

Honolulu, Hawaii

FEB 05 2021

RE: S.B. No. 294
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 294 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Restrict civil asset forfeiture to cases involving the commission of a felony offense where the property owner has been convicted of an underlying felony offense; and
- (2) Direct any forfeiture proceeds to the general fund.

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



Your Committee finds that existing civil asset forfeiture procedures in Hawaii allow law enforcement agencies to seize and keep property based on suspicion that the property is connected to criminal activity. Your Committee further finds that this property can be taken without the property owner having been convicted of a crime or even being formally accused of one. Your Committee additionally finds that the State's civil asset forfeiture laws were established over thirty years ago and are in need of updates and refinement.

Your Committee acknowledges the issue raised by a number of testifiers on this measure that the proceeds from civil asset forfeitures supplement the budgets of law enforcement agencies and support important programs relating to public safety. However, your Committee finds that the purpose of civil asset forfeiture should not be addressing budget shortfalls.

Your Committee has amended this measure by:

- (1) Removing language relating to the 2018 Auditor's report from the purpose section;
- (2) Clarifying that the restrictions on civil asset forfeiture shall not prohibit forfeitures authorized under other chapters of the Hawaii Revised Statutes; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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 S.B. No. 294, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 294, S.D. 1, and be placed on the calendar for Third Reading.



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

Karl Rhoads

KARL RHOADS, Chair



