

Honolulu, Hawaii

April 29, 2016

RE: H.B. No. 1046  
H.D. 2  
S.D. 2  
C.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

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

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 1046, H.D. 2, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO WRONGFUL IMPRISONMENT,"

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 provide compensation and expungement of conviction to persons who can demonstrate they were wrongfully convicted and imprisoned when actually innocent.

Your Committee on Conference finds that this measure will help wrongfully convicted persons by providing compensation and expungement of conviction to persons who can demonstrate that they were wrongfully convicted and imprisoned when actually innocent. Your Committee on Conference notes that the language in this measure is substantially similar to the draft legislation proposed by the Hawaii Chapter of the American Judicature Society Special Committee on Redress for Unlawful Imprisonment. The Special Committee

HB1046 CD1 HCCR HMS 2016-3338



reviewed statutes from other states and proposed language that balances the interests of an allegedly wrongfully imprisoned petitioner with the State's limited resources.

Innocent persons who have been wrongly convicted of crimes and subsequently imprisoned have been uniquely victimized, have distinct challenges re-entering society, and have difficulty achieving legal redress due to a variety of substantive and technical obstacles in the law. These persons face distinct challenges upon re-entering society and have difficulty achieving legal redress due to a variety of substantive and technical obstacles in the law. Your Committee on Conference finds that these individuals deserve a process of redress over and above the existing tort remedies to seek compensation for damages from the jurisdiction that wrongly convicted and imprisoned them.

Your Committee on Conference has amended this measure by changing its effective date to upon its approval.

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. 1046, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1046, H.D. 2, S.D. 2, C.D. 1.


Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE

  
GILBERT S.C. KEITH-AGARAN,  
Chair

  
JILL N. TOKUDA, Co-Chair


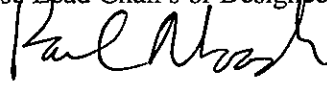
  
KARL RHOADS, Co-Chair

  
TY J.K. CULLEN, Co-Chair



Hawaii State Legislature  
 Record of Votes of a  
 Conference Committee

CCR 146-16

Bill / Concurrent Resolution No.: <b>HB 1046, HD 2, SD 2</b>					Date/Time: <b>4/29/16 5:36</b>				
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).									
<input type="checkbox"/> The Committee is reconsidering its previous decision.									
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.				
Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
KEITH-AGARAN, Gilbert S.C., Chr.	✓				RHOADS, Karl, Co-Chr.	✓			
TOKUDA, Jill N., Co-Chr.	✓				CULLEN, Ty J.K., Co-Chr.	✓			
SHIMABUKURO, Maile S.L.	✓				SAN BUENAVENTURA, Joy A.	✓			
					MCDERMOTT, Bob				✓
<b>TOTAL</b>	3	0	0	0	<b>TOTAL</b>	3	0	0	1
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused		
Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Senate Lead Chair's or Designee's Signature: 					House Lead Chair's or Designee's Signature: 				
Distribution: <b>Original</b> <b>Yellow</b> <b>Pink</b> <b>Goldenrod</b> File with Conference Committee Report      House Clerk's Office      Senate Clerk's Office      Drafting Agency									