

STAND. COM. REP. NO. 1496-22

Honolulu, Hawaii

MAR 24 , 2022

RE: S.B. No. 2091
S.D. 1
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Corrections, Military, & Veterans, to which was referred S.B. No. 2091, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EXECUTIVE PARDONS,"

begs leave to report as follows:

The purpose of this measure is to establish a comprehensive application process for executive pardons.

Your Committee received testimony in support of this measure from the Crime Victim Compensation Commission, Department of the Prosecuting Attorney of the City and County of Honolulu, Office of the Prosecuting Attorney of the County of Kaua'i, Mothers Against Drunk Driving Hawaii, and one individual. Your Committee received testimony in opposition to this measure from the American Civil Liberties Union of Hawai'i. Your Committee received comments on this measure from the Department of Public Safety and Hawaii Paroling Authority.

Your Committee finds that this measure sets forth the requirements for an application for executive pardon; the respective roles of the applicant, Governor, Department of Public Safety, Hawaii Paroling Authority, prosecuting attorneys, and Department of the Attorney General; timeframes within which certain steps of the process must occur; information and

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documentation needed for full consideration of the application; a means of ensuring any victim or surviving immediate family members of the victim are notified of the application and provided an opportunity to submit information relating to the application; authorization to investigate an application; and if an application is denied, the earliest date by which a repeat application may be accepted.

Your Committee further finds that the existing pardon process does not provide for the notification or input of prosecutors and crime victims or their surviving immediate family members. This measure corrects that oversight, assures an opportunity for the submission of sufficient records upon which to base a sound decision, and establishes a process that promotes consistency, transparency, and uniformity in the handling of applications for executive pardons.

Your Committee has amended this measure by:

- (1) Deleting the specified number of days for the Hawaii Paroling Authority to transmit applicant information to the prosecuting attorney;
- (2) Deleting the requirement that the prosecuting attorney promptly inform the Hawaii Paroling Authority that additional materials would be provided by the victim;
- (3) Deleting the timeframe within which the application for pardon shall be considered complete and eligible for consideration; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Corrections, Military, & Veterans that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2091, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2091, S.D. 1, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.



Respectfully submitted on
behalf of the members of the
Committee on Corrections,
Military, & Veterans,



TAKASHI OHNO, Chair



