

Honolulu, Hawaii

FEB 28 2020

RE: S.B. No. 2180
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B.
No. 2180, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EXECUTIVE PARDONS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require that the Attorney General consider and, if requested, investigate every application for pardon referred by the Governor and recommend whether the Governor should grant or refuse the pardon; and
- (2) Establish a comprehensive process for the consideration of executive pardons.

Your Committee received testimony in support of this measure from the Crime Victim Compensation Commission and Department of the Prosecuting Attorney of the City and County of Honolulu. Your Committee received comments on this measure from the Hawaii Paroling Authority.

Your Committee finds that the Hawaii State Constitution provides that the Governor may grant reprieves, commutations and pardons, after conviction, for all offenses, subject to regulation by law as to the manner of applying for the same. Under existing law, only the Department of Public Safety is mandated to consider



every application for pardon, which is referred by the Governor, and there is no requirement that prosecutors or crime victims receive advance notice of applications for pardons or commutations. Your Committee further finds that there is very little guidance or requirements regarding the process before a pardon is granted.

Your Committee notes that this may require a constitutional amendment to be implemented. Your Committee finds that this measure should proceed in a form in which it may be enacted without constitutional amendments to establish an application process in which prosecutors and victims will receive notice of any pardon being sought.

Accordingly, your Committee has amended this measure by:

- (1) Deleting language that would have established a comprehensive process for the consideration of executive pardons;
- (2) Inserting language to provide that the Hawaii Paroling Authority shall notify the prosecuting attorney of the relevant county of each offense for which an applicant is seeking pardon and require the prosecuting attorney to make reasonable efforts to contact any victim, or victim's immediate family members, involved in each offense for which a pardon is being sought;
- (3) Placing the new language in part II of chapter 353, Hawaii Revised Statutes;
- (4) Making it effective on July 1, 2020; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 2180, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2180, S.D. 2.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary,

Karl Rhoads

KARL RHOADS, Chair



**Record of Votes
Committee on Judiciary
JDC**

*Only one measure per Record of Votes