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# 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:



- 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 brief history of the case or cases for which pardon
- 6        is being sought;
- 7        (5) The reason or reasons for seeking pardon; and
- 8        (6) Any other relevant information that the Hawaii
- 9        paroling authority may require.

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

17        (b) For each offense for which an applicant is seeking  
18 pardon, the Hawaii paroling authority shall, upon confirmation  
19 that the application is complete and meets the Hawaii paroling  
20 authority's requirements for review, provide the prosecuting



1 attorney of the county in which each offense occurred with the  
2 following:

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

5 (2) The applicant's date of birth;

6 (3) The applicant's state identification number;

7 (4) A list of convictions for which the applicant is  
8 applying for pardon, to include the criminal number,  
9 offense or offenses committed, and date of arrest and  
10 disposition of each offense; and

11 (5) The reason or reasons for seeking pardon.

12 (c) Within thirty days of receiving the information  
13 required by subsection (b), the prosecuting attorney of the  
14 county in which each offense occurred may submit to the Hawaii  
15 paroling authority any relevant information or materials to be  
16 added to the application.

17 (d) Within thirty days of receiving the information  
18 required by subsection (b), the prosecuting attorney of the  
19 county in which each offense occurred shall also contact, or  
20 make reasonable efforts to contact, any victim, or surviving  
21 immediate family members of the victim, involved in each offense



1 for which pardon is being sought. Should any victim or  
2 surviving immediate family members choose to provide additional  
3 information for consideration, the victim or surviving immediate  
4 family members shall be afforded thirty days, from the date of  
5 initial contact from the prosecuting attorney, to submit the  
6 information to the Hawaii paroling authority.

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

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

19 (f) For purposes of this section:  
20 "Surviving immediate family members of the victim" or  
21 "surviving immediate family members" means surviving parents,



1 siblings, grandparents, spouse, reciprocal beneficiary,  
2 children, and any legal guardian of a deceased victim.

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

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

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

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



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

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

10 SECTION 6. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 7. This Act shall take effect on July 30, 2075.



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

**Report Title:**

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

**Description:**

Establishes a comprehensive application process for executive pardons. Takes effect 7/30/2075. (HD2)

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

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