
A BILL FOR AN ACT

RELATING TO CRIMINAL DEFENSE.

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

1 SECTION 1. The legislature finds that the legal system in
2 this State is predicated on the concepts of justice, due
3 process, and habeas corpus. The legal system is designed to
4 protect the rights of the public, the accused, victims, and
5 those convicted of crimes.

6 The legislature further finds that there are no time
7 limitations on petitions and complaints for post-conviction
8 relief in state court. For a variety of reasons, including the
9 need to properly gather evidence and draft complaints, or the
10 discovery of new evidence, convictions and custody are often
11 challenged long after the actual events at issue.

12 The legislature further finds that current practices often
13 result in the loss or destruction of evidence for cases
14 adjudicated long after a petition for post-conviction relief has
15 been filed. It is difficult, if not impossible, to provide
16 justice or finality to a victim or person convicted of a crime
17 in a system in which evidence is no longer accessible.



1 Additionally, the legislature finds that courts have been
2 inundated and congested with frivolous post-conviction relief
3 claims that have no factual or legal justification.

4 Accordingly, the purpose of this Act is to establish a task
5 force to review and propose potential updates to Hawaii's laws
6 and court rules regarding post-conviction relief.

7 SECTION 2. (a) There is established a post-conviction
8 relief task force to review and propose potential updates to
9 Hawaii's laws and court rules regarding post-conviction relief.
10 The task force shall consider constitutional rights, existing
11 laws, the accessibility of legal services, procedures relating
12 to the destruction of evidence, and the laws and rules of other
13 states regarding post-conviction relief.

14 (b) The post-conviction relief task force shall comprise
15 the following members or their designees:

16 (1) The chair of the senate standing committee on
17 judiciary, who shall serve as a co-chair of the task
18 force;

19 (2) The chair of the house standing committee on
20 judiciary, who shall serve as a co-chair of the task
21 force;



- 1 (3) The chief justice of the Hawaii supreme court;
2 (4) The attorney general;
3 (5) The state public defender;
4 (6) A prosecuting attorney to be selected by the co-chairs
5 of the task force; and
6 (7) The dean of the William S. Richardson school of law at
7 the University of Hawaii at Manoa.

8 (c) The co-chairs of the post-conviction relief task force
9 may invite other interested parties to participate in the task
10 force.

11 (d) The post-conviction relief task force shall submit a
12 report of its findings and recommendations, including any
13 proposed legislation, no later than twenty days prior to the
14 convening of the 2021 regular session.

15 (e) The post-conviction relief task force shall be
16 dissolved on June 30, 2021.

17 SECTION 3. This Act shall take effect on July 1, 2050.



Report Title:

Post-Conviction Proceedings; Task Force

Description:

Establishes a post-conviction relief task force to review and propose potential updates to Hawaii's laws and court rules regarding post-conviction relief. (SB2 HD1)

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

