

STAND. COM. REP. NO.

1700

Honolulu, Hawaii

APR 08 , 2021

RE: S.B. No. 294

S.D. 1

H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Finance, to which was referred S.B.
No. 294, S.D. 1, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to make the State's civil
asset forfeiture process more just by amending the Hawaii Omnibus
Criminal Forfeiture Act to:

- (1) Restrict civil asset forfeiture to cases involving the
commission of a felony offense where the property owner
has been convicted of the underlying felony offense,
subject to certain circumstances;
- (2) Direct any forfeiture proceeds to the general fund;
- (3) Amend the allowable expenses for monies in the Criminal
Forfeiture Fund;
- (4) Require the Attorney General to adopt rules necessary to
carry out the purpose of the Hawaii Omnibus Criminal
Forfeiture Act; and

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- (5) Amend the deadline for the Attorney General to report to the Legislature on the use of the Hawaii Omnibus Criminal Forfeiture Act.

Your Committee received testimony in support of this measure from the Office of the Public Defender, Americans for Democratic Action Hawai'i, Young Progressives Demanding Action, Common Cause Hawaii, Community Alliance on Prisons, American Civil Liberties Union of Hawai'i, and fifteen individuals. Your Committee received testimony in opposition to this measure from the Department of Land and Natural Resources, Hawai'i Police Department, Maui Police Department, Department of the Prosecuting Attorney of the County of Maui, Department of the Prosecuting Attorney of the City and County of Honolulu, and Honolulu Police Department. Your Committee received comments on this measure from the Office of Hawaiian Affairs, Department of the Attorney General, Department of Public Safety, and Grassroot Institute of Hawaii.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 294, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Finance,



SYLVIA LUKE, Chair



