



GOV. MSG. NO. 1258

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

June 29, 2023

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 29, 2023, the following bill was signed into law:

SB911 SD1 HD1

RELATING TO JURORS.
ACT 155

Sincerely,

Josh Green, M.D.
Governor, State of Hawai'i

on JUN 29 2023

THE SENATE
THIRTY-SECOND LEGISLATURE, 2023
STATE OF HAWAII

S.B. NO. 911
S.D. 1
H.D. 1

A BILL FOR AN ACT

RELATING TO JURORS.

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

1 SECTION 1. The legislature finds that the State has over
2 four hundred incarcerated for every one hundred thousand people
3 in the State. It is estimated that there are approximately four
4 thousand nine hundred residents in Hawaii who have been
5 convicted of felonies and served their sentence. Despite having
6 served their sentence, existing law prevents these residents
7 from serving on a jury, perpetuating the stigma that a convicted
8 individual is incapable of reintegrating back into society.

9 The legislature further finds that jury exclusion based on
10 felony convictions contributes to a lack of juror diversity. It
11 is well-established that the criminal justice system has a
12 disparate impact on people of color, including Native Hawaiians.
13 The effect of the existing exclusion makes it more difficult to
14 fill a jury with a diverse group of jurors.

15 The legislature also finds that those with felony
16 convictions who are not pardoned cannot serve as jurors in civil
17 cases, despite many instances where the criminal convictions



1 occurred decades before. Under existing law, a person sentenced
2 for a felony and who is finally discharged may vote in elections
3 and become a candidate for or hold public office, yet they
4 cannot serve on a jury. The legislature believes it is in the
5 best interest of Hawaii's democratic system for the State to
6 work toward affirming the rights of all individuals to be
7 allowed fair and equitable participation in the State's judicial
8 system. The legislature further finds that nineteen states and
9 the District of Columbia allow individuals who have completed
10 their incarceration for a felony, after varying passages of
11 time, to be eligible to serve on a jury. Four states, Colorado,
12 Illinois, Iowa, and Maine, do not have any automatic exclusion
13 of the right to serve on a jury.

14 The purpose of this Act is to clarify that a prospective
15 juror is disqualified to serve as a juror if they have been
16 convicted of a felony and have not been finally discharged or
17 pardoned. This Act would not apply where there is no discharge
18 or pardon, such as for those individuals sentenced to life
19 imprisonment with or without parole, or those convicted of
20 murder or class A felonies for which a sentence of an
21 indeterminate life term is imposed. This Act would also not



1 affect a juror being excused for cause or a party's right to
2 exercise a peremptory challenge.

3 SECTION 2. Section 612-4, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§612-4 Grounds of qualification and disqualification.

6 (a) A prospective juror [~~is~~] shall be qualified to serve as a
7 juror if the prospective juror[+] is:

8 (1) [~~Is-a~~] A citizen of the United States and [~~of the~~]
9 State;

10 (2) [~~Is-at~~] At least eighteen years old;

11 (3) [~~Is-a~~] A resident of the judicial circuit; and

12 (4) [~~Is-able~~] Able to read, speak, and understand the
13 English language.

14 (b) A prospective juror [~~is~~] shall be disqualified to
15 serve as a juror if the prospective juror:

16 (1) Is incapable, by reason of the prospective juror's
17 disability, of rendering satisfactory jury service;
18 [~~but~~] provided that a prospective juror claiming this
19 disqualification may be required to submit a
20 physician's, physician assistant's, or advanced
21 practice registered nurse's certificate as to the



1 disability, and the certifying physician, physician
2 assistant, or advanced practice registered nurse is
3 subject to inquiry by the court at its discretion;

4 (2) Has been convicted of a felony in a state or federal
5 court and not finally discharged or pardoned; or

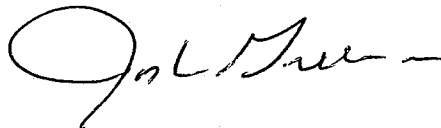
6 (3) Fails to meet the qualifications in subsection (a).

7 (c) For purposes of this section, "finally discharged"
8 means the person has received or is eligible to receive a
9 certificate of discharge pursuant to section 831-5."

10 SECTION 3. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 4. This Act shall take effect on January 1, 2024.

APPROVED this 29th day of June, 2023





GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAI'I

Date: April 19, 2023
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2023.


President of the Senate


Clerk of the Senate

THE HOUSE OF REPRESENTATIVES OF THE
STATE OF HAWAII

Date: April 3, 2023
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Third Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives