

STAND. COM. REP. NO. 2739

Honolulu, Hawaii

MAR 03 2022

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

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2091 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to establish a comprehensive process regarding executive pardons.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu, Office of the Prosecuting Attorney of the County of Kauai, and two individuals. Your Committee received comments on this measure from the Department of Public Safety, Hawaii Paroling Authority, Hawaii Firearms Coalition, and ACLU of Hawai'i.

Your Committee finds that county prosecutors and crime victims in Hawaii do not receive advance notice of applications for executive pardons and are only notified at the time that pardons are granted. This creates a situation where neither prosecutors nor the victims are able to provide any input for the Governor's consideration, as they do for furlough and parole prior to an offender's conviction or sentencing. Under existing law, only the Department of Public Safety is mandated to consider every application for pardon, which is referred by the Governor. Your Committee further finds that there is very little guidance or



requirements regarding the process before a pardon is granted. This measure will establish a consistent and reliable means for prosecutors and victims to be able to provide meaningful input on all applications for pardon so that the Governor can make more informed decisions.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 30, 2075, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 2091, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2091, S.D. 1, and be placed on the calendar for Third Reading.

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



KARL RHOADS, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2091	JDC	02-18-22		
<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 type="checkbox"/> Pass, unamended 2312 <input checked="" 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)	✓			
ACASIO, Laura	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
LEE, Chris	✓			
FEVELLA, Kurt		✓		
TOTAL	6	1	-	-
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes