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## 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 limitation. (a) Any complaint filed under  
5 this chapter or any post-conviction judicial proceedings filed  
6 under rule 40 of the Hawaii rules of penal procedure shall be  
7 filed within fifteen years of the latest of the following:

8           (1) The date on which the judgment became final by the  
9           conclusion of direct review or the expiration of the  
10           time for seeking the review;

11           (2) The date on which an impediment to filing a complaint  
12           that was created by a governmental action, in  
13           violation of the Constitution of the State of Hawaii  
14           or the Constitution of the United States, was removed;

15           (3) The date on which a newly created constitutional rule  
16           under the Constitution of the State of Hawaii or the  
17           Constitution of the United States was initially



1 recognized and made retroactively applicable to cases  
 2 on collateral review by the supreme court of the State  
 3 of Hawaii or the Supreme Court of the United States;  
 4 or

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

13 (b) This section shall not apply to any motion, petition,  
 14 or appeal filed pursuant to chapter 844D part XI.

15 **§660- Successive petitions.** A claim presented in a second  
 16 or successive complaint filed under this chapter that was not  
 17 presented in a prior complaint shall be dismissed unless:

18 (1) The petitioner shows that the claim relies on a  
 19 previously unavailable new rule of constitutional law  
 20 under the Constitution of the State of Hawaii or the  
 21 Constitution of the United States, made retroactive to





# H.B. NO. 341

**Report Title:**

Post-Conviction Proceedings; Procedure

**Description:**

Establishes a time limitation for filing habeas corpus complaints and post-conviction judicial proceedings. Limits basis for 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.*

