

Honolulu, Hawaii

MAR 04 , 2022

RE: H.B. No. 1965  
H.D. 2

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Sir:

Your Committee on Finance, to which was referred H.B. No. 1965, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this is to:

- (1) Restrict civil asset forfeiture to cases involving the commission of a covered offense where the person exercising some degree of control over the property is charged with an offense related to the property;
- (2) Adopt a higher standard of proof for the State to forfeit property;
- (3) Allow for the transfer of certain property to any local or state government entity, municipality, or law enforcement agency within the State for use for a period of no longer than twelve months, before transferring back to the Attorney General;
- (4) Direct forfeiture proceeds to certain involved state and local governments and to the general fund;



- (5) Amend the allowable expenses for monies in the Criminal Forfeiture Fund;
- (6) Require the Attorney General to adopt rules necessary to carry out the purpose of the Hawaii Omnibus Criminal Forfeiture Act; and
- (7) Amend the deadline for the Attorney General to report to the Legislature on the use of the Hawaii Omnibus Criminal Forfeiture Act.

Your Committee received testimony in support of this measure from the Americans for Democratic Action Hawaii and Common Cause Hawaii. Your Committee received testimony in opposition to this measure from the Department of Public Safety, Honolulu Police Department, and one individual. Your Committee received comments on this measure from the Department of the Attorney General, Office of Public Defender, Department of the Prosecuting Attorney of the City and County of Honolulu, Office of the Prosecuting Attorney of the County of Kaua'i, Department of the Prosecuting Attorney of the County of Maui, and Grassroot Institute of Hawaii.

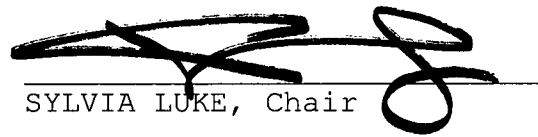
Your Committee has amended this measure by:

- (1) Clarifying that this measure does not prevent the seizure of property before the filing of a criminal charge;
- (2) Authorizing the seizure of property from a confidential informant who has not been charged with an offense or if all of the property owners are unknown or cannot be clearly identified;
- (3) Clarifying that a claimant, owner, or interest-holder shall have the same burden of proof as the State in proving that the claimant's, owner's, or interest-holder's interest in the forfeited property is not subject to forfeiture;
- (4) Adopting a higher standard of proof for administrative forfeiture petitions; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.



As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1965, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1965, H.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Finance,

  
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SYLVIA LUKE, Chair



