
A BILL FOR AN ACT

RELATING TO JURORS.

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

1 SECTION 1. The legislature finds that the State has over
2 four hundred incarcerated for every one hundred thousand people
3 in the State. It is estimated that there are approximately four
4 thousand nine hundred residents in Hawaii who have been
5 convicted of felonies and served their sentence. Despite having
6 served their sentence, existing law prevents these residents
7 from serving on a jury, perpetuating the stigma that a convicted
8 individual is incapable of reintegrating back into society.

9 The legislature further finds that jury exclusion based on
10 felony convictions contributes to a lack of juror diversity. It
11 is well-established that there is a disparate impact of the
12 criminal justice system on people of color, including Native
13 Hawaiians. The effect of the existing exclusion makes it more
14 difficult to fill a jury with a diverse group of jurors.

15 The legislature also finds that those with felony
16 convictions who are not pardoned cannot serve as jurors in civil
17 cases, despite many instances where the criminal convictions



1 occurred decades before. Under existing law, a person sentenced
2 for a felony and who is finally discharged may vote in
3 elections, become a candidate for or hold public office, yet
4 they cannot serve on a jury. The legislature believes it is in
5 the best interest of Hawaii's democratic system for the State to
6 work toward affirming the rights of all individuals to be
7 allowed fair and equitable participation in the State's judicial
8 system. The legislature further finds that nineteen states and
9 the District of Columbia allow individuals who have completed
10 their incarceration for a felony, after varying passages of
11 time, to be eligible to serve on a jury. Four states:
12 Colorado, Illinois, Iowa, and Maine, do not have any automatic
13 exclusion of the right to serve on a jury.

14 The purpose of this Act is to clarify that a prospective
15 juror is disqualified to serve as a juror if they have been
16 convicted of a felony and have not been finally discharged or
17 pardoned. This Act would not apply where there is no discharge
18 or pardon, such as for those individuals sentenced to life
19 imprisonment with or without parole, or those convicted of
20 murder or class A felonies for which a sentence of an
21 indeterminate life term is imposed. This Act would also not



1 affect a juror being excused for cause or a party's right to
2 exercise a peremptory challenge.

3 SECTION 2. Section 612-4, Hawaii Revised Statutes, is
4 amended to read as follows:

5 **"§612-4 Grounds of qualification and disqualification.**

6 (a) A prospective juror is qualified to serve as a juror if the
7 prospective juror:

- 8 (1) Is a citizen of the United States and of the State;
- 9 (2) Is at least eighteen years old;
- 10 (3) Is a resident of the circuit; and
- 11 (4) Is able to read, speak, and understand the English
12 language.

13 (b) A prospective juror is disqualified to serve as a
14 juror if the prospective juror:

- 15 (1) Is incapable, by reason of the prospective juror's
16 disability, of rendering satisfactory jury service;
17 ~~[but]~~ provided that a prospective juror claiming this
18 disqualification may be required to submit a
19 physician's, physician assistant's, or advanced
20 practice registered nurse's certificate as to the
21 disability, and the certifying physician, physician



1 assistant, or advanced practice registered nurse is
2 subject to inquiry by the court at its discretion;
3 (2) Has been convicted of a felony in a state or federal
4 court and not pardoned[+] or finally discharged; or
5 (3) Fails to meet the qualifications in subsection (a).
6 (c) For purposes of this section, "finally discharged"
7 means released from incarceration and that all components of the
8 sentence, including the satisfaction of any restitution, have
9 been completed."

10 SECTION 3. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 4. This Act shall take effect on January 1, 2024.



Report Title:

Juror; Qualifications; Felon; Conviction; Finally Discharged;
Pardoned

Description:

Clarifies that a prospective juror is disqualified to serve as a juror if they have been convicted of a felony and have not been finally discharged, in addition to not being pardoned. Takes effect 1/1/2024. (SD1)

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