

STAND. COM. REP. NO.

3662

Honolulu, Hawaii

APR 19 2016

RE: H.C.R. No. 4

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred H.C.R. No. 4 entitled:

"HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO AUDIT THE ASSET FORFEITURE PROGRAM OF THE DEPARTMENT OF THE ATTORNEY GENERAL,"

begs leave to report as follows:

The purpose and intent of this measure is to request the Auditor to conduct a management audit of the asset forfeiture program of the Department of the Attorney General and submit its findings and recommendations, including any proposed legislation, to the Legislature prior to the convening of the Regular Session of 2017.

Your Committee received testimony in support of this measure from the Community Alliance on Prisons; The Drug Policy Action Group; The Drug Policy Forum of Hawaii; American Civil Liberties Union of Hawaii; PJY Enterprises, LLC; and eleven individuals. Your Committee received comments on this measure from the Department of the Attorney General and one individual.

Your Committee finds that the Department of the Attorney General is responsible for operating the asset forfeiture program to administratively process forfeitures of personal property worth less than \$100,000, or forfeitures of any vehicle or conveyance, regardless of value, except for real property, pursuant to chapter 712A, Hawaii Revised Statutes. The Attorney General is authorized to dispose of property forfeited to the State through administrative or judicial proceedings. The Attorney General



distributes a portion of the forfeited currency and sale proceeds of forfeited property to the agency that seized the property and the prosecuting attorney that initiated the administrative or judicial forfeiture proceeding and deposits the remaining portion into the criminal forfeiture fund. The distributed property is required to be used for law enforcement purposes and may be used to supplement, but not supplant, funds regularly appropriated to law enforcement agencies.

Your Committee further finds that civil asset forfeitures have led to abuse by law enforcement and notes that it has been twenty years since the Auditor has conducted an audit of the program. By requesting the Auditor to conduct a management audit, this measure will assist in ensuring that the civil asset forfeiture program achieves its original purpose of penalizing individuals who seek profit from illegal activities.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 4, and recommends that it be referred to your Committee on Ways and Means.

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


GILBERT S.C. KEITH-AGARAN, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* HCR 4	Committee Referral: JDL, WAM	Date: 4/18/16		
<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
KEITH-AGARAN, Gilbert S.C. (C)	/			
SHIMABUKURO, Maile S.L. (VC)	/			
GABBARD, Mike				/
KAHELE, Kaiali'i	/			
KIM, Donna Mercado	/			
THIELEN, Laura H.				/
SLOM, Sam				/
TOTAL	4			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