
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.



Report Title:

Juror; Qualifications; Felon; Conviction; Finally Discharged;
Pardoned

Description:

Clarifies that a prospective juror is disqualified to serve as a juror if they have been convicted of a felony and have not been finally discharged, in addition to not being pardoned.
Effective 1/1/2024. (HD1)

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