

STAND. COM. REP. NO.

2594

Honolulu, Hawaii

MAR 03 2016

RE: S.B. No. 2149
S.D. 2

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

Sir:

Your Committees on Judiciary and Labor and Ways and Means, to which was referred S.B. No. 2149, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO FORFEITURE,"

beg leave to report as follows:

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

Your Committees 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, and Office of the Prosecuting Attorney for the County of Kauai. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from the Drug Policy Forum of Hawai'i.

Your Committees find that the intent of asset forfeiture laws is 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 asset forfeiture abuse have recently brought this issue to the attention of the public. Implementation of this measure will allow a working group, representing a broad spectrum of parties who are experienced in or

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impacted by asset forfeiture or asset forfeiture laws, to examine the State's asset forfeiture laws and make recommendations on how those laws could better suit their intended purpose.

Your Committees have amended this measure by:

- (1) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Labor and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2149, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2149, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Labor and Ways and Means,



JILL N. TOKUDA, Chair

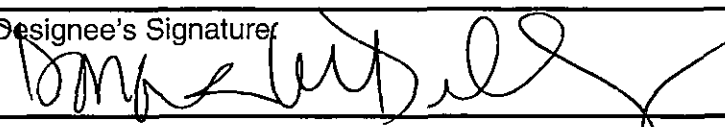


GILBERT S.C. KEITH-AGARAN, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* SB 2149, SD1	Committee Referral: PSM, SD L/WAM	Date: 2/24/16		
<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 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
TOKUDA, Jill N. (C)	/			
DELA CRUZ, Donovan M. (VC)	/			
CHUN OAKLAND, Suzanne	/			
ENGLISH, J. Kalani	/			
GALUTERIA, Brickwood	/			
HARIMOTO, Breene				/
INOUYE, Lorraine R.	/			
RIVIERE, Gil	/			
TANIGUCHI, Brian T.	/			
WAKAI, Glenn	/			
SLOM, Sam	/			
TOTAL	10			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signatures: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes