

JAN 18 2013

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# A BILL FOR AN ACT

RELATING TO WRONGFUL CONVICTIONS.

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

1           SECTION 1. Chapter 28, Hawaii Revised Statutes, is amended  
2 by adding a new part to be appropriately designated and to read  
3 as follows:

4                           **"PART . CONVICTION INTEGRITY PROGRAM**

5           **§28-A Conviction integrity program; established. (a)**

6 There is established a conviction integrity program within the  
7 department of the attorney general to:

8           (1) Prevent the wrongful prosecution of innocent persons;

9                           and

10           (2) Review claims of innocence involving convicted  
11                           defendants.

12           (b) The attorney general shall collaborate with the  
13 prosecuting attorney of each county to establish policies,  
14 criteria, and procedures to address the purposes described in  
15 subsection (a) for state and county criminal prosecutions,  
16 including:

17           (1) Best practices and standard procedures to prevent  
18                           wrongful convictions, based on a review of practices



1 and policies related to criminal case assessment,  
2 investigation, and disclosure obligations for  
3 exculpatory evidence, with a focus on preventing  
4 errors such as eyewitness misidentifications and false  
5 confessions;

6 (2) Additional training for deputy attorneys general and  
7 prosecutors with less than years of  
8 experience in conducting prosecutions;

9 (3) Policies, criteria, and procedures for receiving,  
10 evaluating, and investigating claims of wrongful  
11 conviction submitted directly to the prosecuting  
12 entity for consideration at its discretion to  
13 supplement the provisions of part XI of chapter 844D  
14 and any other requirement imposed upon a prosecuting  
15 entity in connection with post-conviction relief; and

16 (4) Standards for the consideration and application of  
17 exculpatory evidence providing a basis for vacating a  
18 conviction.

19 (c) In establishing the policies, criteria, and procedures  
20 required under subsection (b), the attorney general and the  
21 county prosecutors shall solicit and consider the input of the



1 state public defender and any organization or other person with  
2 expertise in the subject of wrongful convictions.

3       **§28-B County conviction integrity units.** (a) The  
4 prosecuting attorney of each county shall establish a conviction  
5 integrity unit within the respective county office of the  
6 prosecuting attorney to implement the policies, criteria, and  
7 procedures established pursuant to section 28-A(b).

8       (b) The attorney general shall allocate and award  
9 appropriated funds to county conviction integrity units that are  
10 in substantial compliance with the policies, criteria, and  
11 procedures established under section 28-A(b); provided that any  
12 such appropriated sums shall be contingent upon the respective  
13 county providing a minimum of                   per cent of the sum  
14 allocated to the county."

15       SECTION 2. There is appropriated out of the general  
16 revenues of the State of Hawaii the sum of \$                   or so  
17 much thereof as may be necessary for fiscal year 2013-2014 and  
18 the same sum or so much thereof as may be necessary for fiscal  
19 year 2014-2015 to establish the conviction integrity program  
20 within the department of the attorney general and conviction  
21 integrity units within the office of the prosecuting attorney  
22 for each county in accordance with this Act.



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1           The sums appropriated shall be expended by the department  
2 of the attorney general for the purposes of this Act.

3           SECTION 3. In codifying the new sections added by section  
4 1 of this Act, the revisor of statutes shall substitute  
5 appropriate section numbers for the letters used in designating  
6 the new sections in this Act.

7           SECTION 4. This Act shall take effect on July 1, 2013.  
8

INTRODUCED BY:

*[Handwritten Signature]*  
by request

# S.B. NO. 580

**Report Title:**

Wrongful Convictions; County Conviction Integrity Units;  
Appropriation

**Description:**

Establishes the conviction integrity program within the AG, including implementation through county units, to prevent and address wrongful convictions.

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

