
A BILL FOR AN ACT

RELATING TO EXECUTIVE PARDONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 28, Hawaii Revised Statutes, is amended
2 by adding a new section to part I to be appropriately designated
3 and to read as follows:

4 "§28- Pardons; referral to attorney general. The
5 attorney general shall consider and, if requested, investigate
6 every application for pardon referred by the governor to the
7 attorney general and shall furnish the governor, as soon as
8 practicable after the referral, a recommendation regarding
9 whether to grant or deny the pardon."

10 SECTION 2. Chapter 801, Hawaii Revised Statutes, is
11 amended by adding a new section to be appropriately designated
12 and to read as follows:

13 "§801- Pardons; application process. (a) An
14 application for pardon shall be addressed to the governor and
15 filed with the Hawaii paroling authority. Each application for
16 pardon shall contain:

17 (1) The first, middle, and last name of the applicant and
18 all aliases used by the applicant;



- 1 (2) The applicant's date of birth;
- 2 (3) The applicant's state identification number;
- 3 (4) A brief history of the case or cases for which pardon
4 is being sought;
- 5 (5) The reason or reasons for seeking pardon; and
- 6 (6) Any other relevant information that the Hawaii
7 paroling authority may require.

8 The governor may refer applications for pardon to the
9 attorney general, department of public safety, and Hawaii
10 paroling authority for consideration, investigation, and
11 recommendation. Investigation may commence any time after the
12 applicant first submits to the Hawaii paroling authority
13 relevant documents as determined by the Hawaii paroling
14 authority.

15 (b) For each offense for which an applicant is seeking
16 pardon, the Hawaii paroling authority shall, within forty-five
17 days of receiving the application for pardon and upon
18 confirmation that the application is complete and meets the
19 Hawaii paroling authority's requirements for review, provide the
20 prosecuting attorney of the county in which each offense
21 occurred with the following:



- 1 (1) The first, middle, and last name of the applicant and
2 all aliases used by the applicant;
- 3 (2) The applicant's date of birth;
- 4 (3) The applicant's state identification number;
- 5 (4) A list of convictions for which the applicant is
6 applying for pardon, to include the criminal number,
7 offense or offenses committed, and date of arrest and
8 disposition of each offense; and
- 9 (5) The reason or reasons for seeking pardon.
- 10 (c) Within thirty days of receiving the information
11 required by subsection (b), the prosecuting attorney of the
12 county in which each offense occurred may submit to the Hawaii
13 paroling authority any relevant information or materials to be
14 added to the application.
- 15 (d) Within thirty days of receiving the information
16 required by subsection (b), the prosecuting attorney of the
17 county in which each offense occurred shall also contact, or
18 make reasonable efforts to contact, any victim, or surviving
19 immediate family members of the victim, involved in each offense
20 for which pardon is being sought. Should any victim or
21 surviving immediate family members choose to provide additional



1 information for consideration, the victim or surviving immediate
2 family members shall be afforded thirty days, from the date of
3 initial contact from the prosecuting attorney, to submit the
4 information to the Hawaii paroling authority.

5 (e) If an application for pardon is denied by the
6 governor, the Hawaii paroling authority may not accept a repeat
7 application for pardon for the same person until two years have
8 elapsed from the date of the denial. The governor may waive
9 this two-year requirement at any time. The chairperson of the
10 Hawaii paroling authority if so delegated in writing by the
11 governor, may waive the two-year requirement if the applicant
12 offers in writing new information that:

13 (1) Was unavailable to the applicant at the time the
14 initial application was received; or
15 (2) The chairperson determines the new information to be
16 significant.

17 (f) For purposes of this section:
18 "Surviving immediate family members of the victim" or
19 "surviving immediate family members" means surviving parents,
20 siblings, grandparents, spouse, reciprocal beneficiary,
21 children, and any legal guardian of a deceased victim.



1 "Victim" means a person against whom a crime has been
2 committed by an adult or a minor waived by family court, who was
3 subsequently tried and found guilty of the offense as a young
4 adult or adult.

5 (g) Nothing in this section shall be construed to limit
6 the power of the governor to grant or deny a pardon pursuant to
7 the state constitution."

8 SECTION 3. Section 353-72, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "§353-72 Pardons; [reference] referral to paroling
11 authority. The director of public safety and [the] Hawaii
12 paroling authority shall consider and, if requested, investigate
13 every application for pardon [which] that may be referred to
14 them by the governor and shall furnish the governor, as soon as
15 [~~may be~~] practicable after [~~such reference,~~] the referral, all
16 information possible concerning the prisoner, together with a
17 recommendation as to the granting or [~~refusing~~] denial of the
18 pardon."

19 SECTION 4. This Act does not affect any proceedings or
20 applications received by the director of public safety and
21 Hawaii paroling authority before the effective date of this Act.



1 SECTION 5. If any provision of this Act, or the
2 application thereof to any person or circumstance, is held
3 invalid, the invalidity does not affect other provisions or
4 applications of the Act that can be given effect without the
5 invalid provision or application, and to this end the provisions
6 of this Act are severable.

7 SECTION 6. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 7. This Act shall take effect on January 1, 2023.



S.B. NO. 2091
S.D. 1
H.D. 2
C.D. 1

Report Title:

Honolulu Prosecuting Attorney's Office Package; Executive Pardon; Criminal Procedure

Description:

Establishes a comprehensive application process for executive pardons. Takes effect 1/1/2023. (CD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

