

JAN 25 2012

A BILL FOR AN ACT

RELATING TO POST CONVICTION PROCEEDINGS.

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

1 SECTION 1. Chapter 660, Hawaii Revised Statutes, is
2 amended by adding two new sections to be appropriately
3 designated and to read as follows:

4 "§660- Time limits. Any complaint filed under this
5 chapter shall be filed within five years of the date on which:

6 (1) The judgment became final by the conclusion of direct
7 review or the expiration of the time for seeking such
8 review;

9 (2) The impediment was removed that prevented filing a
10 complaint created by a governmental action in
11 violation of the Constitution of the State of Hawaii
12 or the Constitution of the United States;

13 (3) A newly created constitutional rule under the
14 Constitution of the State of Hawaii or the
15 Constitution of the United States was initially
16 recognized and made retroactively applicable to cases
17 on collateral review by the supreme court of the State



1 of Hawaii or the Supreme Court of the United States;

2 or

3 (4) The factual predicate of the claim or claims presented
4 could have been discovered through the exercise of due
5 diligence; and the newly discovered evidence, if
6 proven and viewed in light of the evidence as a whole,
7 would be sufficient to establish by a preponderance of
8 the evidence that no reasonable fact finder would have
9 found the petitioner guilty of the offense.

10 **§660- Successive petitions.** A claim presented in a
11 second or successive complaint filed under this chapter that was
12 not presented in a prior complaint shall be dismissed unless:

13 (1) The petitioner shows that the claim relies on a
14 previously unavailable new rule of constitutional law
15 under the Constitution of the State of Hawaii or the
16 Constitution of the United States, made retroactive to
17 cases on collateral review by the supreme court of the
18 State of Hawaii or the Supreme Court of the United
19 States; or

20 (2) The factual basis for the claim could not have been
21 discovered previously through the exercise of due
22 diligence, and the facts underlying the claim, if



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1 proven and viewed in light of the evidence as a whole,
 2 would be sufficient to establish by clear and
 3 convincing evidence that, but for the constitutional
 4 error, no reasonable fact finder would have found the
 5 applicant guilty of the underlying offense."

6 SECTION 2. New statutory material is underscored.

7 SECTION 3. This Act shall take effect upon its approval.

8

INTRODUCED BY: Will Eyo

J

Will Eyo
 Michelle Fedeni
 J.L.S.



S.B. NO. 2900

Report Title:

Post Conviction Proceedings; Procedure; Time Limits

Description:

Establishes time limits for filing habeas corpus complaints and limits successive complaints.

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

