

STAND. COM. REP. NO. 3045

Honolulu, Hawaii

MAR 23 2016

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

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

Sir:

Your Committee on Judiciary and Labor, to which was referred  
H.B. No. 1046, H.D. 2, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to provide a  
procedure for persons who are actually innocent of crimes for  
which they were convicted and imprisoned to seek compensation from  
the State.

Your Committee received testimony in support of this measure  
from the Department of the Attorney General, Community Alliance on  
Prisons, American Civil Liberties Union of Hawai'i, The CHOW  
Project, Innocence Project, and seven individuals.

Your Committee finds 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 reviewed statutes from other states on issues such as  
the eligibility for compensation, evidence of innocence, evidence  
of a claim, burdens of proof, decision making entities,  
exclusions, amounts of compensation, types of eligible benefits,  
attorney's fees, and tax implications. This measure balances the  
interests of an allegedly wrongfully imprisoned petitioner with  
the State's limited resources.



Your Committee has amended this measure by:

- (1) Inserting specific amounts for the amount the court is required to award a successful petitioner for each year of actual confinement, the maximum amount awarded to a petitioner in additional compensation for extraordinary circumstances, and the maximum amount in reasonable attorneys' fees;
- (2) Changing the effective date from July 1, 2030, to upon approval; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1046, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1046, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,

  
GILBERT S.C. KEITH-AGARAN, Chair



