

STAND. COM. REP. NO. 649 -12

Honolulu, Hawaii

Feb 17, 2012

RE: H.B. No. 2829

H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2829 entitled:

"A BILL FOR AN ACT RELATING TO POST CONVICTION PROCEEDINGS,"

begs leave to report as follows:

The purpose of this measure is to establish certain time limitations within which inmates can file habeas corpus complaints and seek post-conviction relief in state courts.

The Department of the Attorney General, Department of the Prosecuting Attorney for the County of Maui, and Office of the Prosecuting Attorney for the County of Hawaii testified in support of this measure. The Office of the Public Defender testified in opposition to this measure.

Your Committee notes that under Article I, Section 15 of the Constitution of the State of Hawaii, and pursuant to the Supreme Court of Hawaii order entitled *In the Matter of the HAWAII RULES OF PENAL PROCEDURE*, dated November 7, 2007, provisions relating to limitations on post-conviction relief are most appropriately addressed by the Legislature and not the court.

Your Committee has amended this measure by:

- (1) Changing the effective date to January 7, 2059, to encourage further discussion; and

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- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2829, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2829, H.D. 1, and be referred to the Committee on Finance.

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



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GILBERT KEITH-AGARAN, Chair



