

SB 1342

SB1342

Measure Title: RELATING TO ASSET FORFEITURE.
Report Title: Petty Misdemeanor; Forfeiture
Description: Authorizes the forfeiture of any property used or taken in any violation of laws or rules that results in a petty misdemeanor.
Companion: [HB1393](#)
Package: None
Current Referral: WTL, JDL
Introducer(s): SHIMABUKURO, Galuteria, Nishihara, Solomon

<u>Sort by Date</u>		Status Text
1/24/2013	S	Introduced.
1/28/2013	S	Passed First Reading.
1/28/2013	S	Referred to WTL, JDL.
2/7/2013	S	The committee(s) on WTL has scheduled a public hearing on 02-12-13 1:25PM in conference room 225.

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
WILLIAM J. AILA, JR.
Chairperson**

**Before the Senate Committee on
WATER AND LAND**

**Tuesday, February 12, 2013
1:25 p.m.
State Capitol, Conference Room 225**

**In consideration of
HOUSE BILL 1342
RELATING TO ASSET FORFEITURE**

Senate Bill 1342 proposes to authorize the forfeiture of any property used or taken in any violation of laws or rules that results in a petty misdemeanor. **The Department of Land and Natural Resources (Department) supports this measure.**

Most of Hawaii's laws and administrative rules relating to the protection of our natural, cultural, historical and recreational resources carry a penalty of either a misdemeanor or petty misdemeanor offense. Frequently, these penalties are not a sufficient deterrent, and violations, often committed by the same individuals, continue to occur even after fines or other sanctions are ordered by our courts.

The use of asset forfeiture as an enforcement tool will allow the Department to take action against incessant violators of our resource laws by depriving violators of the means used to commit or facilitate the violation, or which are the proceeds derived from the violation. The use of asset forfeiture in petty misdemeanor cases would give the Department further means to protect Hawaii's precious resources to the fullest extent possible.

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA'AINA
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS



February 11th 2013

COMMITTEE ON WATER AND LAND
Senator Malama Solomon, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

DATE: Tuesday, February 12, 2013
TIME: 1:25 p.m.
PLACE: Conference Room 225
State Capitol
415 South Beretania Street

**RE: TESTIMONY IN SUPPORT OF SB1342
RELATING TO ASSET FORFEITURE**

Authorizes the forfeiture of any property used or taken in any violation of laws or rules that results in a petty misdemeanor.

Dear Committees on Water and Land:

The Pacific Alliance to Stop Slavery (PASS) supports SB1342. This bill is in consonance with legislative efforts we have underway which will make stiffer penalties for patrons of prostitution, which is currently a petty misdemeanor. This bill, if passed into law, would be very beneficial in ending the demand for prostitution in Hawaii and would provide another deterrent for patrons who buy humans for sex.

PASS serves victims of Human Trafficking for sex or labor in the state of Hawaii and has a support base of over 7000 persons.

PASS is one of Hawaii's few services that helps heal survivors of human trafficking. We testify that there are no specific services tailored to the survivors of this crime. As a result, survivors fall through the cracks or are often re-victimized and criminalized as either "prostitutes" if they are sex trafficked victims or "illegal immigrants" if they are labor trafficked victims. Hawaii must accurately and effectively address the handling of human trafficking survivors.

Earlier this year, Shared Hope International rated Hawaii second worst in the nation in protecting child victims of sex trafficking by law. Since there is no sex trafficking statute in Hawaii, statistics from law enforcement are unavailable as they are combined with general prostitution statistics but other sources of information are very helpful in assessing the great need for services specific to child victims of sex trafficking. Such information states:

- Hawaii's incarceration rate of juvenile girls exceeds national average¹.
- Of the girls incarcerated, 35% are runaways, a high-risk criteria for trafficking².
- Hawaii has the third highest attempted teen suicide rate³.
- Hawaii has one of the highest rates of intrafamilial sexual abuse (incest)⁴.

All of these statistics significantly contribute to the proliferation of sex trafficking. Since 2009, PASS alone has assisted 96 victims of human trafficking. The need to expand anti trafficking services is very severe.

Thank you for hearing this much needed legislation.

Sincerely,



Kathryn Xian
Executive Director
Pacific Alliance to Stop Slavery

¹ Hawaii Department of the Attorney General, Research and Statistics Branch Crime Prevention and Justice Assistance Division. (May 2006). *The Female Juvenile Offender in Hawaii: Understanding Gender Differences in Arrests, Adjudications, and Social Characteristics of Juvenile Offenders*

² Ibid.

³ Hawaii State Department of Health (2010)

⁴ Dunn, A. Girl Fest Hawaii Conference on Youth. (2012). Deputy Prosecutor, Honolulu City Prosecutor's Office



Committee: Committee on Water and Land
Hearing Date/Time: Tuesday, February 12, 2013, 1:25 p.m.
Place: Conference Room 225
Re: Testimony of the ACLU of Hawaii in Opposition to S.B. 1342, Relating to Asset Forfeiture

Dear Chair Solomon and Members of the Committee on Water and Land:

The American Civil Liberties Union of Hawaii (ACLU of Hawaii) stands in opposition of S.B. 1342, relating to asset forfeiture, which authorizes the confiscation of real property used or taken in any violations of laws or rules that results in a petty misdemeanor.

S.B. 1342 creates huge incentives for law enforcement officers to police for profit and will unfairly target certain groups, including protesters, street performers and homeless individuals. To challenge this activity and get their money back, victims of seizures bear the burden of initiating a claim for the property. If no claim is filed, the police can keep it. It is unlikely that regular folks whose property is taken will be equipped to seek out the appropriate statute and comply with the requirements for making a claim. While lawyers are available to do this work, the price is high. Many people lack the resources to pay that price, and even if they had them, it would not make sense to pay more than the value of the seized property.

S.B. 1342 expands asset forfeiture to petty misdemeanors, which means that individuals who commit minor crimes, such as trespassing on private property or staying in a park after hours, are subject to asset forfeiture. A homeless person, for example, would lose his or her personal belongings simply for residing in a tent on public land. Similarly, a protester's or street performers' property used to exercise their speech, such as signs or petitions, would be unfairly seized under S.B. 1342.

The ACLU of Hawaii urges this committee to hold S.B. 1342.

Thank you for this opportunity to testify.

Sincerely,

Laurie A. Temple
Staff Attorney and Legislative Program Director
ACLU of Hawaii

The ACLU has been the nation's guardian of liberty since 1925 and the ACLU of Hawaii since 1965 and works daily in the courts, legislatures and communities to defend and preserve the individual rights and liberties equally guaranteed to all by the Constitutions and laws of the

American Civil Liberties Union of Hawai'i
P.O. Box 3410
Honolulu, Hawai'i 96801
T: 808-522-5900
F: 808-522-5909
E: office@acluhawaii.org
www.acluhawaii.org

Chair Solomon and Members of the Committee on
Water and Land
February 12, 2013
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United States and Hawaii. The ACLU works to ensure that the government does not violate our constitutional rights, including, but not limited to, freedom of speech, association and assembly, freedom of the press, freedom of religion, fair and equal treatment, and privacy. The ACLU network of volunteers and staff works throughout the islands to defend these rights, often advocating on behalf of minority groups that are the target of government discrimination. If the rights of society's most vulnerable members are denied, everyone's rights are imperiled.

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F: 808-522-5909
E: office@acluhawaii.org
www.acluhawaii.org

Dr. Myron Berney SB1342 Support with changes

COMMITTEE ON WATER AND LAND

Senator Malama Solomon, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

DATE: Tuesday, February 12, 2013
TIME: 1:25 p.m.
PLACE: Conference Room 225

Support Language Changes in SB 1342 BUT NOT THE ONES IN THE BILL

57% and STILL GROWING of Hawaii Voters SUPPORT LEGALIZATION OF MARIJUANA.

Delete on Page 1 line 11

10 insurance fraud, promoting a dangerous, harmful, or
11 detrimental drug, [~~commercial promotion of marijuana,~~]
12 methamphetamine trafficking, manufacturing of a

57% and STILL GROWING of Hawaii Voters do not support the suggested language changes that would essentially steal from private citizens for misdemeanor offenses.

This new change has not been acceptable previously and there is no basis for such thief by the State to be justified.

Commonly these kinds of Criminal Acts undertaken by the Cops at the time of "arrest".
At the time of arrest and thief the person is innocent until proven guilty
so you are stealing from innocent people

In the case of Medical Marijuana the Cops are terrorizing sick Patients and STEALING THEIR MEDICINE. THIS KIND OF CRIMINAL ACTIVITY BY THE STATE MUST STOP IMMEDIATELY AND ALL INJURED PATIENTS MUST BE FULLY COMPENSATED.

THERE IS NO MEDICAL OR PUBLIC HEALTH JUSTIFICATION FOR COPS TO STEAL A PATIENTS MEDICINE

THESE ACTS ARE A DELIBERATE VIOLATION OF CONSTITUTIONAL LAW especially since Obama has in a Presidential Order declared Marijuana to be a Medicine in the VA system, that's federal. Furthermore, the Federal Department of Health is selling Marijuana in Dispensaries in Washington, DC.

Law Enforcement has been deliberately targeting Medical Marijuana Patients for political reasons to discredit the medical program.

Keep Law Enforcement out of the Privileged Doctor-Patient Relationship.
Health Care is Constitutionally protected from Government
Don't steal medicines from sick patients.

You can't steal my medicine to promote the public health of someone else.

From: mailinglist@capitol.hawaii.gov
To: [WTLTestimony](#)
Cc: pamelapcm@gmail.com
Subject: *Submitted testimony for SB1342 on Feb 12, 2013 13:25PM*
Date: Friday, February 08, 2013 2:22:24 PM

SB1342

Submitted on: 2/8/2013

Testimony for WTL on Feb 12, 2013 13:25PM in Conference Room 225

Submitted By	Organization	Testifier Position	Present at Hearing
Pamela Williams	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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