

Honolulu, Hawaii

APR - 5 2019

RE: H.B. No. 748
H.D. 2
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred H.B. No. 748, H.D. 2, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to prohibit civil asset forfeiture except when the covered offense is chargeable as a felony and the owner of the asset has been convicted.

Your Committee received written comments in support of this measure from the LGBT Caucus of the Democratic Party of Hawaii, Americans for Democratic Action Hawaii, Drug Policy Forum of Hawaii, American Civil Liberties Union of Hawaii, Drug Policy Alliance, Oahu County Democrats, and six individuals.

Your Committee received written comments in opposition to this measure from the Department of Land and Natural Resources, Hawaii Police Department, Maui Police Department, and the City and County of Honolulu Department of the Prosecuting Attorney.

Your Committee received written comments on this measure from the Grassroot Institute of Hawaii.

Your Committee finds that requiring a criminal conviction before permanently confiscating an offender's property will help



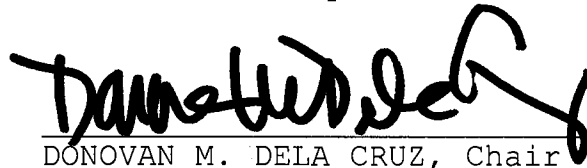
to both establish an important protection for property owners and ensure fairness in the asset forfeiture process.

Your Committee has amended this measure by:

- (1) Requiring that all proceeds of forfeited property, after payment of expenses of administration and sale, be deposited to the credit of the state general fund; and
- (2) Changing the effective date to July 1, 2019.

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 is in accord with the intent and purpose of H.B. No. 748, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 748, H.D. 2, S.D. 2.

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


DONOVAN M. DELA CRUZ, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
<i>HB748 HD2 SD1</i>	<i>JDC, WAM</i>	<i>4/3/19</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
DELA CRUZ, Donovan M. (C)	<i>X</i>			
KEITH-AGARAN, Gilbert S.C. (VC)	<i>X</i>			
ENGLISH, J. Kalani				<i>X</i>
HARIMOTO, Breene				<i>X</i>
INOUE, Lorraine R.	<i>X</i>			
KAHELE, Kaiali'i				<i>X</i>
KANUHA, Dru Mamo	<i>X</i>			
KIDANI, Michelle N.	<i>X</i>			
MORIWAKI, Sharon Y.	<i>X</i>			
RIVIERE, Gil	<i>X</i>			
SHIMABUKURO, Maile S.L.	<i>X</i>			
TANIGUCHI, Brian T.	<i>X</i>			
FEVELLA, Kurt	<i>X</i>			
TOTAL	<i>10</i>			<i>3</i>
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<i>[Signature]</i>				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes