

Honolulu, Hawaii

FEB 28 2008

RE: S.B. No. 2081  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred  
S.B. No. 2081, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE,"

begs leave to report as follows:

The purpose of this measure is to establish procedures that  
the Governor is required to follow before granting a pardon for a  
crime.

Specifically, this measure requires:

- (1) The Governor to refer all pardon applications to:
  - (A) The Hawaii Paroling Authority if the pardon applicant has been incarcerated or has been on parole for the crime for which the pardon is being sought; or
  - (B) The Judiciary if the pardon applicant has not been incarcerated and has been placed on probation for the crime for which the pardon is being sought;
- (2) The Paroling Authority or the Judiciary, as the case may be, to furnish all information on the pardon applicant and make a recommendation to the Governor as to granting or refusing the pardon;



- (3) That the Governor receive the information from the Paroling Authority or the Judiciary prior to granting any pardon; and
- (4) That prior to granting the pardon, the Governor give thirty days public notice of the pardon and reasons therefor.

Testimony in support of this measure was submitted by a private citizen.

Testimony in opposition to this measure was submitted by the Office of the Governor; Department of the Attorney General; and the Hawaii Paroling Authority.

Your Committee finds that requiring the Governor to give a minimum of thirty days public notice prior to issuing a pardon is good public policy, as the public is given the opportunity to investigate and share its concerns.

Your Committee further finds that involvement by the Hawaii Paroling Authority and Judiciary will increase transparency and oversight in the pardon procedure.

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 S.B. No. 2081, S.D. 1, and recommends that it pass Third Reading.

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

  
BRIAN T. TANIGUCHI, Chair



