



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

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**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

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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

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.

JON N. IKENAGA  
PUBLIC DEFENDER

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February 4, 2026

**HB2457: RELATING TO PROPERTY FORFEITURE**

**Chair Rhoads, Vice Chair Gabbard and Members of the Committee on Judiciary**

The Office of the Public Defender (OPD) **strongly supports SB2457**. This measure seeks to amend Hawaii's Revised Statutes (HRS) § 712A-5 to fairly and equitably require that no property shall be forfeited under Chapter 712 “unless the owner has been convicted of a covered offense[.]”

While law enforcement agencies claim that forfeiture is an important tool to combat crime and criminal organizations, and cite crimes such as bribery, extortion, illegal gambling or drug dealing, in reality the typical individual cash forfeiture is relatively small and does not involve criminal organizations – “aside from a few high-profile cases, forfeiture does not target drug kingpins or big-time financial fraudsters.”<sup>1</sup> In fact, civil forfeiture laws disproportionately affect low-income individuals who do not have the financial means or wherewithal to challenge seizures in court. Rather than deterring high-level criminals, civil forfeiture exploits and takes advantage of disadvantaged members of society.

Prior to last session's amendments to Chapter 712A, Hawaii's forfeiture law scheme was one of the lowest graded states in the nation, a D- from the Institute for Justice.<sup>2</sup> Last legislative session, extensive reforms were made to the State's asset forfeiture program. Asset forfeiture is now limited to cases where the owner is

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<sup>1</sup> Knepper, et al., “Policing for Profit: The Abuse of Civil Asset Forfeiture” (3<sup>rd</sup> ed. Dec. 14, 2020), Institute for Justice (<https://ij.org/report/policing-for-profit-3/>)

<sup>2</sup> Id.

charged with covered offense within one year of the seizure. HB2457 is a common sense extension of the previous amendments and reflect a basic notion of due process – that a person should not be punished criminally or civilly until they are actually convicted of a crime. In fact, forfeiture prior to a conviction would appear to be a violation of the due process clauses of the U.S. and Hawai‘i constitutions.<sup>3</sup>

Law enforcement organizations may bemoan the loss of revenue which has resulted from amendments to Chapter 712A or cite the outlier case where the defendant dies prior to conviction but neither outweighs basic and fundamental principles of due process. It is not compelling to argue that law enforcement will lose a source of revenue by making the asset forfeiture program fair and just and comport with due process.

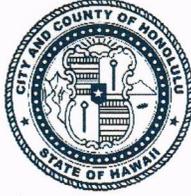
The OPD strongly supports SB2457. Thank you for the opportunity to comment on this measure.

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<sup>3</sup> The fifth amendment to the U.S. Constitution states, “No person shall be ... deprived of life, liberty, or property without due process of law[.]” Similarly, article I, section 5 of the Hawai‘i Constitution states, “No person shall be deprived of life, liberty, or property without due process of law[.]”

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

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RICK BLANGIARDI  
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RADE K. VANIC  
INTERIM CHIEF  
KAHU MĀKA'I KŪIKAWA

AARON TAKASAKI-YOUNG  
RYAN T. NISHIBUN  
INTERIM DEPUTY CHIEFS  
NĀ HOPE LUNA NUI MĀKA'I KŪIKAWA

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.

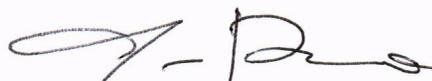
The HPD urges you to oppose Senate Bill No. 2457, Relating to Property Forfeiture.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,

  
Rade K. Vanic  
Interim Chief of Police

  
Jerome A. Pacarro, Major  
Narcotics/Vice Division

**DEPARTMENT OF THE PROSECUTING ATTORNEY**  
**KA 'OIHANA O KA LOIO HO'OPI'I**  
**CITY AND COUNTY OF HONOLULU**

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STEVEN S. ALM  
PROSECUTING ATTORNEY  
LOIO HO'OPI'I



THOMAS J. BRADY  
FIRST DEPUTY PROSECUTING ATTORNEY  
HOPE MUA LOIO HO'OPI'I

**THE HONORABLE KARL RHOADS, CHAIR**  
**SENATE COMMITTEE ON JUDICIARY**  
**Thirty-Third State Legislature**  
**Regular Session of 2026**  
**State of Hawai'i**

February 5, 2026

**RE: S.B. 2457; RELATING TO PROPERTY FORFEITURE.**

Chair Rhoads, Vice Chair Gabbard, and members of the Senate Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the testimony in **opposition** to S.B. 2457.

S.B. 2457 mandates criminal conviction for asset forfeiture. This will significantly impede law enforcement efforts against crime—especially organized crime.

The Department supports robust notice and due process requirements in asset forfeiture proceedings. We support transparency and careful accounting in the use of forfeited assets. And we support using these funds for victim compensation and direct investment in crime-plagued communities.

But this bill requires the State to prove guilt beyond reasonable doubt before forfeiting criminal proceeds, while giving defendants unlimited time and resources—potentially including those very proceeds—to avoid prosecution altogether.

Three examples, drawn from real cases, best illustrate the problem.

First, if the defendant flees the jurisdiction, the State cannot forfeit the proceeds of criminal activity. This gives fugitive criminals continued access to money and other assets that may prolong their evasion of justice. It will introduce a system where sufficiently wealthy criminals can act with complete impunity.

Second, if the defendant dies during a pending prosecution, the State cannot forfeit the proceeds of criminal activity. This may include cases where a jury has already issued a guilty verdict, but the sentence has not yet been delivered. The recent case of Mr. Miske in federal court should be familiar to members of the Committee.

Third, if the identity of the specific owner cannot be determined, the State cannot forfeit the proceeds of criminal activity. Drug trafficking organizations routinely use shell companies and nominee owners to hold assets. Even when the State proves these assets are trafficking proceeds, this bill would prevent forfeiture if the specific individual owner cannot be identified. Or consider the example of a murder in an illegal game room, where patrons and employees flee the scene. Surveillance video may clearly establish that currency left at the scene derives from illegal gambling. Yet even with public notice, if no one steps forward to claim the cash, the State cannot forfeit the proceeds of criminal activity.

This is not an exhaustive list. Criminals have demonstrable adaptability, and income from crime gives them the ready means to act. Criminal proceeds can fund efforts to obstruct justice, such as bribing or intimidating witnesses. Transfers may be structured to preserve monetary flows for organized criminal activity, so that the enterprise survives the conviction of an individual. Asset forfeiture is a powerful and necessary tool to combat crime. This bill significantly weakens its effectiveness.

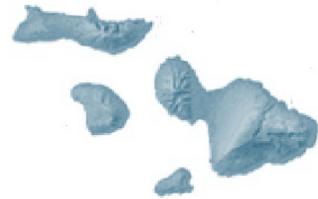
We respectfully urge this Committee to defer the bill.

Thank you for the opportunity to testify.

**RICHARD T. BISSEN, JR.**  
Mayor

**ANDREW H. MARTIN**  
Prosecuting Attorney

**SHELLY C. MIYASHIRO**  
First Deputy Prosecuting Attorney



**DEPARTMENT OF THE PROSECUTING ATTORNEY**  
COUNTY OF MAUI  
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TESTIMONY ON  
S.B. 2457  
RELATING TO PROPERTY FORFEITURE

February 5, 2026

The Honorable Karl Rhoads  
Chair  
The Honorable Mike Gabbard  
Vice Chair  
and Members of the Committee on Judiciary

Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui respectfully submits the following comments **in opposition to S.B. 2457, Relating to Property Forfeiture**. This bill would require the owner of property subject to forfeiture to be convicted of a covered offense before the property could be forfeited.

Although we appreciate the legislature's continued efforts to address the issue of civil asset forfeiture reform, the bill in its current form unnecessarily hinders our efforts to reduce crime by removing incentives for engaging in criminal behavior. We oppose this measure for the following reasons.

First, this bill appears to prohibit forfeiture for any property unless the property owner has been convicted of a covered felony offense. The change would link initiation of a civil asset forfeiture action to a conviction in a felony criminal case. In theory, this would create an incentive for the State to ensure that defendants are convicted of felony offenses.<sup>1</sup>

Second, requiring a criminal conviction has the indirect effect of raising the standard of

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<sup>1</sup> In saying this, we want to make it clear that prosecutorial ethics bar us from initiating criminal cases as a means to pursue asset forfeiture proceedings and vice versa. Preventing this conflict is part of the reason why the two proceedings are initiated independently.

proof for civil forfeiture cases (a preponderance of the evidence standard) to the criminal standard of beyond a reasonable doubt. The preponderance of the evidence standard has been used for years by Hawai`i courts and government agencies to review matters such as land use boundary amendments<sup>2</sup>, domestic abuse protective orders<sup>3</sup>, and traffic/emergency period infractions<sup>4</sup>. It is also used in scenarios where civil and criminal cases arise from the same set of facts, such as the 1994 stabbing deaths of Nicole Brown Simpson and Ron Goldman where O. J. Simpson was acquitted of the two murders but found civilly liable for wrongful death (the civil court equivalent of a criminal murder charge).

Third, the bill does not take into account the criminal appellate process or how forfeited funds are treated when a criminal conviction is vacated. Whether via direct appeal or the Hawai`i Rules of Penal Procedure Rule 40 post-conviction relief process, a criminal conviction can be vacated months, years or decades after the civil asset forfeiture process has been completed. Without the separation between criminal offense and civil asset forfeiture cases provided by the current HRS 712A process, litigation to return funds or real property may arise well after the property is no longer in the government's possession.

Fourth, the amendment in this bill is unnecessary. Act 288 of the 2025 Session Laws amended Chapter 712A to require that all property owners be charged for a covered offense before property can be forfeited. This recent change already provides greater protection for property owners than previous versions of the statute, and to our knowledge there have been no indications that the Act 288 changes were somehow insufficient to protect innocent property owners' rights.

For these reasons, the Department of the Prosecuting Attorney, County of Maui **opposes S.B. 2457**. Please feel free to contact our office at (808) 270-7777 if you have any questions or inquiries. Thank you very much for the opportunity to provide testimony on this bill.

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<sup>2</sup>HRS §205-4(h) (“No amendment of a land use district boundary shall be approved unless the commission finds upon the clear preponderance of the evidence that the proposed boundary is reasonable, not violative of section 205-2 and part III of this chapter, and consistent with the policies and criteria established pursuant to sections 205-16 and 205-17.”)

<sup>3</sup>JD v. PD, 149 Hawai`i 92, 101, 482 P.3d 555, 564 (Ct. App. 2021) (The “preponderance of the evidence” standard is constitutional when applied in cases involving a protection order under HRS Chapter 586).

<sup>4</sup>HRS 291D-8(a)(3) (“The standard of proof to be applied by the court shall be whether, by a preponderance of the evidence, the court finds that the traffic infraction or emergency period infraction was committed”).

# 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 bars<sup>1</sup> 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

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<sup>1</sup> DCR Weekly Population Report, January 26, 2026

[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.

Feb. 6, 2026, 9 a.m.  
Hawaii State Capitol  
Conference Room 016 and Videoconference

**To: Senate Committee on Judiciary**  
**Sen. Karl Rhoads, Chair**  
**Sen. Mike Gabbard, Vice Chair**

**From: Grassroot Institute of Hawaii**  
**Ted Kefalas, Director of Strategic Campaigns**

RE: COMMENTS IN SUPPORT OF SB2457 — RELATING TO PROPERTY FORFEITURE

Aloha chair, vice chair and other committee members,

The Grassroot Institute of Hawaii would like to offer its comments in **support** of [SB2457](#), which would restrict the practice of asset forfeiture to cases in which the property owner has been convicted of a covered offense.

The passage of Act 288 in 2025 was an important step toward reforming the practice of asset forfeiture in Hawaii. But the law lacks one critical feature: It does not require a conviction before the government can seize property related to a crime. This oversight means that Hawaii's property forfeiture regime still lacks sufficient protections for innocent property owners.

A report card of civil asset forfeiture practices nationwide released by the Institute of Justice in 2020 gave Hawaii a D- and described the state as having some of the worst forfeiture laws in the country.<sup>1</sup>

Act 288 addressed some of the issues that led to the state's low grade But the state's low standard of proof for showing how the property is tied to a crime — which was particularly singled out for criticism — remains a problem.

It is shocking that Hawaii residents can lose their property without being convicted of a crime. And the forfeiture program is especially threatening to vulnerable populations, given that many who find themselves subject to forfeitures lack the knowledge, assets or ability to challenge them.

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<sup>1</sup> Lisa Knepper, Jennifer McDonald, Kathy Sanchez, Elyse Smith Pohl, "[Policing for Profit: The Abuse of Civil Asset Forfeiture, 3rd Edition](#)," Institute for Justice, December 2020.

Limiting forfeiture to situations in which the property owner has been convicted of a covered offense would strengthen protections for third parties and innocent property owners who can get swept up in forfeiture cases.

Thank you for the opportunity to testify.

Ted Kefalas  
Director of Strategic Campaigns  
Grassroot Institute of Hawaii



Committee: Judiciary  
Hearing Date/Time: Friday, February 6, 2026, 9:00am  
Place: Conference Room 016 & Via Videoconference  
Re: **Testimony of the ACLU of Hawai'i in SUPPORT of SB2457 Relating to Property Forfeiture**

Dear Chair Rhoads, Vice Chair Gabbard and Members of the Committee:

The American Civil Liberties Union of Hawai'i ("ACLU of Hawai'i") **supports SB2457**, which amends 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.

***The Origins of Civil Asset Forfeiture.***

Asset forfeiture is a law based on the idea that property can be charged with a crime independently of its owner. Administered in Hawai'i by the Department of the Attorney General, funds are generated when law enforcement agencies seize a person's property and sell it – often without a criminal conviction or even a criminal charge.

Although SB2457 doesn't stop law enforcement from initially seizing property, it will require a conviction before property is forfeited to the government. Moreover, it will dilute the "policing for profit" incentive for law enforcement by directing proceeds to the state's general fund instead of earmarking funds back to the police and prosecutors.

***Hawai'i's law enforcement is abusing the current system.***

In 2018, the Hawai'i State Auditor conducted a study of civil asset forfeiture in Hawai'i.<sup>1</sup> The report found that in fiscal year 2015, **"property was forfeited without a corresponding criminal charge in 26 percent of the asset forfeiture cases."** This means during that period, in more than a quarter of all civil property forfeiture cases, not only was there no conviction, but no criminal charges were even filed.

Hawai'i's civil asset forfeiture law has been regarded among the worst in the nation. The Institute for Justice awarded Hawai'i a grade of D-.<sup>2</sup> A low standard of proof means

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<sup>1</sup> State of Hawai'i, Office of the Auditor, Audit of the Department of the Attorney General's Asset Forfeiture Program, Report No. 18-09 (June 2018): <https://files.hawaii.gov/auditor/Reports/2018/18-09.pdf>

<sup>2</sup> Institute for Justice, Policing for Profit: The Abuse of Civil Asset Forfeiture, 3<sup>rd</sup> Edition (December 2020): <https://ij.org/wp-content/uploads/2020/12/policing-for-profit-3-web.pdf>

that property can be seized when it only has a tenuous connection to the alleged underlying offense, and property may be forfeited even when there have been no criminal charges filed. This is often a substantial burden on the property owner, who may lose their job or home because the State seized their means of transportation or money needed to pay rent. **While the law contains a provision intended to protect innocent property owners, this provision is inadequate. The burden placed on the property owners seeking to challenge a forfeiture makes it nearly impossible in most cases for innocent people to recover their property.**

This legislation is necessary to rectify the harms done by our current system and to prevent its continued abuse. SB2457 limits property forfeiture to those covered cases in which the property owner has been convicted, thereby further reducing any profit incentive there may be from law enforcement.

For the above reasons, we urge the Committee to support this measure. Thank you for the opportunity to testify.

Sincerely,

**Josh Frost**

Josh Frost

Policy Advocate

ACLU of Hawai'i

[jfrost@acluhawaii.org](mailto:jfrost@acluhawaii.org)

*With more than 4,000 Hawaii-based members, the mission of the American Civil Liberties Union of Hawai'i is to protect the fundamental freedoms enshrined in the United States and Hawai'i State Constitutions through legislative, litigation, and public education work. The ACLU of Hawai'i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai'i has been serving our communities in Hawai'i for over 60 years.*

American Civil Liberties Union of Hawai'i  
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[www.acluhawaii.org](http://www.acluhawaii.org)

**LATE**

**SB-2457**

Submitted on: 2/5/2026 5:50:03 PM

Testimony for JDC on 2/6/2026 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Nikos Leverenz	Testifying for Drug Policy Forum of Hawaii	Support	Written Testimony Only

Comments:

Drug Policy Forum of Hawaii (DPFH) *strongly supports* SB 2457, which improves the state's asset forfeiture laws to ensure that seized property not be permanently forfeited unless there is a conviction for the covered offense. This bill is elegant in its simplicity and will help ensure that innocent property owners won't have their cash or property permanently forfeited without adjudication.

At a time when far too many in the U.S. are subject to capricious and overweening executive authority, it is vital for this state to provide statutory protections to its residents against such.

As with so much of the so-called "war on drugs," foundational civil liberties are often shortchanged or even ignored in the exercise of executive power. It's most welcome to see the legislature provide additional protections for our state's residents against the untoward exercise of such power.

DPFH is also hopeful that those entities engaged in seizure and forfeiture have data on hand to relay to your committee the progress made under the forfeiture framework signed into law last year in terms of case-specific data collection. And doubly so if such entities have dedicated time and staff resources to oppose this modest yet salutary measure.

Since 1993 DPFH has advanced public discussions and policy changes around Hawai'i's drug policies, which continue to advance severe criminal penalties and extended periods of criminal legal supervision. DPFH also supports policy changes around substance use and behavioral health issues that are anchored in harm reduction, public health, and human rights. These changes include broader access to community-based behavioral health treatment, the repeal of cannabis prohibition in favor of rational regulation, reducing the severity of sentencing laws, prosecutorial practices, penological practices, and criminal legal supervision, and advancing other changes to laws and policies that reduce the impact of the criminal legal system on individuals and families from under-resourced communities.

Mahalo for the opportunity to provide testimony.

**SB-2457**

Submitted on: 2/2/2026 3:24:02 PM

Testimony for JDC on 2/6/2026 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
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

**LATE**

**SB-2457**

Submitted on: 2/5/2026 9:17:12 AM

Testimony for JDC on 2/6/2026 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Barbara Polk	Individual	Comments	Written Testimony Only

Comments:

Chair Rhoads, Vice Chair Gabbard and members of the committee.

Whiled I am in support of the current bill on forfeiture of property, it does not appear to go far enough to protect innocent parties. Getting their property back after a year is fine, but if they need a car that has been impounded for their business or their house to live in, being deprived of it for a year is a severe penalty for anyone, especially someone who is innocent. I would encourage you to add to the bill that no property can be impounded if an individual is not charged with a crime and if impounded, it must be returned within a week if no charge agaianst the owner has been filed.

Thank you for considering this addition to the bill.

Barbara Polk