

Honolulu, Hawaii

MAR 02 2023

RE: S.B. No. 911

S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 911 entitled:

"A BILL FOR AN ACT RELATING TO JURORS,"

begs leave to report as follows:

The purpose and intent of this measure is to clarify 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.

Your Committee received testimony in support of this measure from the Office of Public Defender, Community Alliance on Prisons, Drug Policy Forum of Hawai'i, Hawai'i Health & Harm Reduction Center, and four individuals. Your Committee received testimony in opposition to this measure from two individuals. Your Committee received comments on this measure from the Judiciary.

Your Committee finds that it is estimated that there are approximately four thousand nine hundred residents in Hawai'i who have been convicted of felonies and served their sentence. Despite having served their sentence, existing law prevents these residents from serving on a jury, perpetuating the stigma that a convicted individual is incapable of reintegrating back into society. Your Committee believes it is in the best interest of Hawai'i's democratic system for the State to work toward affirming



the rights of all individuals to be allowed fair and equitable participation in the State's judicial system.

Your Committee has amended this measure by:

- (1) Amending legislative findings to specify that nineteen states and the District of Columbia allow individuals who have completed their incarceration for a felony are, after varying passages of time, eligible to serve on a jury, and four states: Colorado, Illinois, Iowa, and Maine, do not have any automatic exclusion of the right to serve on a jury;
- (2) Adding a definition of "finally discharged"; and
- (3) Inserting an effective date of January 1, 2024.

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. 911, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 911, 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-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SB 911	Committee Referral: JDC	Date: 2/16/23
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The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton	✓			
TOTAL	5	—	—	—

Recommendation:
 Adopted
 Not Adopted

Chair's or Designee's Signature:


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*Only one measure per Record of Votes