

STAND. COM. REP. NO.

2562

Honolulu, Hawaii

FEB 12 2020

RE: S.B. No. 2186

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2020  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B.  
No. 2186 entitled:

"A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE V OF THE  
CONSTITUTION OF THE STATE OF HAWAII TO AUTHORIZE LEGISLATION  
REGARDING THE PROCESS BY WHICH CRIMINAL REPRIEVES,  
COMMUTATIONS, AND PARDONS ARE SUBMITTED TO AND CONSIDERED BY  
THE GOVERNOR,"

begs leave to report as follows:

The purpose and intent of this measure is to propose  
amendments to article V, section 5, of the Constitution of the  
State of Hawaii to allow legislation regarding the process by  
which executive reprieves, commutations, and pardons are submitted  
to and considered by the Governor.

Your Committee received testimony in support of this measure  
from the Department of the Prosecuting Attorney of the City and  
County of Honolulu. Your Committee received testimony in  
opposition to this measure from the Hawaii Paroling Authority.

Your Committee finds that the Hawaii State Constitution  
provides that the governor may grant reprieves, commutations and  
pardons, after conviction, for all offenses, subject to regulation  
by law as to the manner of applying for the same. Under existing  
law, there is no requirement that prosecutors or crime victims  
receive advance notice of applications for pardons or  
commutations. Your Committee further finds that it is unclear



whether a constitutional amendment is needed to address concerns of stakeholders, or if legislation is sufficient. Your Committee therefore believes further discussion of this matter is necessary.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2186 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



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KARL RHOADS, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:* <b>SB 2186</b>	Committee Referral: <b>JDC, WAM</b>	Date: <b>02/04/2020</b>		
<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 checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	/			
KEOHOKALOLE, Jarrett (VC)	/			
GABBARD, Mike	/			
KIM, Donna Mercado	/			
FEVELLA, Kurt				/
<b>TOTAL</b>	<b>4</b>			<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes