

Honolulu, Hawaii  
February 19, 2016

RE: H.B. No. 1559  
H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1559 entitled:

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

begs leave to report as follows:

The purpose of this measure is to prohibit civil asset forfeiture, except in cases where the associated covered offense is a felony for which the property owner has been convicted.

The American Civil Liberties Union of Hawaii, the Drug Policy Forum of Hawaii, and a concerned individual testified in support of this measure. The Hawaii County Prosecuting Attorney, Honolulu Prosecuting Attorney, Kauai County Prosecuting Attorney, Maui County Prosecuting Attorney, Honolulu Police Department, and Maui Police Department testified in opposition. The Humane Society of the United States and Grassroot Institute of Hawaii provided comments.

Your Committee has amended this measure by:

- (1) Specifying that property is subject to forfeiture only if the underlying offense is chargeable as a misdemeanor or felony;
- (2) Clarifying that the forfeiture of animals is exempt from Chapter 712A, Hawaii Revised Statutes (HRS). The forfeiture of animals is subject to section 711-1109.2, HRS;



- (3) Requiring the agency to provide for the safe and secure storage of the seized property until the completion of forfeiture proceedings or other final disposition of the property;
- (4) Requiring all forfeiture proceedings subject to Chapter 712A, HRS, to be conducted in the circuit court;
- (5) Specifying that property shall not be forfeited unless there is a conviction of the underlying offense that is chargeable under section 712A-5, HRS;
- (6) Limiting the use of in rem forfeiture proceedings;
- (7) Deleting section 712A-10, HRS, relating to administrative forfeiture, in its entirety; and
- (8) Making technical, nonsubstantive amendments for style, clarity, and consistency.

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 H.B. No. 1559, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1559, H.D. 1, and be referred to your Committee on Finance.

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



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KARL RHOADS, Chair



