

Honolulu, Hawaii

APR 25 , 2025

RE: H.B. No. 126
H.D. 1
S.D. 2
C.D. 1

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 126, H.D. 1, S.D. 2, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to make the State's property forfeiture process more just by:

- (1) Increasing transparency and accountability surrounding property forfeiture;
- (2) Restricting civil asset forfeiture to cases involving the commission of a felony offense where the property owner has been convicted of an underlying felony offense;



- (3) Repealing the monetary cap on the distribution of forfeited property and the proceeds thereof to governmental units;
- (4) Requiring the Attorney General to adopt rules necessary to carry out the purposes of the Hawaii Omnibus Criminal Forfeiture Act;
- (5) Amending the deadline for the Attorney General to report to the Legislature on the use of the Hawaii Omnibus Criminal Forfeiture Act; and
- (6) Repealing language that requires the Hawaii Omnibus Criminal Forfeiture Act to be construed liberally.

Your Committee on Conference has amended this measure by:

- (1) Restricting civil asset forfeiture to cases where the owner has received a charge for the offense, instead of cases involving the commission of a felony offense where the property owner has been convicted of an underlying felony offense;
- (2) Requiring seized property to be returned to the legal owner if a charge is not filed within one year from the date of seizure;
- (3) Amending the authorized disposition of forfeited property and the proceeds thereof;
- (4) Changing the effective date to upon approval; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 126, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 126, H.D. 1, S.D. 2, C.D. 1.



Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE



KARL RHOADS
Chair



DRU KANUHA
Co-Chair

ON THE PART OF THE HOUSE



DAVID A. TARNAS
Co-Chair



LISA KITAGAWA
Co-Chair



