

STAND. COM. REP. NO. 3700

Honolulu, Hawaii

APR 25 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 Ways and Means, 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 no later than twenty days prior to the
convening of the Regular Session of 2017.

Your Committee received written comments in support of this
measure from the American Civil Liberties Union of Hawaii,
Community Alliance on Prisons, Drug Policy Action Group, Drug
Policy Forum of Hawaii, The CHOW Project, and two individuals.

Your Committee finds that, in 1988, the Legislature enacted
chapter 712A, Hawaii Revised Statutes, the Hawaii Omnibus Criminal
Forfeiture Act, which provides for the forfeiture of property used
or acquired in connection with the commission of certain criminal
offenses. The Department of the Attorney General operates the
asset forfeiture program and administratively processes
forfeitures of personal property worth less than \$100,000 or
forfeitures of any vehicle or conveyance.




Your Committee also finds that the Attorney General is authorized to dispose of property forfeited to the State through administrative or judicial proceedings, and a portion of forfeited currency and sale proceeds of forfeited property are distributed to the relevant law enforcement agency and prosecuting attorney to be used solely for law enforcement purposes. Remaining currency and proceeds are deposited into the criminal forfeiture fund.

Your Committee notes that it has been twenty years since the Auditor conducted an audit of the asset forfeiture program. Your Committee believes that a management audit of the asset forfeiture program will ensure that the program achieves its intended purpose of depriving individuals who engage in illegal activities of property used in, or derived from, those activities.

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

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,



JILL N. TOKUDA, Chair



