

STAND. COM. REP. NO.

292

Honolulu, Hawaii

FEB 14 2013

RE: S.B. No. 1342

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Water and Land, to which was referred S.B. No. 1342 entitled:

"A BILL FOR AN ACT RELATING TO ASSET FORFEITURE,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize the forfeiture of any property used or taken in any violation of laws or rules that is charged as a petty misdemeanor.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources, Pacific Alliance to Stop Slavery, and one individual. Your Committee received testimony in opposition to this measure from the American Civil Liberties Union of Hawai'i and one individual.


Your Committee finds that most of Hawaii's laws and administrative rules relating to the protection of our natural, cultural, historical, and recreational resources carry a penalty of either a misdemeanor or petty misdemeanor offense. Frequently, these penalties are not a sufficient deterrent, and violations are often committed by the same individuals even after fines or other sanctions are ordered by our courts. The use of asset forfeiture as an enforcement tool will allow the Department of Land and Natural Resources to take action against incessant violators of our resource laws by depriving violators of the means used to commit or facilitate the violation, or which are the proceeds derived from the violation. The use of asset forfeiture in petty misdemeanor cases strengthens the ability of the Department of



Land and Natural Resources to protect Hawaii's precious resources to the fullest extent possible.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1342 and recommends that it pass Second Reading and be referred to the Committee on Judiciary and Labor.

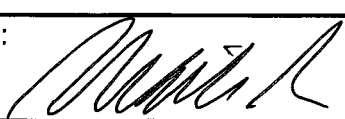
Respectfully submitted on
behalf of the members of the
Committee on Water and Land,


MALAMA SOLOMON, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* SB 1342	Committee Referral: WTL, JDL WTL, JDL	Date: 2/12/13		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
SOLOMON, Malama (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
DELA CRUZ, Donovan M.	✓			
IHARA, Jr., Les		✓		
RUDERMAN, Russell E.				✓
THIELEN, Laura H.				✓
SLOM, Sam				✓
TOTAL	3	1		3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes