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From: Jay T. Kimura
Prosecuting Attorney
County of Hawaii
March 5, 2009

To: The Honorable Brian Taniguchi
Chair, Committee on Judiciary and Government Operations
Hawaii State Senate

Dear Chair Taniguchi and Committee Members:

Re: SB 846, Relating to Post Conviction Proceedings

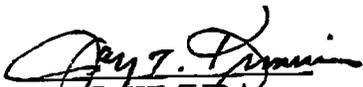
Thank you for this opportunity to comment in support of SB 846.

Establishing a time limit for filing habeas corpus complaints, and limiting successive complaints, has been approved by the Permanent Committee on Rules of Penal Procedure and Circuit Court Criminal Rules. When presented to our State Supreme Court, however, the Court stated that it should not approve the amendments, reflecting deference to the authority of this Legislature under Article I, Section 15, of the Hawai'i Constitution.

Thus, only this Legislature can act on this proposal, which will be of great value in the administration of justice. SB 846 appropriately reflects the desirability of having reasonable finality in the criminal justice system.

I hope you will act favorably on SB 846.

Very truly yours,


JAY T. KIMURA
Prosecuting Attorney