



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-THIRD LEGISLATURE, 2025**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 169, PROPOSED S.D. 1, RELATING TO REDRESS FOR WRONGFUL CONVICTION AND IMPRISONMENT.

**BEFORE THE:**

SENATE COMMITTEE ON JUDICIARY

**DATE:** Tuesday, February 11, 2025      **TIME:** 9:30 a.m.

**LOCATION:** State Capitol, Room 016

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Lee Ying Kwok, Deputy Attorney General

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Chair Rhoads and Members of the Committee:

The Department of the Attorney General opposes the Proposed Senate Draft 1 of this bill.

The purpose of this bill is to make improvements to the State's wrongful imprisonment compensation law. The bill amends chapter 661B, Hawaii Revised Statutes (HRS), by:

- (1) Creating a legal duty on the part of the State to provide written notice to any person whose judgment of conviction was reversed or vacated with respect to the person's ability to file a claim under chapter 661B by the first two new sections added to chapter 661B by section 2 of this bill (page 3, lines 1-14);
- (2) Creating a presumption of entitlement for such a petition, whereupon the petition shall be deemed "presumptively valid" by the second two new sections added to chapter 661B by section 2 of this bill (page 3, line 15, through page 5, line 12);
- (3) Creating a legal duty on the part of the court who is responsible for reversing or vacating a judgment of conviction to inquire whether that person whose judgment of conviction was reversed or vacated wishes to file a claim under chapter 661B by the fourth new section added to chapter 661B by section 2 of this bill (page 4, line 5, through page 5, line 12), and, if that person answers in

the affirmative, deeming such a petition to have been filed, creating an additional legal duty on the part of the court to indicate "the filing" on the record, and to provide notice of the "deemed petition" to the "appropriate county prosecutor and the attorney general";

- (4) Creating an advance compensation scheme whereupon the State shall pay compensation to a petitioner who files a petition under chapter 661B, supporting the conclusion that the petitioner did not commit the crime for which the person was convicted, and no new charges based on the same act have been filed. It requires the State to make payment of \$5,000 within seven days of service of the petition, as well as an additional \$5,000 on the first day of every month following the filing of that petition, until the State has paid in the aggregate an amount equal to payment for one year of imprisonment as specified in section 661B-3(c), HRS, by the fourth new section added to chapter 661B by section 2 of this bill (page 4, line 5, through page 5, line 12); and by the new section added to chapter 661B by section 3 of this bill (page 6, line 3, through page 7, line 2); and
- (5) Creating a provision whereupon a petitioner who is unable to show that the petitioner is actually innocent, and whose petition is, accordingly, unsuccessful, is not required to refund the preemptively disbursed moneys of up to \$60,000 back to the State, by the new section added to chapter 661B of this bill by section 2 of this bill (page 4, line 5, through page 5, line 12); and by the new section added to chapter 661B of this bill by section 3 of this bill (page 6, line 3, through page 7, line 2).

**The proposed amendment to chapter 661B (page 3, lines 5-14)**

This amendment is problematic because there is no existing state agency that is assigned to protect and represent persons whose criminal conviction(s) are vacated. This duty is ordinarily handled by civil attorneys who would represent such persons in a chapter 661B petition. The proposed amendment would essentially create a legal duty on the part of the State, without clearly identifying which state agency or body, if any, should be charged with this legal duty.

**The proposed amendment to chapter 661B (page 3, line 15, through page 4, line 15)**

This amendment creating a presumption of entitlement for such a petition is problematic because the term "presumptively valid" is vague and ambiguous. It is unclear what is meant by a petition being "presumptively valid." A petition is not legal evidence; it is an allegation. An allegation is not a presumptively valid finding, but a fact or facts that are alleged by petitioner. This proposed amendment is in apparent conflict with 661B-3, which provides that a petitioner has the burden of proof to prove the petitioner's actual innocence (as well as other elements) by a preponderance of the evidence. The proposed amendment appears to eliminate any burdens of proof required under section 661B-3, as well as any requirement of legal evidence required under section 662-11, HRS.

To that end, "deeming such a petition to have been filed" when a person whose judgment of conviction is reversed or vacated orally informs the court they wish to seek relief under chapter 661B is a confusing provision. To be clear, a petition is not a mere oral statement by the petitioner. A petition is a formal pleading in the form of a Complaint underlying the lawsuit against the State, subject to and governed by the Hawai'i Rules of Civil Procedure. This proposed amendment is additionally confusing as it calls for the court to "indicate the filing on the record." There is nothing to file, because a petitioner's oral statement is not a petition that can be filed.

**The proposed amendment to chapter 661B (page 4, line 5, through page 5, line 12)**

This amendment creates a legal duty on the part of the criminal court who is responsible for reversing or vacating a judgment of conviction to inform a person whose conviction is vacated or reversed of their right to file a claim under chapter 661B is inconsistent with current case law, in that the proposed amendment would entangle the criminal court in a civil proceeding – a conflict that the Hawai'i Supreme Court held was not appropriate in *Hawai'i Police Dep't, Cnty. of Hawaii v. Kubota*, 155 Hawai'i 136, 151, 557 P.3d 865, 880 (2024) ("Criminal and civil proceedings are governed by different procedural rules.").

**The proposed amendments to section 2 of chapter 661B (page 4, line 5, through page 5, line 12) and section 3 of chapter 661B (page 6, line 3, through page 7, line 2)**

These amendments clearly conflict with the provisions of section 662-11, which provide that "claims arbitrated, compromised, or settled by the attorney general for more than \$25,000 shall be paid only after funds are appropriated by legislature for the payment of those claims." A proposed award of \$5,000 a month for a successive twelve months would be in direct conflict with section 662-11.

Moreover, the amendments also conflicts with section 662-13, HRS, which provides that "no award shall be made against the State except upon such legal evidence as would establish liability against an individual or corporation." Again, a petition is not legal evidence; it is an allegation. A proposed award of \$5,000 a month for a successive twelve months without any requirement of legal evidence or other legal review of the sufficiency or truth of the petition would also be in direct conflict with section 662-11.

Further, the amendment also conflicts with section 5 of article 7 of the Hawai'i Constitution, which provides that "no public money shall be expended except pursuant to appropriations made by law." Currently, claims made under chapter 661B are subject to legislative appropriations under section 661-11(b), HRS. Also, the proposed amendment essentially requires the State to pay a petitioner even before any determination of actual innocence is made by the court.

Additionally, that same proposed amendment does not contemplate any proposed mechanism whereupon the State can recover the preemptively distributed moneys, or explain how the State might be required to expend resources trying to recoup that money if the petitioner is not found to be actually innocent. In fact, the proposed amendment merely says that an unsuccessful petitioner who is not found to be actually innocent simply does not need to refund the preemptively disbursed moneys back to the State – a position that defeats the purpose of the compensation scheme in chapter 661B.

We respectfully oppose the bill due to the serious concerns we have about the proposed amendments conflicting with multiple existing laws, and ask that the Committee hold the bill. Thank you for the opportunity to voice our concerns.

JON N. IKENAGA  
PUBLIC DEFENDER

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February 10, 2025

**SB169: RELATING TO PROPERTY FORFEITURE**

**LATE**

**Chair Rhoads, Vice-Chair Gabbard, and Members of the Committee on Judiciary:**

The Office of the Public Defender (OPD) **supports SB169.**

This bill establishes a section in Chapter 661B which requires that the State provide written notice to the defendant of their eligibility to file a claim for wrongful conviction and imprisonment where their conviction has been reversed or vacated or they have been pardoned. The bill further requires that the State pay advance when a petition is filed that supports the conclusion that the petitioner did not commit the crime for which they were committed.

Hawai'i Revised Statutes (HRS) § 661B-4 establishes time limitations for when a claim may be filed for wrongful conviction and imprisonment.

Every claim arising under this chapter shall forever be barred unless the action is commenced by filing a petition with the circuit court within two years after the conviction that is the subject of the petition is either reversed or vacated, or the petitioner is pardoned for that conviction[.]

Subsection 661B-4(2) further states that “this limitation of actions shall not be tolled for any reason.”

Given the strict timeline for filing a claim for compensation under Chapter 661B, the provisions of this bill which require the State to provide written notice to persons eligible to file such a claim is critical. Many persons who are eligible to file claims may not be aware of their eligibility or the time limitations on such actions. The notice should set forth the deadline for filing such a claim (two years from the issuance of the order reversing or vacating the conviction or the pardon) and include a copy of the order reversing or vacating

the conviction or the pardon to ensure that the defendant is aware of the specific date by which he must file the claim and that he has access to these documents. The notice should also include the statutory sections in Chapter 661B which the defendant must adhere to when filing their claim.

The advance compensation provision in HRS § 661b-2(b) is also appreciated as it ensures that petitioners whose petitions support the conclusion that the petitioner did not commit the crime for which the person was committed receive advance payments (except in situations where new charges based on the same alleged act or acts have been filed). This will also serve to incentivize prosecuting agencies to work expeditiously to file new charges if appropriate.

Thank you for the opportunity to comment on this measure.

# COMMUNITY ALLIANCE ON PRISONS

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*Today's Inmate; Tomorrow's Neighbor*



## COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Tuesday, February 11, 2025

Room 016& VIDEOCONFERENCE

9:30 AM

## **STRONG SUPPORT FOR SB 169 SD1 - WRONGFUL CONVICTION AND IMPRISONMENT**

Aloha Chair Rhoads, Vice Chair Gabbard and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai`i for more than two decades. This testimony is respectfully offered on behalf of the 3,726 Hawai`i individuals living behind bars<sup>1</sup> and under the “care and custody” of the Department of Corrections and Rehabilitation on As of February 3, 2025 . We are always mindful that 937 - 28% - of Hawai`i’s imprisoned male population are serving their sentences abroad -- thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

Community Alliance on Prisons appreciates this opportunity to **strongly support SB 169 SD1** that requires the State to provide written notice to certain persons regarding the ability to file a claim for redress under applicable wrongful conviction law. It also requires the liberal construction of that law and provides for advance compensation for petitioners under certain circumstances as well as requiring reports to Legislature from the Department of the Attorney General.

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<sup>1</sup> DCR Weekly Population Report, February 3, 2025

<https://dcr.hawaii.gov/wp-content/uploads/2025/02/Pop-Reports-Weekly-2025-02-03.pdf>

Community Alliance on Prisons looked up how many wrongfully committed individuals actually were actually compensated and we were shocked to see that in the last 35 years, only 3 people have been exonerated in Hawai`i as of 2019. A report entitled, “Exonerations By State (Report): Statistics on Wrongful Convictions in the United States”<sup>2</sup> has this graph:

<b>5 States with FEWEST exonerations Since 1989</b>				
				
<b>New Hampshire</b> Exonerations : 1	<b>Vermont</b> Exonerations : 2	<b>Delaware</b> Exonerations : 3	<b>Hawaii</b> Exonerations : 3	<b>Maine</b> Exonerations : 3

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<sup>2</sup> “Exonerations By State (Report): Statistics on Wrongful Convictions in the United States”  
<https://www.nealdavislaw.com/criminal-defense-guides/exonerations-by-state-2019/>

**Wrongful convictions by state & type of offense**  
***Exonerations since 1989***

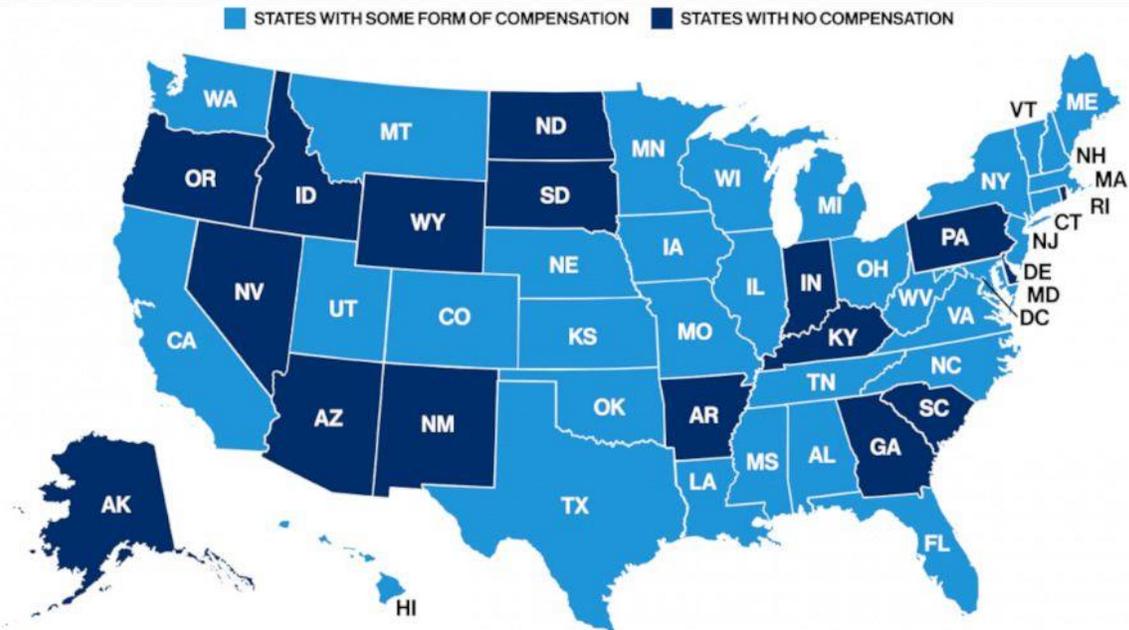
	Type of crime						
State	Murder	Sexual assault	Child sex abuse	Drugs	Robbery	Other	Total
Hawaii		1				2	3

This data confirms that Hawai`i does little to exonerate individuals and the following data<sup>3</sup> confirms that even if an individual is exonerated, there is little effort to help that person reintegrate with their community. Here is a map of states with some form of compensation and those with no compensation.

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<sup>3</sup> Id. See Footnote 2

# EXONERATION COMPENSATION BY STATE



SOURCE: THE INNOCENCE PROJECT/ABC NEWS



## Key Provisions in Wrongful Conviction Compensation Laws<sup>4</sup>

**1. Provide at least \$50,000 per year of wrongful incarceration.** Federal compensation law provides \$50,000 per year of wrongful incarceration. The majority of the 38 states, and D.C., with wrongful conviction compensation laws provide \$50,000 or more (TX, CO, KS, OH, CA, CT, VT, AL, FL, HI, IN, MI, MN, MS, NJ, NV, NC, WA, ID, RI, MD, MT, UT, VA, OR).

**2. Reasonable standard of proof for eligibility.** Claimant should have to establish by preponderance of evidence that he or she did not commit the crime or related acts. "The claimant did not commit the crime or crimes for which the claimant was convicted and was not an accessory or accomplice to the acts that were the basis of the conviction and resulted in a reversal or vacation of the judgment of conviction, dismissal of the charges or finding of not guilty on retrial."

<sup>4</sup> Key Provisions in Wrongful Conviction Compensation Laws

<https://www.law.umich.edu/special/exoneration/Documents/IP%20-%20Key%20Provisions.pdf>

**3. Straightforward process through courts to adjudicate claims:** Nationally, 27 of the 37 states with compensation laws adjudicate claims through courts: the state high court, circuit courts, district courts, trial courts or state civil court. While some states designate state claims boards or commissioners, or other state commissions to adjudicate claims these entities do not have the same experience in weighing evidence and assess claims as the courts. The courts are the appropriate entities to handle these claims.

**4. Offset provision with federal civil awards/settlements:** To protect taxpayers, several states require exonerees who receive state compensation and later win federal civil rights lawsuits/settlements, to reimburse the state. Conversely, exonerees who first win federal civil rights lawsuits and then file for state compensation would only be entitled to an amount of state compensation that is subtracted from the civil awards.

SB 169 SD1 is all about accountability and transparency. When wrongful convictions are proven according to law, it must be the state's responsibility to acknowledge the harm and then facilitate the process for the individual to return home with proper compensation to get their life back. It is known that incarceration is a social determinant of health, therefore, the state must do what is absolutely necessary to bring justice to those wrongly incarcerated. This will promote trust in Hawai'i's system of Justice!

Mahalo for this opportunity to weigh in on this important justice issue. We thank the committee for their commitment to justice and the rule of law.



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HAWAII INNOCENCE PROJECT – LAW OFFICES  
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S.B. 169 SD1  
Relating to Redress for Wrongful Conviction and Imprisonment  
Senate Committee on Judiciary  
Public Hearing – Tuesday February 11, 2025  
9:30 AM, State Capital, Conference Room 016  
by  
Senator Karl Rhoads, Chair  
Senator Mike Gabbard, Vice Chair

February 10, 2025

S.B. 169 seeks to statutorily provide monetary compensation for individuals who have been wrongfully convicted and imprisoned in the Hawai‘i criminal justice system. Hawai‘i Innocence Project submits this testimony in **strong support** of this bill but with further recommendations for amendments as detailed below.

Hawai‘i Innocence Project is a non-profit legal clinic with the goals of exonerating the those who are factually innocent but who have been wrongfully convicted, reforming the criminal justice system which failed the innocent, and ultimately seeking justice for the victim by identifying the real perpetrator of the crime. Hawai‘i Innocence Project strongly supports the intent of this bill to amended H.R.S. 661B<sup>1</sup> so that individuals who are successful in vacating their convictions based on their factual innocence through state habeas corpus relief under H.R.P.P. Rule 40.<sup>2</sup> We strongly support this bill as it attempts clarify the many issues that individuals currently face in their attempt to seek compensation under the current language of H.R.S. 661B.

As of the date of this testimony, 3,658 exonerations have been recognized throughout the nation, and compensation for these individuals after their wrongful conviction is a significant challenge.<sup>3</sup> Wrongful convictions occur in every jurisdiction and Hawai‘i is not immune. Most recently, Hawai‘i Innocence Project client Albert Ian Schweitzer was exonerated on January 24, 2023 after serving over 24 years for murder and rape he did not commit and his brother Shawn Schweitzer likewise was also exonerated in 2023 for the same crime of which his brother Ian was incarcerated.<sup>4</sup> In the two years since the Schweitzers have been exonerated, they have petitioned for compensation under H.R.S. 661B but have yet to receive any compensation despite the fact

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<sup>1</sup> See H.R.S. 661B [https://capitolwebsite.azurewebsites.net/hrscurrent/Vol13\\_Ch0601-0676/HRS0661B/HRS\\_0661B-.htm](https://capitolwebsite.azurewebsites.net/hrscurrent/Vol13_Ch0601-0676/HRS0661B/HRS_0661B-.htm).

<sup>2</sup> See H.R.P.P. Rule 40 [https://www.courts.state.hi.us/docs/court\\_rules/rules/hrpp.htm#Rule%2040](https://www.courts.state.hi.us/docs/court_rules/rules/hrpp.htm#Rule%2040).

<sup>3</sup> See National Registry of Exonerations, <https://www.law.umich.edu/special/exoneration/Pages/about.aspx>

<sup>4</sup> See <https://www.hawaiiinnocenceproject.org/albert-ian-schweitzer>.

that their exonerations were based upon the fact that they are factually innocent of the crimes for which they were convicted and their convictions vacated on the grounds that they did not commit the crimes for which they were wrongfully incarcerated. To date, the Hawai'i Innocence Project has helped to exonerate three other individuals who were wrongfully convicted and those three individuals have also not received compensation under H.R.S. 661B.

The amendments to H.R.S. 661B provided in this bill, would provide important changes that would make it easier for someone who has been wrongfully convicted and had their convictions vacated by a Hawai'i court, to receive compensation. As such, we request that this bill should be passed, but would ask that this Committee consider further amendments to this bill as outlined below.

Hawai'i Innocence Project requests that the Committee consider our requested amendments to S.B. 169 SD1 as follows:

1. S.B. No. 169 § 1: “Pursuant to section 661B-3 (b), Hawaii Revised Statutes, if a court finds that a person has proven a claim for wrongful conviction and imprisonment, the court is to award the person \$50,000 for each year of actual confinement, including time spent awaiting trial”. Hawai'i Innocence Project respectfully requests that this Committee consider amending this section to afford compensation of more than \$50,000 per year. At a briefing before the legislature on January 7, 2025 at 12:30 PM, Director of Corrections and Rehabilitation Tommy Johnson stated that the cost to incarcerate an individual in the State of Hawai'i is \$307 per day<sup>5</sup> which would equate to a cost of \$112,055 annually to incarcerate someone. Based on the daily cost of incarceration and the high cost of living in Hawai'i, we request that a compensation award for someone who has been wrongfully convicted and incarcerated be increased to an annual amount of \$112,055 and increased annually by the legislature proportionally as the cost of incarceration rate increases or in the alternate, to increase the annual compensation amount at a percentage rate that based on the state's cost of living increase.
2. S.B. No. 169 §§ 2,3; H.R.S. 661B(2)(b) Procedure upon reversal or vacation of conviction: We support the advanced payment to the petitioner within 7 days of service and a monthly payment to petitioner monthly for up to a year. However, Hawai'i Innocence Project respectfully requests that this Committee consider amending this section to increase the initial and monthly payments to the petitioner in the amount of \$9,337 if the legislature elects to amend S.B. 169 § 1 as requested in the above paragraph 1.
3. S.B. 169 § 2; H.R.S. 661B(1): Hawai'i Innocence Project requests that this Committee consider revisions or clarify the phrase “supports the conclusion that the person did not commit the crime upon which that conviction was based” by considering adding or amending the language of the bill as suggested below:

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<sup>5</sup> See Testimony of Director Johnson on January 27, 2025, <https://www.youtube.com/live/YNmzV6OMQM>.

- a. By expanding eligibility to those who had their conviction vacated or reversed and charges were dropped or found not guilty after a new trial; or
  - b. Include the opportunity, that if the court where the petition is seeking compensation under H.R.S. 661B finds the original order vacating or reversing the conviction is insufficient, that the petitioner may request the vacating court to amend its order only in a manner favorable to filing for compensation or provide a supplemental order that supports a conclusion that the petitioner did not commit the crime; and
  - c. Provide notice to the vacating court of petitioner's desire to file under H.R.S. 661B and have the vacating court write an order within 45 days that is supportive of filing under H.R.S. 661B and allow the petitioner to add the amended order to their compensation Petition.
4. S.B. No. 169 § 3; H.R.S. 661B(2)(b): Hawai‘i Innocence Project respectively requests that this Committee consider amending this section to include additional compensation as modeled after California<sup>6</sup> in the form of:
- a. Include a compensation amount for time spent while on parole or supervision;
  - b. If the individual wrongfully convicted is released from the custody of the Department of Corrections and Rehabilitation when their conviction is vacated or reversed, require the Department immediately provide the individual with a Hawai‘i State Identification card, social security card, and any other identifying documents that the individual would need upon their release;
  - c. The Attorney General shall assist wrongfully convicted individuals to expunge their state arrest and conviction records from all applicable agencies and notify the necessary federal agencies, remove any DNA or other identifying evidence from the state and CODIS databases and assist the individual in having the circuit court where the underlying conviction occurred to seal their court records;
  - d. Provide for transitional services including housing assistance, job training, mental and medical health services, state and federal income benefits, and educational benefits.
5. S.B. No. 169 § 3; H.R.S. 661B(2)(c): “If the attorney general admits that the petitioner is entitled to compensation, the court shall conduct a trial to determine the amount of compensation”. Hawai‘i Innocence Project respectively requests that this Committee consider amending this section to include the word “hearing” instead of or in addition to a “trial”. As this Committee rightfully acknowledges in Section 1 of this bill that the process under H.R.S. 661B does not “explicitly require a court trial to determine if a petitioner is entitled to compensation and the amount of compensation, in practice, petitioners have been subjected to lengthy trial”. As indicated *supra*, of the 5 exonerations that the Hawai‘i Innocence Project has assisted in, those who have filed for compensation under H.R.S. 661B, have yet to receive any compensation. More specifically, the Schweitzer brothers who were both exonerated in 2023 after

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<sup>6</sup> See <https://www.innocenceproject.org/wp-content/uploads/2018/11/CA-comp-amendments-eff.-2018.pdf>

lengthy post-conviction proceedings spanning the course of many years and with numerous court hearings were they presented newly discovered evidence of their actual innocence, have yet to receive compensation. Instead, the Schweitzers have had to undergo a proceeding before the Hawai'i Supreme Court regarding their compensation under H.R.S. 661B. Following that Court's decision in *Hawai'i Police Dep't, Cnty. Of Hawai'i v. Kubota*, 155 Hawai'i 136, 557 P. 3d 685 (2024), the Schweitzers had to refile their petition under H.R.S. 661B and are having to endure a lengthy civil process before the Third Circuit Court before they can hope to be awarded compensation under H.R.S. 661B. Amending this section to allow for a hearing rather than a trial, could allow the Schweitzers and other wrongfully convicted individuals a much briefer process by which a court could conduct a hearing to determine if their convictions were vacated based on their factual innocence and thus entitled to compensation under H.R.S. 661B, without requiring that they be subjected to lengthy civil proceedings and a civil trial even after they have demonstrated to a court that they were wrongfully convicted and a court vacated their convictions based on evidence of their wrongful conviction.

In addition, the requests that this Committee amend this section to include the following provisions:

- a. Include speedy scheduling requirement for any hearing (or trial);
- b. Require that the court decision to be made within 90 days of any hearing (or trial);
- c. Require that the Attorney General and legislature to be notified of payment order within 45 days of decision to grant payment;
- d. Require that payment be made to the Petitioner within 60 days of receipt of an order from the court for payment under H.R.S. 661B;
- e. Include an opportunity for those previously denied under H.R.S. 661B because of the issues that this Committee is seeking to address with this bill amendment.

Hawai'i Innocence Project believes that this bill will ensure that all criminal convictions in Hawai'i are reliable, that the factually innocent are not wrongfully convicted, and if someone is wrongfully convicted that they be promptly compensated under H.R.S. 661B without having to endure a lengthy civil court process. Thank you for your time and the opportunity to provide our testimony in strong support of S.B. No. 169.

With warm aloha and gratitude,

Jennifer Brown, Associate Director, Hawai'i Innocence Project  
Kenneth Lawson, Co-Director, Hawai'i Innocence Project  
Rick Fried, Co-Director, Hawai'i Innocence Project

**SB-169**

Submitted on: 2/8/2025 1:11:36 PM

Testimony for JDC on 2/11/2025 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dara Carlin, M.A.	Individual	Support	Written Testimony Only

Comments: Standing in Support

**SB-169**

Submitted on: 2/10/2025 1:12:17 AM

Testimony for JDC on 2/11/2025 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Brett Kulbis	Individual	Oppose	Written Testimony Only

Comments:

Chair Rhoads and Committee Members,

My name is Brett Kulbis, I'm a 26yr Navy Veteran and Retired Civil Servant. I live in Ewa Beach.

I STRONGLY OPPOSE SB-169.

Senate Bill 169 proposes to amend the state's wrongful conviction law, adding unnecessary bureaucracy and potentially compromising the integrity of the legal system.

It requires the State to provide written notice to individuals who may have a claim for wrongful conviction. While alerting the potentially wronged is not inherently wrong, it places an undue burden on the justice system. Our law enforcement agencies and courts already have their hands full dealing with real crimes and genuine cases. Let's not waste their valuable time and resources on excessive paperwork.

It suggests that the wrongful conviction law should be liberally construed. Justice should never be a matter of liberal interpretation. The law must be applied fairly and equally, without bias or favoritism. This bill will open the door to potential abuse and set a dangerous precedent.

It also proposes providing advance compensation to petitioners who claim wrongful conviction. This is a recipe for disaster. We cannot allow a system where individuals can game the process and potentially profit from false claims. The burden of proof must remain with the claimant, and compensation should only be awarded after thorough scrutiny and validation.

I believe in a fair and just legal system, one that holds the guilty accountable and protects the innocent. However, SB-169 veers away from these principles. The law is supposed to be applied impartially, without unnecessary complications.

Respectfully, I STRONGLY encourage you to vote NO on SB-169.

**SB-169**

Submitted on: 2/10/2025 5:19:50 PM

Testimony for JDC on 2/11/2025 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kenneth Lawson	Individual	Support	In Person

Comments:

I support this bill with some modifications that are reflected in a letter submitted by the Hawaii Innocence Project in support of this bill. I will provide additional testimony in person.