpose and intent of this measure is to request the Auditor to conduct a management audit of the asset forfeiture program of the Department of the Attorney General and submit its findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2017.

Your Committee received written comments in support of this measure from the American Civil Liberties Union of Hawaii, Community Alliance on Prisons, Drug Policy Action Group, Drug Policy Forum of Hawaii, The CHOW Project, and two individuals.

Your Committee finds that, in 1988, the Legislature enacted chapter 712A, Hawaii Revised Statutes, the Hawaii Omnibus Criminal Forfeiture Act, which provides for the forfeiture of property used or acquired in connection with the commission of certain criminal offenses. The Department of the Attorney General operates the asset forfeiture program and administratively processes forfeitures of personal property worth less than \$100,000 or forfeitures of any vehicle or conveyance.



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Your Committee also finds that the Attorney General is authorized to dispose of property forfeited to the State through administrative or judicial proceedings, and a portion of forfeited currency and sale proceeds of forfeited property are distributed to the relevant law enforcement agency and prosecuting attorney to be used solely for law enforcement purposes. Remaining currency and proceeds are deposited into the criminal forfeiture fund.

Your Committee notes that it has been twenty years since the Auditor conducted an audit of the asset forfeiture program. Your Committee believes that a management audit of the asset forfeiture program will ensure that the program achieves its intended purpose of depriving individuals who engage in illegal activities of property used in, or derived from, those activities.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 4, and recommends its adoption.

> Respectfully submitted on behalf of the members of the Committee on Ways and Means,

TOKUDA,



The Senate Twenty-Eighth Legislature State of Hawaiʻi

Record of Votes Committee on Ways and Means WAM

Bill / Resolution No.:*	Committee	Referral:	Da	1	
HCR 4	JOL, WAM 4/21/16				
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
TOKUDA, JIII N. (C)		5			
DELA CRUZ, Donovan M. (VC)					
CHUN OAKLAND, Suzanne					
ENGLISH, J. Kalani					
GALUTERIA, Brickwood					
HARIMOTO, Breene		/			
INOUYE, Lorraine R.					
RIVIERE, Gil					
TANIGUCHI, Brian T.					
WAKAI, Glenn					
SLOM, Sam					
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TOTAL		مر			J
Recommendation: Adopted Not Adopted					
Chair's or Designee's Signature: 7					
Distribution: Original Yellow V Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

*Only one measure per Record of Votes