

**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2026**

**ON THE FOLLOWING MEASURE:
S.B. NO. 2457, RELATING TO PROPERTY FORFEITURE.**

**BEFORE THE:
SENATE COMMITTEE ON JUDICIARY**

DATE: Friday, February 6, 2026 **TIME:** 9:00 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Dean A. Soma, Gurudev D. Allin, or
Chad Au, Deputy Attorneys General

Chair Rhoads and Members of the Committee:

The Department of the Attorney General (Department) strongly opposes this bill. This bill would limit forfeiture under chapter 712A, Hawaii Revised Statutes (HRS), to cases where the property owner is convicted of a covered offense.

As noted in section 1 of the bill, Act 288, Session Laws of Hawaii 2025, made extensive reforms to the State's asset forfeiture program. To the extent that the Legislature intended to reform the State's asset forfeiture program and limit its application, it has already done so. Since the enactment of Act 288, asset forfeiture under chapter 712A, HRS, is strictly limited to cases where the owner is charged with a covered offense within one year of seizure. Since the Act has been in effect, the filing of forfeiture petitions has dramatically slowed: to date, only five petitions have been filed for seizures that took place after the effective date of Act 288. For comparison, in the six-month period from July 1, 2024 through December 31, 2024, the Department received twenty petitions.

Asset forfeiture has historically been a powerful tool used by law enforcement agencies to combat crime and criminal organizations through seizure of contraband—property that is simply unlawful to possess--like illegal drugs, gambling machines, smuggled goods, and counterfeit money. Forfeiture also takes the instrumentalities of crime out of circulation, and takes the profit out of crime, as no one has the right to

Testimony of the Department of the Attorney General

Thirty-Third Legislature, 2026

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retain money used or gained from bribery, extortion, illegal gambling, or drug dealing. Finally, forfeiture undeniably provides both a deterrent against crime and a meaningful obstacle or impediment to future criminal activity. Offenses subject to asset forfeiture include murder, kidnapping, labor trafficking, gambling, criminal property damage, robbery, bribery, extortion, theft, burglary, money laundering, and the manufacture, sale, or distribution of drugs.

Whereas Act 288 sharply limited the use of asset forfeiture, by requiring the owner of the property to be charged with a covered offense within one year of seizure, requiring a felony conviction of the owner prior to forfeiture would add even more uncertainty and delay. Because the cost of retaining items seized for forfeiture could be even more than what could be brought at auction—and the items' value would likely decrease over time as well—law enforcement agencies would predictably reduce or eliminate the manpower and resources dedicated to civil asset forfeitures. Given the expense, uncertainty, and delay resulting from the conviction requirement, it is probable that the State's civil asset forfeiture program will no longer serve its intended purpose, thereby depriving the government of one of its most powerful tools to stop and deter crime.

This bill would essentially render chapter 712A, HRS, non-functional. The Department would be left presiding over a crippled program of administrative forfeiture and will incur expenses retaining an asset forfeiture program that receives few if any new petitions for forfeiture and even fewer actual forfeitures. It is likely such expenses will no longer be covered by revenue received from the reduced asset forfeiture program.

For the reasons set forth herein, the Department respectfully opposes this bill and requests that it be deferred. Thank you for the opportunity to testify.

HONOLULU POLICE DEPARTMENT
KA 'OIHANA MĀKA'I O HONOLULU
CITY AND COUNTY OF HONOLULU

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NĀ HOPE LUNA NUI MĀKA'I KŪIKAWĀ

OUR REFERENCE **JP-HR**

February 6, 2026

The Honorable Karl Rhoads, Chair
and Members
Committee on Judiciary
State Senate
415 South Beretania Street, Room 016
Honolulu, Hawai'i 96813

Dear Chair Rhoads and Members:

SUBJECT: Senate Bill No. 2457, Relating to Property Forfeiture

I am Jerome A. Pacarro, Major of the Narcotics/Vice Division of the Honolulu Police Department (HPD), City and County of Honolulu.

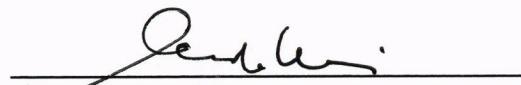
The HPD opposes Senate Bill No. 2457, Relating to Property Forfeiture.

This bill seeks to reduce law enforcement's flexibility to address profit-driven illegal activity. This bill would further delay and restrict law enforcement's ability to utilize asset forfeiture as a tool against criminal enterprises. Requiring a conviction prior to forfeiture, even when cases result in plea deals, could hamper our ability to remove the financial incentives that drive illegal activities. Asset forfeiture is a critical deterrent and a means to disrupt criminal operations that harm the community. Limiting this tool diminishes law enforcement's capacity to protect the public and deter future crimes.

The HPD urges you to oppose Senate Bill No. 2457, Relating to Property Forfeiture.

Thank you for the opportunity to testify.

APPROVED:


Rade K. Vanic
Interim Chief of Police

Sincerely,


Jerome A. Pacarro, Major
Narcotics/Vice Division

COMMUNITY ALLIANCE ON PRISONS

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Today's Inmate; Tomorrow's Neighbor



COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Friday, February 6, 2026

9:00 AM

Room 016 and VIDEOCONFERENCE

STRONG SUPPORT FOR SB 2457 - PROPERTY FORFEITURE

Aloha Chair Rhoads, Vice Chair Gabbard and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai`i for almost three decades. This testimony is respectfully offered on behalf of the 3,654 Hawai`i individuals living behind bars¹ and under the "care and custody" of the Department of Corrections and Rehabilitation on January 26, 2026. We are always mindful that 799 – 43% of Hawai`i's imprisoned male population are serving their sentences abroad -- thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

Community Alliance on Prisons appreciates the opportunity to express our **strong support for SB 2457** that amends forfeiture laws to require the owner

¹ DCR Weekly Population Report, January 26, 2026

[Pop-Reports-Weekly-2026-01-26.pdf](https://www.hdcr.hawaii.gov/Pop-Reports-Weekly-2026-01-26.pdf)

of property seized in relation to a crime to be convicted of the covered offense before the property may be forfeited.

SB 2457 makes clear that No property shall be forfeited under this chapter unless the owner has been convicted of a covered offense by verdict or plea, including a no contest plea or a deferred acceptance of guilty plea or no contest plea.

This amendment is very important in stemming corruption by law enforcement and the government. Property forfeiture with no evidence of a crime is simply stealing since the government can sell the forfeited property seized.

We are all experiencing major corruption at the federal level as ICE, Border Patrol and Customs and Border Control agents are murdering citizens with no evidence of crimes being committed.

Community Alliance on Prisons hopes that Hawai'i will not allow arrest and seizure here and will pass SB 2457 today!

Mahalo for this opportunity to testify.

SB-2457

Submitted on: 2/2/2026 3:24:02 PM
Testimony for JDC on 2/6/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
John Bickel	Individual	Support	Written Testimony Only

Comments:

I support this bill as I think it is unjust to seize property before a criminal conviction.



Committee on Judiciary

Chair Karl Rhoads, Vice Chair Mike Gabbard

Friday, February 6, 2026, 09:00 am

Room 016 and Videoconference

SB 2457– Relating to Property Forfeiture

TESTIMONY

Nette Monaus, Legislative Committee, League of Women Voters of Hawaii

Chair Karl Rhoads, Vice Chair Mike Gabbard, and Committee Members

The League of Women Voters of Hawaii supports SB2457, which ensures fairness and accountability by requiring a conviction and charges within one year for property forfeiture related to a crime. Under current law, property can be seized and forfeited without requiring a conviction for the related crime. This creates a significant risk of unfairly depriving individuals of their assets, even if they are not found guilty, potentially violating the Fifth Amendment of the U.S. Constitution.

Civil forfeiture laws disproportionately affect low-income individuals, who often face costly and difficult processes to reclaim their property and may lack the financial resources to challenge seizures in court. SB2457 strengthens due process protections for innocent property owners while promoting accountability and transparency in law enforcement's property seizure practices. By requiring sufficient legal justification and tying forfeiture to a criminal conviction, the bill moves us toward property forfeitures which are fair, just, and aligned with constitutional principles.

Thank you for the opportunity to submit this testimony.

Nette Monaus