

JOSH GREEN, M.D.
GOVERNOR



DEPT. COMM. NO. 42

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November 24, 2025

The Honorable Ronald D. Kouchi
President and Members of the Senate
Thirty-Third State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Nadine K. Nakamura
Speaker and Members of the
House of Representatives
Thirty-Third State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kouchi, Speaker Nakamura, and Members of the Legislature:

For your information and consideration, I am transmitting a copy of the Department of the Attorney General's Report on Proceedings under the Hawaii Omnibus Criminal Forfeiture Act, as required by section 712A-16(6), Hawaii Revised Statutes (HRS). In accordance with section 93-16, HRS, I am also informing you that the report may be viewed electronically at <https://aq.hawaii.gov/publications/reports/reports-to-the-legislature/>.

If you have any questions or concerns, please feel free to call me at (808) 586-1500.

Sincerely,

Anne E. Lopez

Anne E. Lopez
Attorney General

c: Josh Green, M.D., Governor
Sylvia Luke, Lieutenant Governor
Legislative Reference Bureau (Attn: Karen Mau)
Leslie H. Kondo, State Auditor
Sabrina Nasir, Acting Director of Finance, Department of Budget and Finance
Stacey A. Aldrich, State Librarian, Hawaii State Public Library System
Wendy F. Hensel., President, University of Hawaii

Enclosure

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REPORT ON PROCEEDINGS UNDER THE HAWAII OMNIBUS CRIMINAL FORFEITURE ACT

Pursuant to Section 712A-16(6), Hawaii Revised Statutes

Fiscal Year 2024-2025

Submitted to the Thirty-Third State Legislature
Regular Session of 2026

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I. INTRODUCTION

Crystal methamphetamine was first introduced in Hawaii in the mid-1980s. It quickly gained popularity because it could be ingested in various ways, and it was more potent and cheaper than other drugs at that time. By the late 1980s, there was widespread use of crystal methamphetamine, and law enforcement officials observed a link between the increased use of crystal methamphetamine and the increase in property crimes that were being committed. Due to the widespread use and trafficking of crystal methamphetamine and other dangerous drugs, and the increase in property crimes, in 1988 the Legislature passed, and the Governor enacted chapter 712A, Hawaii Revised Statutes (HRS), the Hawaii Omnibus Criminal Forfeiture Act (chapter 712A).

In the years since chapter 712A, HRS, was introduced, the Legislature found that forfeitures served a public purpose of removing assets that facilitated or were derived from illegal activity, and that the forfeited assets or their proceeds were being used for, *inter alia*, administering the forfeiture program and training and educating law enforcement personnel.¹ The Legislature also found that forfeitures served as an "immediate deterrent" against future illegal activity involving the forfeited assets or precluded further enjoyment of the forfeited assets. *Id.* The Legislature believed that the criminal forfeiture law was being appropriately applied to aid in the war against drugs. *Id.* Accordingly, Act 104, Session Laws of Hawaii 1996, repealed the sunset provision of the Hawaii Omnibus Criminal Forfeiture Act and made the law permanent.

Asset forfeiture statutes have allowed law enforcement to expand its efforts beyond merely arresting and prosecuting criminals to allow it to seize the assets used in, and obtained from, the commission of criminal offenses. As a result, criminals are deprived of their working capital and their profits, thereby preventing them from operating even where traditional criminal sanctions have not otherwise deterred them. Additionally, in cases of organized crime, imprisoning individuals may be insufficient to stop the organization if the underlying infrastructure remains intact.

Asset forfeiture is particularly useful in attacking highly organized criminal enterprises and preventing future crimes. A recent example of a well-publicized Hawaii case is the Michael Miske case where Miske's property, valued at between \$13 million and \$28 million, was seized for forfeiture by the government. While this was a federal case and not subject to the State's forfeiture laws, it nevertheless resulted in the termination of Miske's criminal enterprise and the businesses that were purportedly capitalized with funds from Miske's criminal enterprise.

A secondary benefit of forfeiture laws is that forfeited property, or the proceeds of its sale, has been turned over to law enforcement and is used to fight crime. While the

¹ Senate Standing Committee Report No. 2731, House Standing Committee Report No. 409. 18th Session 1996.

purpose of forfeiture and the evaluation of a forfeiture law or program should never be based solely on the generation of revenue, it is only fitting that forfeited property be used to combat those who seek to profit from crime.

Civil forfeiture is preferred to criminal forfeiture because civil forfeiture is not dependent on the outcome of the criminal case against the interested party. Indeed, the property is the "defendant" in civil forfeiture proceedings because it has in some way facilitated the commission of an offense or constitutes the proceeds of one. For example, when a drug dealer or bank robber uses a get-away car, that car is subject to forfeiture because of its connection with the criminal activity.

For the Legislature to evaluate the effectiveness of chapter 712A, the Attorney General, pursuant to section 712A-16(6), HRS, is required to report to the Legislature "on the use of the Hawaii omnibus criminal forfeiture act during the fiscal year preceding the legislative session." Section 712A-16(6) requires the report to include the following information:

- (a) The total amount and type of property seized by law enforcement agencies;
- (b) The total number of administrative and judicial actions filed by prosecuting attorneys and the disposition thereof;
- (c) The total number of claims or petitions for remission or mitigation filed in administrative actions and the dispositions thereof;
- (d) The total amount and type of property forfeited and the sale proceeds thereof;
- (e) The total amount and type of property distributed to units of state and local government;
- (f) The amount of money deposited into the criminal forfeiture fund; and
- (g) The amount of money expended by the Attorney General from the criminal forfeiture fund and the reason for the expenditures.

This report conforms with the above requirements and explains the use of asset forfeiture as a law enforcement tool.

II. ADMINISTRATIVE FORFEITURE

Perhaps the most important advantage afforded by chapter 712A is that personal property worth less than \$100,000, as well as vehicles and other conveyances of any value, may be forfeited through an administrative process. Previously, all forfeitures were handled through judicial proceedings, resulting in the consumption of judicial resources even where the forfeiture was uncontested.

Under section 712A-10, HRS, a prosecuting attorney files a petition for administrative forfeiture of seized property with the Department of the Attorney General. Persons who own or otherwise have an interest in seized property (claimants), have thirty days to respond from the date they receive notice of the pending forfeiture by

publication, personal service, or mail, whichever occurs first. Claimants may file a Petition for Remission or Mitigation of Forfeiture, which does not challenge the sufficiency of evidence supporting the forfeiture or the actions of any government official. Instead, the petitioner asks the Attorney General to invoke the executive power to "pardon" the property, in whole or in part, because of extenuating or mitigating circumstances not otherwise amounting to a legal defense to forfeiture. Depending on the circumstances, the Attorney General may pardon the property in its entirety and "remit" (return) it to the claimants or "mitigate" the forfeiture by returning the property on payment of a fine.

Alternatively, the claimant can file a claim that asserts under oath that the property is not subject to forfeiture and that requests that the forfeiture be removed to court for judicial review. Except for persons who are indigent, claimants must also post a cost bond equal to 10 percent of the estimated value of the seized property or \$2,500, whichever is greater. The purpose of the cost bond is to ensure that, if the claimant frivolously removes the forfeiture action to court, expenses incurred by the State in judicially prosecuting the forfeiture will be borne by the claimant, with the bond serving as security.

Finally, the claimant may do nothing, in which case forfeiture is ordered after expiration of thirty days.

By these means, forfeiture proceedings can be disposed of administratively without unnecessary consumption of valuable judicial resources, while still providing those who want their "day in court" the opportunity to challenge the forfeiture.

III. DISTRIBUTION OF PROCEEDS

Once property has been forfeited to the State through administrative or judicial proceedings, the Attorney General is charged with disposing of it pursuant to section 712A-16, HRS. Pursuant to section 712A-16(1), HRS, the Attorney General may transfer forfeited property, such as automobiles, to state and county agencies; may sell property by public sale; may pay valid claims against forfeited property and may destroy contraband or raw materials or equipment used to manufacture controlled substances.

Pursuant to section 712A-16(2), HRS, the Attorney General distributes a 25 percent share of forfeited currency and sale proceeds of forfeited property, if any, to both the agency that seized the property and the prosecuting attorney that initiated the administrative or judicial forfeiture proceeding. The remaining 50 percent of the forfeited currency, or sale proceeds, if any, is deposited into the Criminal Forfeiture Fund, which is administered by the Attorney General. Pursuant to section 712A-16(4), HRS, the Department of the Attorney General distributes money from the Criminal Forfeiture Fund to law enforcement agencies and prosecuting attorneys as requests are made.

Property and money distributed pursuant to section 712A-16, HRS, must be used for law enforcement purposes and may be used to supplement, but not supplant, funds regularly appropriated to law enforcement agencies. For example, a strong emphasis has been placed on spending money from the Criminal Forfeiture Fund to meet the training and education needs of law enforcement personnel.

IV. ASSET FORFEITURE: FY 2024-2025

A. Total Seizures

Total seizures in fiscal year 2024-2025 were valued at an estimated \$263,018.² All seized property, including contraband, is given an estimated value by the seizing agency. The actual value is only realized after the property is forfeited to the state and the proceeds from the sale establish the value. The estimated value of total seizures for forfeiture includes contraband and property found to be unsafe or in poor condition that are eventually destroyed. Contraband includes untaxed tobacco, firearms, and gambling machines. The type and amount of property comprising this total is listed by seizing agency in the following table:

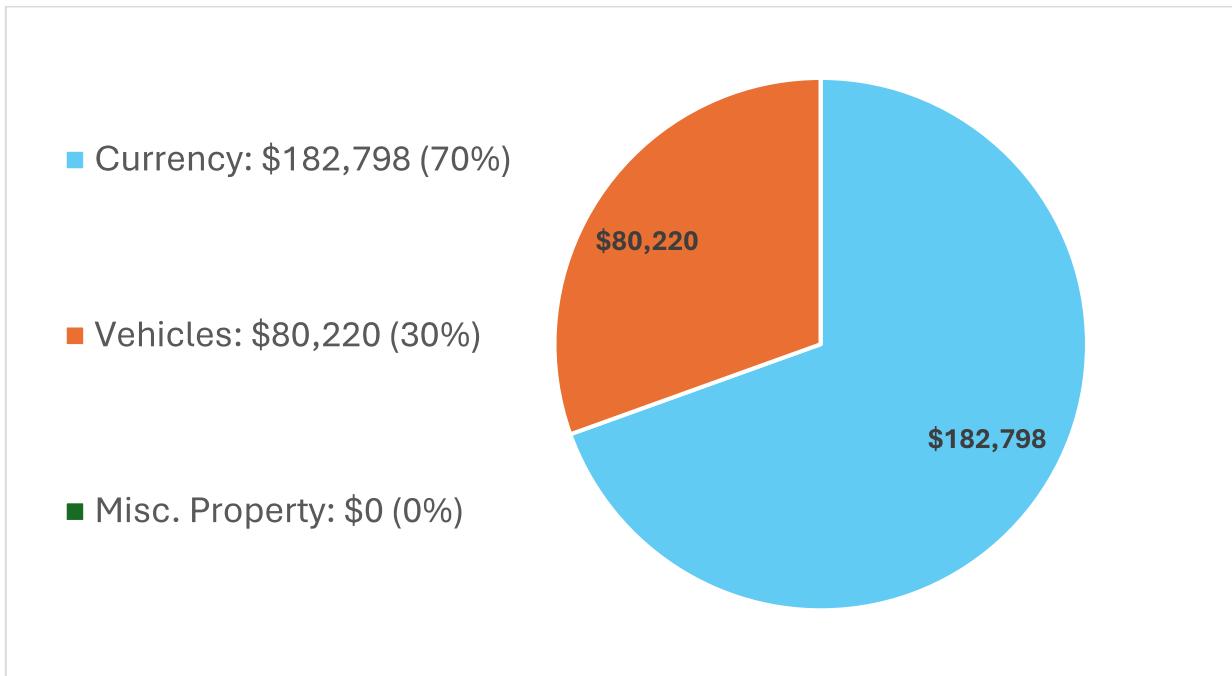
TOTAL SEIZURES BY SEIZING AGENCY
Fiscal Year Ending June 30, 2025

Seizing Agency	Currency	Vehicles	Misc. Property	Total
Hawaii County Police Dept.	\$ 16,352	\$ 80,220	\$ 0	\$ 96,572
Honolulu Police Dept.	109,373	0	0	109,373
Maui Police Dept.	16,990	0	0	16,990
Kauai Police Dept.	40,083	0	0	40,083
ESTIMATED TOTAL	\$182,798	\$ 80,220	\$ 0	\$263,018

² In this context, "total seizures" means total seizures for forfeiture, as distinguished from seizure for evidentiary purposes. "Seizure for forfeiture" means seizure of property by a law enforcement officer coupled with an assertion by the seizing agency or by a prosecuting attorney that the property is subject to forfeiture. Section 712A-1, HRS. Because the prosecuting attorney may elect not to initiate forfeiture proceedings against property seized for evidentiary purposes, total seizures as used in this effort means total seizures in a given year for which forfeiture proceedings were undertaken.

The total amount of seized property is broken down by type of property and is reflected in the following table:

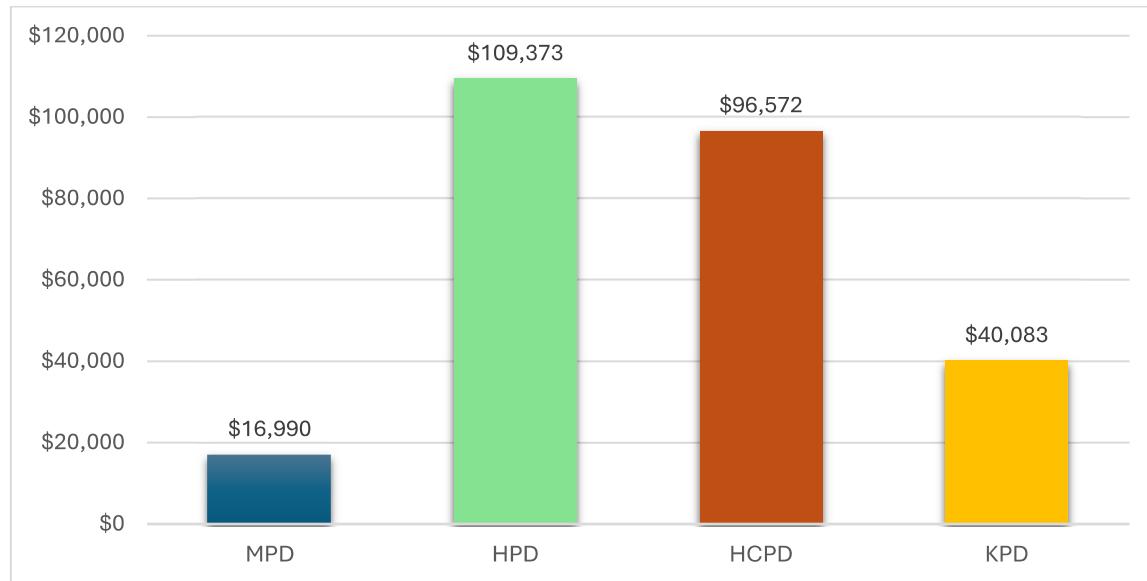
**PERCENTAGE OF TOTAL PROPERTY SEIZED
REPRESENTED BY TYPE OF PROPERTY
For the fiscal year ending June 30, 2025**



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The total amount of seized property is broken down by seizing agency in the following table:

**PERCENTAGE OF TOTAL PROPERTY SEIZED
REPRESENTED BY THE RESPECTIVE AGENCIES**
For the fiscal year ending June 30, 2025

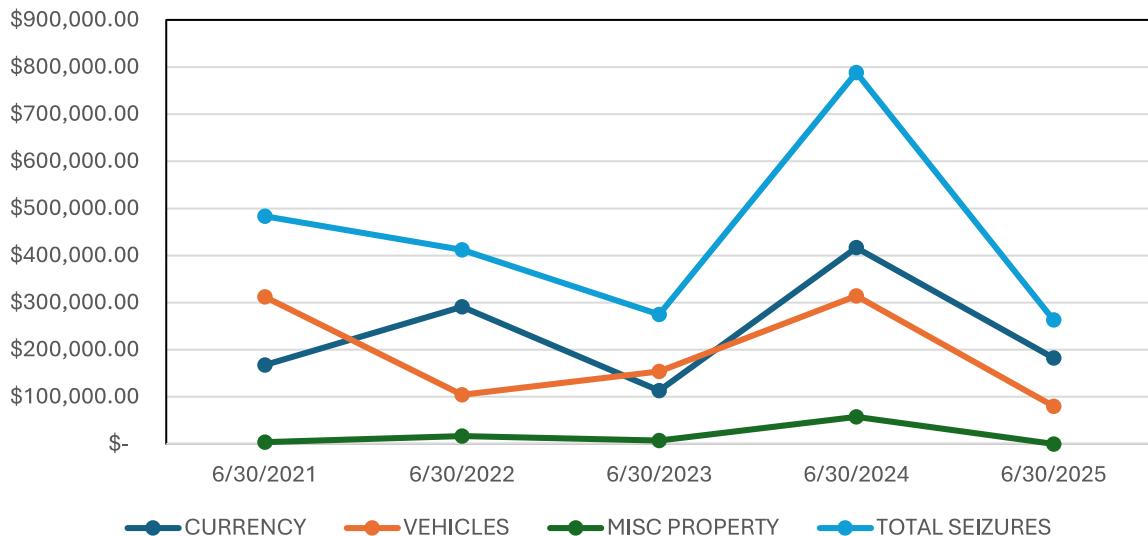


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The following graph and table compare the values of property seized in fiscal years 2020-2021 through 2024-2025, based on the total values and broken down into categories of currency, vehicles, and miscellaneous property.

TOTAL SEIZURES BY PROPERTY TYPE

Property type and totals for fiscal years from June 30, 2021, through June 30, 2025



Property Type	Year Ending: 6/30/2021	Year Ending: 6/30/2022	Year Ending: 6/30/2023	Year Ending: 6/30/2024	Year Ending: 6/30/2025
Currency	\$167,692	\$291,043	\$113,282	\$416,563	\$182,798
Vehicles	312,214	104,436	154,000	314,215	80,220
Misc. Property	3,600	16,713	7,537	57,546	0
TOTAL ESTIMATED SEIZURES	\$483,506	\$412,192	\$274,819	\$788,324	\$263,018

B. Forfeiture Actions Filed

In fiscal year 2024-2025, 33 Petitions for Administrative Forfeiture were filed by the prosecuting attorneys with the Department of the Attorney General.³ In fiscal year 2024-2025, 34 cases were processed. Of the 34 processed cases, 2 were filed and processed within fiscal year 2024-2025, and the other 32 cases were pending cases from previous fiscal years. Of the 34 cases, 27 involved uncontested forfeiture, meaning persons with an interest in the property did not respond to the notice of

³ "Prosecuting attorney" means the prosecuting attorney or deputy prosecuting attorneys of the various counties, or the attorney general or deputy attorneys general when engaged in the prosecuting of a criminal offense. Section 712A-1, HRS. All figures stated for total forfeiture actions filed include those filed both by deputy prosecuting attorneys and deputy attorneys general.

pending forfeiture. Petitions for Remission or Mitigation were filed in 2 of the 34 processed cases; 5 cases involved judicial proceedings; and no cases were voluntarily withdrawn by the prosecutor.

C. Total Number of Claims and Petitions for Remission or Mitigation

Four claims that were filed in previous fiscal years and referred to the respective prosecuting attorneys to determine whether, pursuant to section 712A-10(9), HRS, the claims would be honored or the prosecuting attorney would petition the respective circuit court for forfeiture of the seized property. These four claims were resolved during fiscal year 2024-2025. Three of the claims were resolved through stipulated dismissals of the administrative asset forfeiture petitions and all seized property was returned to the interested parties. The fourth claim was resolved through a stipulated settlement between the prosecuting attorney and the interested party, with a portion of the seized property being returned to the interested party and the balance being forfeited to the state.

In fiscal year 2024-2025, two Petitions for Remission or Mitigation were filed. At the close of fiscal year 2024-2025, both of these Petitions for Remission or Mitigation had been resolved and none were still pending inquiry by the Department of the Attorney General pursuant to section 712A-10(6) and (7), HRS.

D. Property Forfeited

The estimated value of all property forfeited in fiscal year 2024-2025 was \$265,391, of which \$225,391 was currency. A portion of the forfeited vehicles and miscellaneous property may be sold at public auctions.

Contraband, which includes untaxed tobacco, firearms, and gambling machines, was destroyed and not auctioned. Firearms forfeited to the State are not auctioned as a matter of policy, primarily for public safety considerations. To reintroduce forfeited firearms into general circulation would be inimical to public safety and the law enforcement objectives promoted by section 134-12.5, HRS. Forfeited property may be destroyed if found to be unsafe or in poor condition.

The type and amount of property forfeited in fiscal year 2024-2025 is listed by jurisdiction in the following table:

TOTAL FORFEITURES BY JURISDICTION
Fiscal Year Ending June 30, 2025

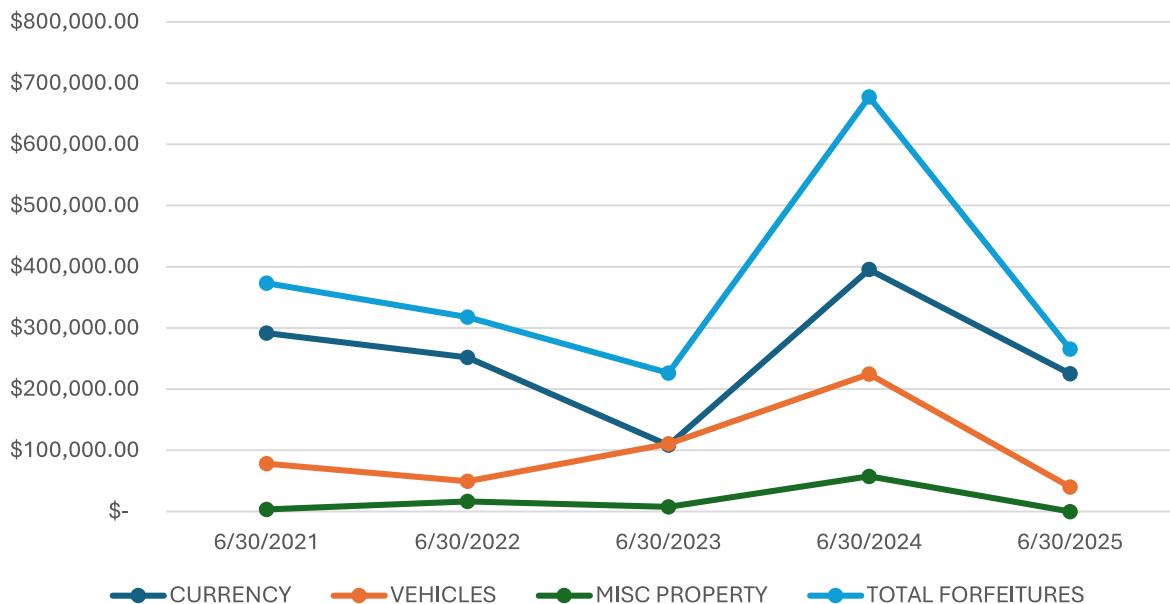
Jurisdiction	Currency	Vehicles	Misc. Property	Total
Hawaii County	\$ 21,844	\$ 30,000	\$ 0	\$ 51,844
City & County of Honolulu	76,170	10,000	0	86,170
Maui County	120,159	0	0	120,159
Kauai County	7,218	0	0	7,218
TOTAL	\$225,391	40,000	0	\$265,391

NOTE: More currency was forfeited in Hawaii County and Maui County in the fiscal year ending June 30, 2025, than was seized. That is because the value of seized property during the period is calculated based on asset forfeiture petitions that were filed during the period. The value of property forfeited is based on number of cases adjudicated during a fiscal year and may include cases where asset forfeiture petitions were filed during a different fiscal year.

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The following table compares total forfeitures, by type of property, in fiscal years 2020-2021 through 2024-2025:

TOTAL FORFEITURES BY PROPERTY TYPE
Fiscal years ending June 30, 2021, through 2025



	6/30/2021	6/30/2022	6/30/2023	6/30/2024	6/30/2025
Currency	\$291,418	\$251,677	\$108,392	\$395,369	\$225,391
Vehicles	78,245	49,436	110,500	224,657	40,000
Misc. Property	3,600	16,713	7,537	57,546	0
TOTAL FORFEITURES	\$373,263	\$317,827	\$226,429	\$677,572	\$265,391

E. Property Distributed

In fiscal year 2024-2025, a total of \$105,853.50 in forfeited currency was distributed to the police departments and prosecuting attorneys of the City and County of Honolulu, and to the counties of Hawaii, Maui, and Kauai pursuant to section 712A-16(2), HRS.

In fiscal year 2024-2025, no forfeited property, other than currency, was transferred to the Honolulu Police Department, Hawaii County Police Department, and Kauai County Police Department pursuant to section 712A-16(2), HRS.

F. Criminal Forfeiture Fund

In fiscal year 2024-2025, \$225,391.00 was deposited into the Criminal Forfeiture Fund.⁴ As explained above, law enforcement agencies received a total of \$105,853.50 in forfeited currency pursuant to sections 712A-16(2) and 712A-16(4), HRS.

G. Criminal Forfeiture Fund Expenditures

In fiscal year 2024-2025, the Department of the Attorney General expended \$317,232.87 from the Criminal Forfeiture Fund. The type, amount, and explanation of the expenditures are listed below:

Purpose	Amount	Explanatory Notes
Preparation for auction and related expenditures (shop supplies)	\$ 5,073.42	Auction prep for vehicles including mold remediation, cleaning, parts and labor for repairs, consumable (shop supplies) purchase and maintenance of related equipment.
Miscellaneous charges	4,500.17	County database access, journal voucher payment to T-906 account
Newspaper Publication of Legal Notices	4,462.48	Notice of Pending Forfeiture publications
Parking for forfeiture truck, purchase of equipment and fuel for truck, forklift and auction vehicles	1,356.59	DAGS parking, prep equipment and fuel used in storage and prep of vehicles for auction
Warehouse Utilities	3,948.97	Alarm system operation and utilities, electricity, telephone, real property upkeep
Distribution to participating Law Enforcement Agencies	105,853.50	Payments made to Law Enforcement during quarterly currency distribution
Order to return funds	4,500.00	Stipulated Settlement - Return of funds Ordered
Payroll Expenditures for Asset Forfeiture Unit	187,537.74	Asset Forfeiture Program Manager, staff and related payroll expenses
TOTAL	\$317,232.87	

⁴ The Criminal Forfeiture Fund is a ledger account maintained by the Attorney General that shows the amount of money available for distribution pursuant to section 712A-16, HRS.

H. Summary of Transactions in FY 2024-2025

The following table summarizes the transactions, including revenues, expenditures, and transfers into and out of the Criminal Forfeiture Fund in fiscal year 2024-2025.

Description	Amount
Beginning Cash Balance (end cash balance from FY24 \$418,468.85 + interest payment of \$1,508.61 originating in FY23 transferred into FY24 = \$419,977.46)	\$419,977.46
Revenue from Forfeiture (includes all revenue sources except late interest payment transfer)	360,894.49
Revenue from late interest payment transfer (interest originated in FY24 and transferred to FY25)	1,312.26
Total Expenditures (This figure includes the currency distributions to Police Departments and Prosecuting Attorneys of \$105,853)	(317,232.87)
TOTAL	\$464,951.34

V. ASSET FORFEITURE DEVELOPMENTS AND TRENDS

During fiscal year 2024-2025, 33 petitions for administrative forfeiture of property having an estimated value of \$263,018 were filed with the Department of the Attorney General.

During fiscal year 2024-2025, 34 forfeiture cases involving property having an estimated value of \$265,391 were closed. The total number of cases closed exceeded the number of filings due to the processing of previous year's petitions.

In response to the needs of the public for information, in February 2025, the asset forfeiture program went on-line as a part of the Attorney General's webpage on the Internet. Auction information, including pictures of items to be sold at auction, is now available on the Internet at <https://auctions.ehawaii.gov/ag/welcome.html>.

The Attorney General began implementing an online auction format in 2025. By holding online auctions, the program is able to continually host an auction and reduce storage costs and value depreciation, increase public participation in asset forfeiture auctions, increase auction proceeds, and expand the ability of the Criminal Forfeiture Fund to meet the needs of law enforcement agencies for training funds and funds for crime prevention programs.

VI. CONCLUSION

The permanent enactment of the Hawaii Omnibus Criminal Forfeiture Act by the Legislature in 1996 has had a positive impact on the handling and processing of administrative forfeitures. Due to the new Act 288, Session Laws of Hawaii 2025, we expect that fiscal year 2025-2026 forfeiture revenues will decrease.