

DAVID Y. IGE  
GOVERNOR



STATE OF HAWAII  
**HAWAII PAROLING AUTHORITY**  
1177 Alakea Street, First Floor  
Honolulu, Hawaii 96813

EDMUND "FRED" HYUN  
CHAIR

CLAYTON H.W. HEE  
CHERYL E. INOUE  
MAX N. OTANI  
FITUINA F. TUA  
MEMBERS

TOMMY JOHNSON  
ADMINISTRATOR

No. \_\_\_\_\_

TESTIMONY ON SENATE BILL 2180  
RELATING TO EXECUTIVE PARDONS

By

Edmund "Fred" Hyun, Chairman  
Hawaii Paroling Authority

Senate Committee Public Safety, Intergovernmental, and Military Affairs  
Senator Clarence K. Nishihara, Chair  
Senator Glenn Wakai, Vice Chair

Friday, January 31, 2020; 1:15 p.m.  
State Capitol, Conference Room 414

Chair Nishihara, Vice Chair Wakai, and Members of the Committee:

The Hawaii Paroling Authority (HPA) understands the intent of HB 2180, which seeks to change the current process regarding the processing of applications for gubernatorial pardon by including the County Prosecutor's, the victim(s), and the Judiciary. The HPA has concerns with some of the proposed changes to the current pardon's process.

As written, Section 2, page 2 (Lines 13 through 21) of this measure is unclear as to why the Prosecutor and the Court of Conviction would be consulted and/or what "relevant information or materials" would be provided to add to the application for pardon. It should be noted, the current pardon investigation process is very thorough and there is little, if any, relevant information that the Prosecutor and/or the Court could provide that can be considered meaningful to the process or the applicant.

Further, Section 2, page 3 (Lines 7 through 11) of this measure provides for a “reasonable amount of time to allow the Prosecutor to obtain the input of the victim.” This statement is vague and does not define what is a reasonable amount of time (i.e., 30, 60, or 90 days or longer). This vague language will most likely needlessly delay the pardon process, while at the same time, adding little to no value to the process.

In addition, Section 2, page 4 (lines 7 through 15) appear to circumvent the Authority vested with the Governor pursuant to Article 5 of the State Constitution by allowing the Chairman of the HPA to waive the two-year reapplication period for the vague reason(s) of “information that was unavailable at the time of the previous application.” Any waiver to the pardon’s process should be approved by the Governor because it is the Governor that has the authority to approve or disapprove application for gubernatorial pardon. Likewise, any waiver affecting the pardons process should also fall under the sole jurisdiction of the Governor, and if the Governor so chooses, the Governor can decide to delegate the time frame for reapplication for pardon to whomever the Governor see fit.

Thank you for the opportunity to provide testimony on SB 2180.