

JAN 25 2006

S.B. NO. 2430

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# A BILL FOR AN ACT

RELATING TO ELECTION.

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

1           SECTION 1. The legislature finds that Hawaii's statutes  
2 specify that a person's voting rights are only lost upon  
3 incarceration for a felony offense. The legislature further  
4 finds that Hawaii's statutes directing the courts to report  
5 felony convictions to election officials do not always contain  
6 the necessary sentencing information because sentencing may  
7 occur much later after a conviction.

8           The purpose of this Act is to amend state law to direct the  
9 judiciary to report felony convictions at the time of actual  
10 sentencing of the individual.

11           SECTION 2. Section 806-76, Hawaii Revised Statutes, is  
12 amended to read as follows:

13           "**§806-76 Court proceedings; reports to county clerk.**

14 Whenever in any circuit court, family court, or district court  
15 any citizen of eighteen years of age or over is:

16           (1) Convicted of any felony;

17           (2) By reason of insanity acquitted of any such crime; or



1           (3) Adjudged insane or feeble-minded or otherwise legally  
2           incompetent,  
3 the clerk of the court [~~shall~~], in each case [~~within ten days~~  
4 ~~thereafter~~], shall make and promptly transmit, to the clerk of  
5 [each county] the respective county in which the person under  
6 paragraphs (1) to (3) is located, a certificate showing the fact  
7 of the conviction or adjudication [~~and a sufficient identifying~~  
8 ~~description of the citizen.~~] within twenty days after sentencing  
9 or entry of other adjudication. The certificate given pursuant  
10 to this paragraph shall include:

- 11           (1) The name, date of birth, and social security number of  
12           the person and any known aliases;  
13           (2) The person's residence address or last known residence  
14           address;  
15           (3) The date of imposition the sentence or entry of other  
16           adjudication;  
17           (4) A description of the offenses of which the person was  
18           convicted; and  
19           (5) The sentence imposed judgement or other adjudication  
20           entered by the court."

21           SECTION 3. Statutory material to be repealed is bracketed  
22 and stricken. New statutory material is underscored.



1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: 

By Request



**SB 2430**

**Report Title:**

Elections; Convicted Felons

**Description:**

Directs judiciary to notify county clerk of a felony conviction at time of actual sentencing of the felon.

