### JAN 17 2020

### A BILL FOR AN ACT

PROPOSING AMENDMENTS TO ARTICLE V OF THE CONSTITUTION OF THE STATE OF HAWAII TO AUTHORIZE LEGISLATION REGARDING THE PROCESS BY WHICH CRIMINAL REPRIEVES, COMMUTATIONS, AND PARDONS ARE SUBMITTED TO AND CONSIDERED BY THE GOVERNOR.

#### BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

- 1 SECTION 1. The purpose of this Act is to propose
- 2 amendments to article V, section 5, of the Constitution of the
- 3 State of Hawaii to allow legislation regarding the process by
- 4 which executive reprieves, commutations, and pardons are
- 5 submitted to and considered by the governor.
- 6 SECTION 2. Article V, section 5, of the Constitution of
- 7 the State of Hawaii is amended to read as follows:
- 8 "EXECUTIVE POWERS
- 9 Section 5. The governor shall be responsible for the
- 10 faithful execution of the laws. The governor shall be commander
- 11 in chief of the armed forces of the State and may call out such
- 12 forces to execute the laws, suppress or prevent insurrection or
- 13 lawless violence or repel invasion. The governor shall, at the
- 14 beginning of each session, and may, at other times, give to the
- 15 legislature information concerning the affairs of the State and



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- 1 recommend to its consideration such measures as the governor
- 2 shall deem expedient.
- 3 The governor may grant reprieves, commutations and pardons,
- 4 after conviction, for all offenses, subject to [regulation]
- 5 procedures and regulations prescribed by law [as to the manner
- 6 of applying for the same]. The legislature may, by [general]
- 7 law, authorize the governor to grant pardons before conviction,
- 8 to grant pardons for impeachment and to restore civil rights
- 9 denied by reason of conviction of offenses by tribunals other
- 10 than those of this State.
- 11 The governor shall appoint an administrative director to
- 12 serve at the governor's pleasure."
- 13 SECTION 3. The question to be printed on the ballot shall
- 14 be as follows:
- "Shall the Constitution of the State of Hawaii be amended
- 16 to provide that the Governor's pardon power shall be
- subject to procedures and regulations prescribed by law?"
- 18 SECTION 4. Constitutional material to be repealed is
- 19 bracketed and stricken. New constitutional material is
- 20 underscored.

1	SECTION	15.	This a	mendment	t shall	take	e effe	ct upon	
2	compliance w	vith	article	XVII,	section	3, 0	of the	Constitution	of

3 the State of Hawaii.

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INTRODUCED BY:



## S.B. NO. 2186

### Report Title:

Honolulu Prosecuting Attorney Package; Constitutional Amendment; Executive Pardon

### Description:

Proposes amendments to the Constitution of the State of Hawaii relating to the authorization of legislation governing the process by which executive reprieves, commutations, and pardons are submitted to and considered by the governor.

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