

STAND. COM. REP. NO.

2218

Honolulu, Hawaii

FEB 17 2016

RE: S.B. No. 2149
S.D. 1

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

Sir:

Your Committee on Public Safety, Intergovernmental, and
Military Affairs, to which was referred S.B. No. 2149 entitled:

"A BILL FOR AN ACT RELATING TO FORFEITURE,"

begs leave to report as follows:

The purpose and intent of this measure is to establish a
working group to review and discuss Hawaii's forfeiture laws and
make recommendations to improve those laws to better fit their
intended purpose.

Your Committee received testimony in support of this measure
from the Department of the Attorney General, Department of the
Prosecuting Attorney for the City and County of Honolulu,
Department of the Prosecuting Attorney for the County of Maui,
Office of the Prosecuting Attorney for the County of Hawaii,
Honolulu Police Department, and one individual. Your Committee
received testimony in opposition to this measure from the Drug
Policy Form of Hawaii.

Your Committee finds that asset forfeiture is a highly
specialized mechanism that is grounded in civil law, but closely
related to criminal law. The intent of asset forfeiture laws are
to remove the products or proceeds of crime from the community,
while also depriving the owners of those products or proceeds if
the owners knew that the property was connected to criminal
activity. News stories concerning abuses of asset forfeiture have
recently brought this issue to the attention of the public. Your
Committee finds that a working group representing a broad spectrum



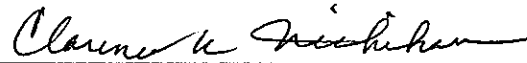
of parties who are experienced in or impacted by asset forfeiture or asset forfeiture laws is the best way to examine asset forfeiture laws in Hawaii and make recommendations on how those laws could better suit their intended purpose.

Your Committee has amended this measure by:

- (1) Adding representatives from the American Civil Liberties Union, Drug Policy Forum of Hawaii, and Office of the Public Defender to the working group; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2149, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2149, S.D. 1, and be referred to your Committees on Judiciary and Labor and Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Intergovernmental, and Military
Affairs,



CLARENCE K. NISHIHARA, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Public Safety, Intergovernmental and Military Affairs
PSM

Bill / Resolution No.:* SB2149	Committee Referral: PSM, JDL/WAM	Date: <i>2/11/16</i>		
<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 type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)	/			
ESPERO, Will (VC)	/			
BAKER, Rosalyn H.				/
INOUYE, Lorraine R.	/			
SLOM, Sam				/
TOTAL	<i>3</i>			<i>2</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Will Espero</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes