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# A BILL FOR AN ACT

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RELATING TO EXECUTIVE PARDONS.

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

1           SECTION 1. Chapter 28, Hawaii Revised Statutes, is amended  
2 by adding a new section to part I to be appropriately designated  
3 and to read as follows:

4           "§28-       Pardons; reference to attorney general. The  
5 attorney general shall consider and, if requested, investigate  
6 every application for pardon referred by the governor to the  
7 attorney general and shall furnish the governor, as soon as may  
8 be after the reference, a recommendation regarding whether to  
9 grant or refuse the pardon."

10          SECTION 2. Chapter 801, Hawaii Revised Statutes, is  
11 amended by adding a new section to be appropriately designated  
12 and to read as follows:

13          "§801-       Pardons; application process. (a) An  
14 application for pardon shall be addressed to the governor and  
15 filed with the Hawaii paroling authority. Each application for  
16 pardon shall contain:



- 1        (1) The first, middle, and last name of the applicant and  
2        all aliases used by the applicant;
- 3        (2) The applicant's date of birth;
- 4        (3) The applicant's state identification number;
- 5        (4) A brief history of the case or cases for which pardon  
6        is being sought;
- 7        (5) The reason or reasons for seeking pardon; and
- 8        (6) Any other relevant information that the Hawaii  
9        paroling authority may require.
- 10       (b) For each offense for which an applicant is seeking  
11 pardon, the Hawaii paroling authority shall, within        days of  
12 receiving the applicant's notarized application and notarized  
13 character affidavits, provide the prosecuting attorney of the  
14 county in which each offense occurred with the following:
- 15       (1) The first, middle, and last name of the applicant and  
16       all aliases used by the applicant;
- 17       (2) The applicant's date of birth;
- 18       (3) The applicant's state identification number;
- 19       (4) A list of convictions for which the applicant is  
20       applying for pardon, to include the criminal number,



1           offense or offenses committed, and date of arrest and  
2           disposition of each offense; and  
3           (5) The reason or reasons for seeking pardon.  
4           (c) Within           days of receiving the information required  
5 by subsection (b), the prosecuting attorney of the county in  
6 which each offense occurred may submit to the Hawaii paroling  
7 authority any relevant information or materials to be added to  
8 the application.  
9           (d) Within           days of receiving the information required  
10 by subsection (b), the prosecuting attorney of the county in  
11 which each offense occurred shall also contact, or make  
12 reasonable efforts to contact, any victim, or surviving  
13 immediate family members of the victim, involved in each offense  
14 for which pardon is being sought. Should any victim or  
15 surviving immediate family members choose to provide additional  
16 information for consideration, the:  
17           (1) Victim or surviving immediate family members shall be  
18           afforded           days, from the date of initial contact  
19           from the prosecuting attorney, to submit such  
20           information; and



1       (2) Prosecuting attorney shall promptly inform the Hawaii  
2       paroling authority that additional materials are  
3       forthcoming from the victim or surviving immediate  
4       family members.

5       (e) The governor may refer applications for pardon,  
6       including any information or materials provided by the relevant  
7       prosecuting attorney, victim, or surviving immediate family  
8       members, to the attorney general and the Hawaii paroling  
9       authority for consideration, investigation, and recommendation.

10       (f) \_\_\_\_\_ days after all application materials and  
11       supporting documents are received by the Hawaii paroling  
12       authority, the application for pardon shall be considered  
13       complete and eligible for consideration or recommendation by the  
14       governor, attorney general, and Hawaii paroling authority, as  
15       applicable.

16       Investigation may commence any time after the applicant  
17       first submits relevant documents to the Hawaii paroling  
18       authority.

19       (g) If an application for pardon is denied by the  
20       governor, the Hawaii paroling authority may not accept a repeat  
21       application for pardon for the same person until two years have



1 elapsed from the date of the denial. The governor may waive  
2 this two-year requirement at any time. The chairperson of the  
3 Hawaii paroling authority, if so delegated in writing by the  
4 governor, may waive the two-year requirement if the applicant  
5 offers in writing new information that:

6 (1) Was unavailable to the applicant at the time the  
7 initial application was received; or

8 (2) The chairperson determines the new information to be  
9 significant.

10 (h) For purposes of this section:

11 "Surviving immediate family members of the victim" or  
12 "surviving immediate family members" means the surviving  
13 grandparents, parents, siblings, spouse, reciprocal beneficiary,  
14 children, and any legal guardian of a deceased victim.

15 "Victim" means a person against whom a crime has been  
16 committed by an adult or a minor waived by family court, who was  
17 subsequently tried and found guilty of the offense as a young  
18 adult or adult.

19 (i) Nothing in this section shall be construed to limit  
20 the power of the governor to grant or refuse a pardon pursuant  
21 to the state constitution."



1       SECTION 3. Section 353-72, Hawaii Revised Statutes, is  
2 amended to read as follows:

3       "**§353-72 Pardons; reference to paroling authority.** The  
4 director of public safety and the Hawaii paroling authority  
5 shall consider and, if requested, investigate every application  
6 for pardon [~~which~~] that may be referred to them by the governor  
7 and shall furnish the governor, as soon as may be after [~~such~~]  
8 the reference, all information possible concerning the prisoner,  
9 together with a recommendation as to the granting or refusing of  
10 the pardon."

11       SECTION 4. This Act does not affect any proceedings or  
12 applications received by the director of public safety and  
13 Hawaii paroling authority before the effective date of this Act.

14       SECTION 5. If any provision of this Act, or the  
15 application thereof to any person or circumstance, is held  
16 invalid, the invalidity does not affect other provisions or  
17 applications of the Act that can be given effect without the  
18 invalid provision or application, and to this end the provisions  
19 of this Act are severable.

20       SECTION 6. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



1 SECTION 7. This Act shall take effect on July 1, 3000.

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# H.B. NO. 1463 H.D. 1

**Report Title:**

Honolulu Prosecuting Attorney's Office Package; Executive  
Pardon; Criminal Procedure

**Description:**

Establishes a comprehensive application process for executive  
pardons. Effective 7/1/3000. (HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is  
not legislation or evidence of legislative intent.*

