

Honolulu, Hawaii

FEB 12, 2026

RE: H.B. No. 2493
H.D. 1

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2026
State of Hawaii

Madame:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 2493 entitled:

"A BILL FOR AN ACT RELATING TO WRONGFUL IMPRISONMENT,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Establish the procedure that a court shall follow upon the reversal or vacation of an individual's judgment of conviction on grounds consistent with innocence, and where the charges were dismissed;
- (2) Require the State to pay advance compensation to any person who was convicted in a court of the State, imprisoned for at least one year, and whose judgment of conviction was reversed or vacated, or was pardoned, on grounds consistent with innocence;
- (3) Require the Department of Corrections and Rehabilitation to assign a case manager to a petitioner upon the petitioner's release;
- (4) Require the State to provide medical coverage to a person for a certain duration upon the reversal or vacation of the person's judgment of conviction on



grounds consistent with innocence and where the charges were dismissed;

- (5) Require the Department of the Attorney General to submit an annual report to the Legislature;
- (6) Clarify eligibility to seek compensation for individuals whose judgment of conviction was reversed or vacated, or who were pardoned, on grounds consistent with innocence, and whose charges were dismissed; and
- (7) Shift the burden of proof to the State to prove by a preponderance of evidence that the reversal or vacating of the judgment of conviction for a petitioner, or the pardoning of the petitioner, was inconsistent with innocence.

Your Committee received testimony in support of this measure from Office of the Public Defender; Hawai'i Innocence Project; Community Alliance on Prisons; and three individuals. Your Committee received testimony in opposition to this measure from the Department of the Attorney General. Your Committee received comments on this measure from the Judiciary and Department of Corrections and Rehabilitation.

Your Committee finds that although Act 156, Session Laws of Hawaii 2016, was intended to compensate individuals who were wrongfully convicted and imprisoned, claimants have had difficulty obtaining compensation due in part to prolonged litigation and delay, resulting in continued hardship and uncertainty for affected individuals. This measure seeks to reduce delay, provide immediate support to wrongfully imprisoned individuals, and bring greater certainty to the State's compensation process.

Your Committee has amended this measure by:

- (1) Amending the preamble;
- (2) Clarifying that the procedure a court shall follow upon the reversal or vacation of an individual's judgment of conviction on grounds consistent with innocence, and where the charges were dismissed, applies to the trial court in which the charge was originally filed;



- (3) Clarifying that if the court orders an award of compensation, it should not also award advance payments;
- (4) Requiring the Adult Client Services Division or a contracted community-based agency to assign a case manager to a petitioner upon the petitioner's release;
- (5) Clarifying that a person may not file a petition for relief if the court has previously awarded compensation to the person under the procedure established by this measure;
- (6) Clarifying that petitioners are entitled to compensation if the judgment of conviction was reversed or vacated, or if the petitioner was pardoned, on grounds consistent with innocence, rather than requiring a determination of actual innocence;
- (7) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2493, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2493, H.D. 1, and be referred to your Committee on Public Safety.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



HSCR 235-26

Bill/Resolution No.: HB2493	Committee Referral: JHA, PBC, FIN	Date: 2/10/2026		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)	✓			
2. POEPOE, Mahina (VC)	✓			
3. BELATTI, Della Au	✓			
4. COCHRAN, Elle		✓		
5. HASHEM, Mark J.	✓			
6. KAHALOA, Kirstin	✓			
7. SAYAMA, Jackson D.	✓			
8. TAKAYAMA, Gregg	✓			
9. GARCIA, Diamond		✓		
10. SHIMIZU, Garner M.		✓		
TOTAL (10)	7	3	0	0
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: _____				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				