

STAND. COM. REP. NO. 2469

Honolulu, Hawaii

FEB 19 2026

RE: S.B. No. 2457

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2026
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2457 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 amend forfeiture laws to require the owner of property seized in relation to a crime to be convicted of the covered offense before the property may be forfeited.

Your Committee received testimony in support of this measure from the Office of the Public Defender, Community Alliance on Prisons, Grassroot Institute of Hawaii, ACLU Hawai'i, Drug Policy Forum of Hawaii, League of Women Voters of Hawaii, and two individuals.

Your Committee received testimony in opposition to this measure from the Department of the Attorney General, Department of the Prosecuting Attorney of the City and County of Honolulu, Department of the Prosecuting Attorney of the County of Maui, and Honolulu Police Department.

Your Committee received comments on this measure from one individual.

Your Committee finds that civil forfeiture laws disproportionately affect low-income individuals who do not have



the financial means or wherewithal to challenge seizures in court. Additionally, civil forfeiture proceedings are subject to a lower standard of proof than criminal trials, meaning that property may be seized when it only has a tenuous connection to an alleged underlying offense. Your Committee further finds that the State's forfeiture laws were recently amended to require a formal charge to be brought within one year of the asset seizure and if not, then the property would need to be returned to the owner. However, once a charge is filed within the one-year time frame, the enforcement agency is then allowed to sell the asset seized and retain the proceeds without ever going to trial and obtaining a conviction against the owner. This process of seizing private property then selling it and retaining the proceeds deprives the owner of due process and just compensation that are guaranteed and required under the United States Constitution when the government decides to take property. This measure seeks to resolve this problem and inequitable situation by requiring the enforcement agency to obtain a conviction against the owner before the agency is allowed to sell the asset and retain the proceeds. Further, this measure will strengthen due process protections for property owners and promote accountability and transparency in law enforcement's property seizure practices by requiring sufficient legal justification and tying property forfeiture to a criminal conviction.

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. 2457 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

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



KARL RHOADS, Chair



