

Honolulu, Hawaii

APR 06 2016

RE: H.B. No. 1046
H.D. 2
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred H.B. No. 1046, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO WRONGFUL IMPRISONMENT,"

begs leave to report as follows:

The purpose and intent of this measure is to provide a procedure for persons who are actually innocent of crimes for which they were convicted and imprisoned to seek compensation from the State.

Your Committee received written comments in support of this measure from the Department of the Attorney General, a Maui County Councilmember, American Civil Liberties Union of Hawaii, Community Alliance on Prisons, Innocence Project, Hawaii Friends of Restorative Justice, and three individuals.

Your Committee finds that innocent persons who have been wrongly convicted of crimes and subsequently imprisoned have been uniquely victimized. These persons face distinct challenges upon re-entering society and have difficulty achieving legal redress due to a variety of substantive and technical obstacles in the law. Your Committee finds that these individuals deserve a process of redress over and above the existing tort remedies to seek compensation for damages from the jurisdiction that wrongly convicted and imprisoned them.



Your Committee has amended this measure by changing the effective date to July 1, 2076, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1046, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1046, H.D. 2, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,

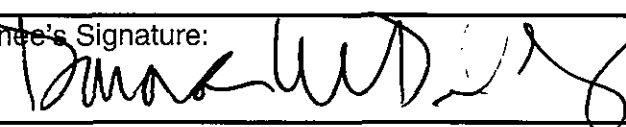


JILL N. TOKUDA, Chair



The Senate
Twenty-Eighth Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:
HB 1046, HD 2, SD1	SDL, WAM	3/30/16
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____		
The Recommendation is:		
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310
<input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)
Nay	Excused	
TOKUDA, Jill N. (C)	/	
DELA CRUZ, Donovan M. (VC)	/	
CHUN OAKLAND, Suzanne	/	
ENGLISH, J. Kalani		/
GALUTERIA, Brickwood	/	
HARIMOTO, Breene	/	
INOUYE, Lorraine R.		/
RIVIERE, Gil	/	
TANIGUCHI, Brian T.	/	
WAKAI, Glenn	/	
SLOM, Sam		/
TOTAL	8	3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:		
		
Distribution:	Original	Yellow
File with Committee Report	Clerk's Office	Pink
		Drafting Agency
		Goldenrod
		Committee File Copy

*Only one measure per Record of Votes