

JAN 17 2020

A BILL FOR AN ACT

RELATING TO EXECUTIVE PARDONS.

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 section to be appropriately designated and to
3 read as follows:

4 "§28- Pardons; reference to attorney general. The
5 attorney general shall consider and, if necessary, investigate
6 every application for pardon referred by the governor to the
7 attorney general and shall furnish the governor, as soon as may
8 be after the reference, a recommendation regarding whether to
9 grant or refuse the pardon."

10 SECTION 2. Chapter 801, Hawaii Revised Statutes, is
11 amended by adding a new section to be appropriately designated
12 and to read as follows:

13 "§801- Pardons; application process. (a) An
14 application for pardon shall be addressed to the governor and
15 filed with the Hawaii paroling authority. Each application for
16 pardon shall contain:

17 (1) The first and last name of the applicant;



1 (2) A brief history of the case or cases for which pardon
2 is being sought;

3 (3) Any reason for seeking pardon; and

4 (4) Any other relevant information that the Hawaii
5 paroling authority may require.

6 (b) For each offense for which an applicant is seeking
7 pardon, the applicant must provide satisfactory proof to the
8 Hawaii paroling authority that a copy of each portion of the
9 application that contains the first and last name of the
10 applicant, a brief history of the case or cases for which pardon
11 is being sought, and any reason for seeking pardon, was provided
12 to the:

13 (1) Prosecuting attorney of the county where each offense
14 occurred; and

15 (2) Court that entered judgment in each case.

16 (c) Within thirty days of receiving a copy of the portions
17 of the application required by this section, the prosecuting
18 attorney of the county in which each offense occurred and the
19 court that entered judgment in each offense may submit to the
20 Hawaii paroling authority any relevant information or materials
21 to be added to the application.



1 (d) Upon receiving a copy of the portions of the
2 application required by this section, the prosecuting attorney
3 of the county in which the offense occurred shall make
4 reasonable efforts to contact any victim involved in each
5 offense for which pardon is being sought. Should any victim
6 choose to provide additional information for consideration, the:

7 (1) Victim shall be afforded a reasonable length of time
8 to submit the information; and

9 (2) Prosecuting attorney shall promptly inform the Hawaii
10 paroling authority that additional materials are
11 forthcoming from the victim.

12 (e) The governor may refer applications for pardon,
13 including materials or documents provided by any relevant
14 prosecuting attorney, court, or victim, to the attorney general
15 and Hawaii paroling authority for consideration, investigation,
16 and recommendation.

17 (f) Thirty days after all application materials and
18 supporting documents are received by the Hawaii paroling
19 authority, the application shall be considered complete and
20 eligible for consideration or recommendation by the governor,
21 attorney general, and Hawaii paroling authority, as applicable.



1 Investigation may commence any time after the person applying
2 for pardon first submits relevant documents to the Hawaii
3 paroling authority.

4 (g) If an application for pardon is denied by the
5 governor, the Hawaii paroling authority may not accept a repeat
6 application for pardon for the same person until two years have
7 elapsed from the date of the denial. The chairman of the Hawaii
8 paroling authority may waive the two-year requirement if the
9 applicant offers in writing new information that:

10 (1) Was unavailable to the applicant at the time of the
11 filing of the prior application; and

12 (2) The chairman determines to be significant.

13 (h) Nothing in this section shall be construed to limit
14 the power of the governor to grant a pardon pursuant to the
15 state constitution."

16 SECTION 3. Section 353-72, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "§353-72 Pardons; reference to paroling authority. The
19 director of public safety and the Hawaii paroling authority
20 shall consider and, if necessary, investigate every application
21 for pardon [~~which~~] that may be referred to them by the governor



1 and shall furnish the governor, as soon as may be after [such]
2 the reference, all information possible concerning the prisoner,
3 together with a recommendation as to the granting or refusing of
4 the pardon."

5 SECTION 4. This Act does not affect rights and duties that
6 matured, penalties that were incurred, and proceedings that were
7 begun before its effective date.

8 SECTION 5. If any provision of this Act, or the
9 application thereof to any person or circumstance, is held
10 invalid, the invalidity does not affect other provisions or
11 applications of the Act that can be given effect without the
12 invalid provision or application, and to this end the provisions
13 of this Act are severable.

14 SECTION 6. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 7. This Act shall take effect upon the approval of
17 a constitutional amendment that authorizes the legislature to
18 enact legislation to establish a process by which executive
19 reprieves, commutations, and pardons are submitted to and
20 considered by the governor.

21



S.B. NO. 2180

INTRODUCED BY: *M. J. ...*
By Request



S.B. NO. 2180

Report Title:

Honolulu Prosecuting Attorney Package; Executive Pardon;
Criminal Procedure

Description:

Establishes a comprehensive application process for executive pardons.

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

