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:

- 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,

2021-2941 SB294 HD1 HSCR HMSO

State of Hawaii House of Representatives The Thirty-first Legislature



Record of Votes of the Committee on Finance

Bill/Resolution No.: SB 294, SDI, HDI	Committee Referral: JHA, FIN	Date:	3-31.	2021
The committee is reconsidering its prev	-			
	unamended (as is)	ss, with amendments (I mmit for future public		
FIN Members	Ayes	Ayes (WR)	Nays	Excused
L. LUKE, Sylvia (C)			· · ·	
2. CULLEN, Ty J.K. (VC)				
BRANCO, Patrick Pihana				
I. ELI, Stacelynn K.M.				
5. HOLT, Daniel			· · · ·	
5. ILAGAN, Greggor				
7. KOBAYASHI, Bertrand			·	
8. MARTEN, Lisa				
9. NISHIMOTO, Scott Y.			-	·
10. PERRUSO, Amy A.				
11. SAYAMA, Jackson D.			·	
12. TAM, Adrian K.				
13. WILDBERGER, Tina				
14. YAMASHITA, Kyle T.		_		
15. McDERMOTT, Bob			·	
				<u> </u>
TOTAL (15)	13	\square	I	
The recommendation is: Add If joint	ppted	did not suppor	rt recommendation	on.
Vice Chair's or designee's signature:	In J.K.	Curt	\sim	
Distribution: Original (White) – Commi	ittee Duplicate (Yellow)	- Chief Clerk's Office	Duplicate	(Pink) – HMSO