STAND. COM. REP. NO. -20

Honolulu, Hawaii FEB 1 4 ^{, 2020} RE: H.B. No. 2069

Honorable Scott K. Saiki Speaker, House of Representatives Thirtieth State Legislature Regular Session of 2020 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2069 entitled:

"A BILL FOR AN ACT RELATING TO PROPERTY FORFEITURE,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Prohibit civil asset forfeiture except when the covered offense is chargeable as a felony and the owner of the asset has been convicted; and
- (2) Require the Attorney General to deposit the net proceeds of the forfeited property to the credit of the state general fund.

Your Committee received testimony in support of this measure from the Office of the Public Defender, American Civil Liberties Union of Hawaii, Hawaii Health & Harm Reduction Center, Drug Policy Forum of Hawaii, Community Alliance on Prisons, and three individuals. Your Committee received testimony in opposition to this measure from the Department of Land and Natural Resources, Department of the Attorney General, Office of the Prosecuting Attorney of the County of Hawaii, Office of the Prosecuting Attorney of the County of Kauai, Prosecuting Attorney of the City and County of Honolulu, Honolulu Police Department, and one



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individual. Your Committee received comments on this measure from Grassroot Institute of Hawaii.

Your Committee finds that requiring a criminal conviction before permanently confiscating an offender's property will help establish an important protection for property owners and ensure fairness in the asset forfeiture process.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2069 and recommends that it pass Second Reading and be referred to your Committee on Finance.

> Respectfully submitted on behalf of the members of the Committee on Judiciary,

CHRIS LEE, Chair



State of Hawaii House of Representatives The THIRTIETH Legislature



Record of Votes of the Committee on Judiciary

Bill/Resolution No.:	Committee Referral:	Da	te: -//-	
HB 2069 JUD, FIN Z/ 13/20				
The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Image: Pass, unamended (as is) Image: Pass, with amendments (HD) Image: Hold Image: Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. LEE, Chris (C)				
2. SAN BUENAVENTURA, Joy A	A. (VC)			
3. BROWER, Tom				
A CDEACAN Dishard D				
4. CREAGAN, Richard P.				
5. LOWEN, Nicole E.				
6. McKELVEY, Angus L.K.			<u>er Bender der Sondern die gemein</u> ten Geschichten gemeinten gemeinten gemeinten gemeinten gemeinten die geschichten gemeinten die geschichten gemeinte Geschichten geschichten geschichten gemeinten geschichten geschichten geschichten gemeinten geschichten gemeinte	
7. NAKASHIMA, Mark M.				
8. PERRUSO, Amy A.				
9. SAY, Calvin K.Y.				
10. TAKAYAMA, Gregg				
11. YAMANE, Ryan I.				
12. THIELEN, Cynthia			il (Ministra), Antonina da A	
TOTAL (12)	10)		
The recommendation is: Adopted				
If joint referral, did not support recommendation.				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Deplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				