

JAN 17 2008

A BILL FOR AN ACT

RELATING TO THE HAWAII PENAL CODE.

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

1 SECTION 1. Chapter 706, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 "PART . GOVERNOR'S PARDONS

5 §706- Pardon procedures. (a) No pardon may be issued
6 by the governor except upon application to the governor for a
7 pardon by the person seeking a pardon.

8 (b) If the applicant has been incarcerated or has
9 otherwise been on parole for the crime sought to be pardoned,
10 the governor shall refer the application for a pardon to the
11 Hawaii paroling authority.

12 (c) If the applicant has not been incarcerated or has
13 otherwise been on probation for the crime sought to be pardoned,
14 the governor shall refer the application for a pardon to the
15 judiciary.

16 (d) The Hawaii paroling authority or the judiciary, as
17 applicable, shall furnish the governor, as soon as may be after



1 a referral under subsection (b) or (c), all information in their
2 possession respectively concerning the prisoner, together with a
3 recommendation as to the granting or refusing of the pardon. No
4 pardon shall be issued without receipt by the governor of such
5 information.

6 §706- Notice of intention to pardon. Not less than
7 thirty days prior to issuance of a pardon pursuant to this
8 section, the governor shall give public notice in accordance
9 with section 1-28.5, of an intention to issue a pardon to any
10 person. The notice shall state the name of the person to be
11 pardoned, the offense for which the person is being pardoned,
12 the date of the sentencing for that offense, and the reason for
13 the pardon."

14 SECTION 2. Section 353-72, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "§353-72 Pardons; reference to paroling authority. The
17 director of public safety and the Hawaii paroling authority
18 shall consider every application for pardon [~~which may be~~
19 ~~referred to them by the governor and shall furnish the governor,~~
20 ~~as soon as may be after such reference, all information possible~~
21 ~~concerning the prisoner, together with a recommendation as to~~
22 ~~the granting or refusing of the pardon.] in accordance with~~



1 part of chapter 706."

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 Statutory material to be repealed is bracketed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

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

5

INTRODUCED BY:

Will Eyo
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Report Title:
Pardons

Description:
Enacts procedures for pardons; requires the governor to give public notice of intended pardons.

