

ACT 250

H. B. NO. 14

A Bill for an Act Relating to the Uniform Act on Status of Convicted Persons.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The Revised Laws of Hawaii 1955 is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER
UNIFORM ACT ON STATUS OF
CONVICTED PERSONS**

Sec. -1. Definition. In this chapter, “felony” means an offense that is punishable with imprisonment for life not subject to parole or for a longer period than one year.

Sec. -2. Rights lost. (a) A person sentenced for a felony, from the time of his sentence until his final discharge, may not:

(1) Vote in an election, but if execution of sentence is suspended with or without the defendant being placed on probation or he is paroled after commitment to imprisonment, he may vote during the period of the suspension or parole; or

(2) Become a candidate for or hold public office.

(b) A public office held at the time of sentence is forfeited as of the date of the sentence if the sentence is in this State, or, if the sentence is in another state or in a federal court, as of the date a certification of the sentence from the sentencing court is filed in the office of the lieutenant governor who shall receive and file it as a public document. An appeal or other proceeding taken to set aside or otherwise nullify the conviction or sentence does not affect the application of this section, but if the conviction is reversed the defendant shall be restored to any public office forfeited under this chapter from the time of the reversal and shall be entitled to the emoluments thereof from the time of the forfeiture.

Sec. -3. Rights retained by convicted person. Except as otherwise provided by this chapter, a person convicted of a crime does not suffer civil death or corruption of blood or sustain loss of civil rights or forfeiture of estate or property, but retains all of his rights, political, personal, civil, and otherwise, including the right to hold public office or employment, to vote, to hold, receive, and transfer property, to enter into contracts, to sue and be sued, and to hold offices of private trust in accordance with law.

Sec. -4. Savings provisions. (a) This chapter does not affect the power of a court, otherwise given by law to impose sentence or to suspend imposition or execution of sentence on any conditions, or to impose conditions of probation, or the power of the board of paroles and pardons to impose conditions of parole.

(b) This chapter does not deprive or restrict the authority and powers of officials of a penal institution or other penal facility, otherwise provided by law, for the administration of the institution or facility or for the control of the conduct and conditions of confinement of a convicted person in their custody.

(c) This chapter does not affect the qualifications or disqualifications

otherwise required or imposed by law for a designated office, public or private, or to serve as a juror or to vote or for any designated profession, trust, or position, or for any designated license or privilege conferred by public authority.

(d) This chapter does not affect the rights of others arising out of the conviction or out of the conduct on which the conviction is based and not dependent upon the doctrines of civil death, the loss of civil rights, the forfeiture of estate, or corruption of blood.

(e) This chapter does not affect laws governing rights of inheritance of a murderer from his victim.

Sec. -5. Certificate of discharge. (a) If the sentence was in this State, the order, certificate, or other instrument of discharge, given to a person sentenced for a felony upon his discharge after completion of service of his sentence or after service under probation or parole, shall state that the defendant's rights to vote and to hold any future public office, of which he was deprived by this chapter, are thereby restored and that he suffers no other disability by virtue of his conviction and sentence except as otherwise provided by this chapter. A copy of the order or other instrument of discharge shall be filed with the clerk of the court of conviction.

(b) If the sentence was in another state or in a federal court and the convicted person has similarly been discharged by the appropriate authorities, the director of social services of this State, upon application and proof of the discharge in such form as the director of social services may require, shall issue a certificate stating that such rights have been restored to him under the laws of this State.

(c) If another state having an Act similar to this chapter issues its certificate of discharge to a convicted person stating that the defendant's rights have been restored, the rights of which he was deprived in this State under this chapter are restored to him in this State.

Sec. -6. Uniformity of interpretation. This chapter shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Sec. -7. Short title. This chapter may be cited as the Uniform Act on Status of Convicted Persons."

SECTION 2. Section 11-8, Revised Laws of Hawaii 1955, is amended by deleting item 11 from the AFFIDAVIT ON APPLICATION FOR REGISTRATION.

SECTION 3. Section 11-18, Revised Laws of Hawaii 1955, is amended by amending the first two sentences to read as follows:

"Whenever the clerk receives from the department of health or any informing agency information of the death, loss of voting rights of a person sentenced for a felony as provided in section -2, adjudication of insanity or feeble-mindedness, loss of citizenship, or any other disqualification to vote, of any person registered to vote in his county, or who he has reason to believe may be registered to vote therein, he shall thereupon make such investigation as he may deem necessary to prove or disprove the information, giving the person

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concerned, if available, notice and an opportunity to be heard. If after the investigation he finds that the person is dead or non compos mentis, or has lost his voting rights pursuant to section -2, or has lost his citizenship or is disqualified for any other reason to vote, he shall strike the name of the person from the register in the manner provided for in section 11-11."

SECTION 4. Notwithstanding the adoption of Act 16, Session Laws of Hawaii 1968, this Act shall have full force according to its intent. Upon the taking effect of this Act or the Hawaii Revised Statutes, whichever occurs later, this Act shall be construed to be in amendment of or in addition to the Hawaii Revised Statutes, all references in this Act being construed to refer to the applicable or corresponding provisions of the Hawaii Revised Statutes.

The Revisor of Statutes may reword and renumber the references in this Act and make such other formal or verbal changes as may be necessary to conform with the Hawaii Revised Statutes.

SECTION 5. This Act shall take effect upon its approval.

(Approved July 15, 1969.)