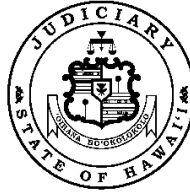


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LATE

The Judiciary, State of Hawai'i
Ka 'Oihana Ho'okolokolo, Moku'āina 'o Hawai'i

Testimony to the Thirty-Third Legislature, 2026 Regular Session

House Committee on Public Safety
Representative Della Au Belatti, Chair
Representative Kim Coco Iwamoto, Vice Chair

Wednesday, February 18, 2026, 10:00 a.m.
State Capitol, Conference Room 411 & Via Videoconference

By

Jennifer Awong
Staff Attorney, First Circuit Criminal Administrative Division and Judiciary Administration

Bill No. and Title: House Bill No. 2493, H.D. 1, Relating to Wrongful Imprisonment.

Purpose: Establishes the procedure that a trial 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. Requires the State to pay advance compensation to any petitioner 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. Requires the Comptroller to issue a warrant for payment of advance compensation to a petitioner. Requires the Adult Client Services Division or a contracted community-based agency to assign a case manager to a petitioner upon the petitioner's release. Requires 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. Requires the Department of the Attorney General to submit an annual report to the Legislature. Clarifies eligibility to seek compensation for individuals whose judgment of conviction was reversed or vacated, or who were pardoned, on grounds consistent with innocence, and where the charges were dismissed. Shifts 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. (HD1)



House Bill No. 2493, H.D. 1, Relating to Wrongful Imprisonment
House Committee on Public Safety
Wednesday, February 18, 2026 at 10:00 a.m.
Page 2

Judiciary's Position:

The Judiciary requests the measure on page 5, line 13 be amended to state “the circuit court shall” rather than “the trial court where the charge as originally filed shall....” The Judiciary notes that the present version of HRS § 661B-2, “Presentation of claim,” requires the petition to be filed in the circuit court. The Judiciary continues to review the proposed measure to determine how it can be implemented operationally and may have further comments.

Thank you for the opportunity to testify on this measure.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2026**

ON THE FOLLOWING MEASURE:

H.B. NO. 2493, H.D. 1, RELATING TO WRONGFUL IMPRISONMENT.

BEFORE THE:

HOUSE COMMITTEE ON PUBLIC SAFETY

DATE: Wednesday, February 18, 2026 **TIME:** 10:00 a.m.

LOCATION: State Capitol, Room 411

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Michelle M.L. Puu, Deputy Attorney General

Chair Au Belatti and Members of the Committee:

The Department of the Attorney General opposes this bill.

The purpose of this bill is to create an expedited mechanism for individuals seeking compensation for wrongful conviction and imprisonment to receive "advance compensation" and state-funded medical coverage before completion of the statutory process under chapter 661B, Hawaii Revised Statutes (HRS), to determine entitlement to compensation.

While this bill seeks to address legitimate concerns regarding delay in wrongful imprisonment compensation claims, the bill would effectively create two separate tracks for compensation. Under current law, a petitioner must establish eligibility under 661B, including that the reversal or vacation of the conviction was based on actual innocence as required by section 661B-1, HRS. In contrast, this bill would require the State to begin paying advance compensation, up to \$50,000 for each year of actual confinement, to individuals whose convictions are reversed or vacated by a circuit court on "grounds consistent with innocence."

The bill does not define "grounds consistent with innocence," and the term may be interpreted more broadly than the existing "actual innocence" framework. Although the bill's findings reference *Jardine v. State*, 155 Hawai'i 60 (2024), the bill would nonetheless require advance payments before the State has a meaningful opportunity

to litigate or evaluate whether the petitioner ultimately meets the statutory standards for compensation.

The Department recognizes that the bill provides that advance compensation need not be paid if charges are refiled by the prosecuting agency within five business days after the circuit court vacates the conviction. However, five business days is insufficient to allow for a thorough and ethically sound evaluation of whether refiling the charge is appropriate. Any such determination would necessarily depend on the circuit court's specific findings and reasoning, which may not be immediately available. As a practical matter, the decision to refile could not reasonably be made prior to the issuance of the circuit court's written judgment, nor within the proposed five-day window.

Significantly, if a petition filed pursuant to section 661B-2, HRS, is subsequently denied, the petitioner would not be required to repay any funds disbursed pursuant to this bill's automated system (page 8, lines 14-16). This creates a substantial fiscal risk to the State. For example, a conviction may be reversed because arguments/statements were improperly made to the jury, new evidence/technology should be considered, or the instructions provided to the jury were inappropriate. In such cases, charges may ultimately be dismissed for reasons unrelated to factual innocence, including the sheer passage of time, the unavailability of witnesses, or lost evidence. Under this bill, advance compensation would be paid and would not be recoverable even if the petitioner is later found not entitled to compensation under chapter 661B, HRS. These petitions require no merit whatsoever to be filed. More importantly, given this bill, petitioners would have no incentive to ever resolve them as they would be paid regardless of their likely outcome.

The bill also does not identify a source of funds for advance compensation or medical coverage, nor does it specify the agency responsible for administering, budgeting, and implementing these new requirements. The advance compensation and medical coverage provisions would require significant fiscal and administrative infrastructure. In addition, the bill's payment requirements raise constitutional concerns

under article VII, section 5, of the Hawai'i Constitution, which provides that "no public money shall be expended except pursuant to appropriations made by law."

Finally, the Department notes that the Judiciary cannot serve as the responsible agency for administering or budgeting for these expenditures, as section 601-2(b)(5), HRS, vests exclusive authority over the Judiciary's budget with the Chief Justice of the Hawaii Supreme Court.

For these reasons, the Department respectfully requests that this bill be deferred.

JON N. IKENAGA
PUBLIC DEFENDER

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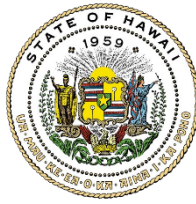
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February 16, 2026

HB 2493, HD1: RELATING TO WRONGFUL IMPRISONMENT

Chair Belatti, Vice-Chair Iwamoto, and Members of the Committee on Public Safety:

The Office of the Public Defender (OPD) **supports HB 2493, HD1** which makes long overdue and necessary reforms to Hawai'i's wrongful conviction and imprisonment compensation framework.

As the department charged with representing indigent individuals accused and convicted of crimes, the OPD sees firsthand the profound human cost when the criminal legal system fails. For those who have been wrongfully convicted and imprisoned, the harm does not end with release from custody. Individuals often reenter the community without housing, income, identification, medical care, or meaningful support after years of confinement for crimes they did not commit.

Although Hawai'i enacted Act 156 (2016) to provide compensation for wrongful imprisonment, the Legislature itself has recognized that, eight years later, no claimant has received compensation, and claims have been subject to years of delay and adversarial litigation.

This measure responds directly to these failures by establishing clear procedures, timelines, and obligations that promote fairness, efficiency, and dignity for individuals wrongfully imprisoned.

The OPD strongly supports the bill's core reforms, including:

- **Advance compensation** for eligible individuals immediately following reversal or vacation of conviction, recognizing that release without resources is not meaningful justice;
- **Assignment of a case manager upon release**, to assist with housing, identification, healthcare, employment, and reentry needs;
- **Temporary medical coverage**, including for spouses and dependents, for a period tied to the length of wrongful imprisonment;
- **Clear statutory guidance** implementing the Hawai‘i Supreme Court’s decision in *Jardine v. State*, 155 Haw. 60 (2024), ensuring that relief does not hinge on magic words but on whether the reversal supports innocence;
- **Shifting the burden to the State**, by a preponderance of evidence, to prove that a reversal or pardon was inconsistent with innocence which reflects the reality that the State is best positioned to carry that burden.

These provisions recognize that individuals who were wrongfully imprisoned should not be required to relitigate their innocence for years simply to survive.

From the OPD’s perspective, this measure is not about expanding liability, rather it is about honoring the State’s responsibility when its power has caused grave harm. Compensation and support cannot restore the years lost to wrongful imprisonment, but timely and humane redress is the minimum a just system should provide. The bill also promotes fiscal responsibility by reducing prolonged litigation, providing certainty to the budgeting process, and resolving claims in a structured and transparent manner rather than through years of costly delay.

For these reasons, the OPD supports HB 2493, HD1.

Thank you for the opportunity to comment.

DEPARTMENT OF THE PROSECUTING ATTORNEY
KA 'OIHANA O KA LOIO HO'OPI'I
CITY AND COUNTY OF HONOLULU

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STEVEN S. ALM
PROSECUTING ATTORNEY
LOIO HO'OPI'I



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FIRST DEPUTY PROSECUTING ATTORNEY
HOPE MUA LOIO HO'OPI'I

THE HONORABLE AU BELATTI, CHAIR
HOUSE COMMITTEE ON PUBLIC SAFETY
Thirty-Third State Legislature
Regular Session of 2026
State of Hawai'i

February 18, 2026

REGARDING H.B. 2493, H.D. 1 — RELATING TO WRONGFUL IMPRISONMENT.

Chair Au Belatti, Vice-Chair Iwamoto, and members of the House Committee on Public Safety, the Department of the Prosecuting Attorney of the City and County of Honolulu (“Department”) submits the following testimony in **opposition** of H.B. 2493.

The Department appreciates the intent behind H.B. 2493, H.D.1. Individuals who are truly wrongfully convicted and imprisoned deserve a fair, efficient, and dignified process for compensation. Justice requires that the State provide meaningful redress in those rare and tragic cases. However, while we support the principle of compensating the actually innocent, we respectfully oppose this bill and for the following reasons.

Shift of the Burden of Proof to the State

H.B. 2493, H.D.1 fundamentally alters the structure of Hawaii’s wrongful conviction statute by shifting the burden of proof to the State to demonstrate, by a preponderance of the evidence, that the reversal, vacation of judgment, or pardon was “inconsistent with innocence.”

Traditionally, wrongful conviction statutes require the claimant to affirmatively demonstrate factual innocence. This bill instead requires the State to prove the negative — that the reversal was not consistent with innocence — potentially years after the underlying prosecution.

This creates practical and legal concerns:

- Evidence may be stale or unavailable.
- Witnesses may no longer be locatable.
- Prosecutors may be required to effectively re-litigate complex cases long after convictions were set aside.

Reversals occur for many reasons — procedural error, ineffective assistance of counsel, evidentiary rulings, jury instruction issues — that do not equate to factual innocence. This bill risks awarding compensation in cases where innocence has not been affirmatively established.

Replacement of “Actual Innocence” with “Grounds Consistent with Innocence”

The bill replaces the clearer “actually innocent” language with “grounds consistent with innocence.”

This phrase is broader and more ambiguous. A dismissal following reversal or a judgment that has been vacated does not necessarily mean a person did not commit the offense; dismissals can occur for practical reasons, including:

- Unavailable witnesses,
- Passage of time,
- Evidentiary rulings that affect retrial viability.

Without requiring a finding that the petitioner “did not commit the crime,” the eligibility threshold is significantly lowered.

Mandatory Advance Compensation Before Final Determination

The bill requires the State to issue \$5,000 within five business days of reversal or a conviction being vacated, with monthly payments thereafter, regardless of whether a petition has been fully adjudicated. Importantly, if the petition is later denied, the funds are *not recoverable*.

This provision effectively forces the prosecution, often in highly complex cases involving extensive forensic evidence, multiple witnesses, and significant procedural history, to make a charging decision under extreme time pressure. Because the Comptroller must issue the first \$5,000 payment within five business days of the conviction being reversed, vacated, or pardoned, prosecutors are placed in the untenable position of having to evaluate whether to refile charges before advance compensation is triggered. Five business days is an extraordinarily compressed timeframe to thoroughly review the evidence, reassess admissibility issues, consult with law enforcement agencies, and meaningfully confer with victims. Such a rushed process undermines the careful, deliberate administration of justice and risks sidelining the constitutional and statutory rights of victims to be informed and heard before critical decisions are made.

Most states require a final adjudication before compensation is paid. Advance, non-recoverable payments represent a significant departure from traditional models.

Immediate Court Findings at Time of Reversal

The bill requires trial courts to make findings related to innocence and compensation contemporaneously with reversal or when a conviction is vacated.

At that stage:

- The record may not be fully developed for civil compensation purposes.
- Prosecutors may have limited opportunity to present evidence relevant to eligibility.

- Courts may be placed in the position of making compensation-related findings before the matter is fully litigated.

This could blur the line between criminal appellate relief and civil compensation proceedings.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu **opposes** the passage of H.B. 2493, H.D. 1. Thank you for the opportunity to testify on this matter.

COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: [\(808\) 927-1214](tel:(808)927-1214) / kat.caphi@gmail.com

Today's Inmate; Tomorrow's Neighbor



COMMITTEE ON PUBLIC SAFETY

Representative Della Belatti, Chair

Representative Kim Coco Iwamoto, Vice Chair

Wednesday, February 18, 2026

10:00 AM

Room 411 and VIDEOCONFERENCE

STRONG SUPPORT for HB 2493 HD1- WRONGFUL CONVICTION AND IMPRISONMENT

Aloha Chair Belatti, Vice Chair Iwamoto and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for almost three decades. This testimony is respectfully offered on behalf of the Hawai'i individuals living behind bars¹ and under the "care and custody" of the Department of Corrections and Rehabilitation on February 2, 2026. We are always mindful that 799 – 43% of Hawai'i's imprisoned male population are serving their sentences abroad -- thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

We appreciate this opportunity to express our **STRONG SUPPORT for HB2493 HD1** that establishes the procedure that a trial 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. It additionally requires:

- the State to pay advance compensation to any petitioner 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.

¹ DCR Weekly Population Report, February 2, 2026

<https://www.dcr.hawaii.gov/wp-content/uploads/2026/02/Pop-Reports-Weekly-2026-02-02.pdf>

- the Comptroller to issue a warrant for payment of advance compensation to a petitioner.
- the Adult Client Services Division or a contracted community-based agency to assign a case manager to a petitioner upon the petitioner's release.
- 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.
- the Department of the Attorney General to submit an annual report to the Legislature.

HB 2493 HD1 further clarifies eligibility to seek compensation for individuals whose judgment of conviction was reversed or vacated, or who were pardoned, on grounds consistent with innocence, and where the charges were dismissed and shifts 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. Effective 7/1/3000. (HD1)

Civil Beat posted a story last Friday, February 6, 2026² about Alvin Jardine, who fought for nearly a decade to be paid under the state's wrongful conviction compensation law. **He died before receiving payment. REST IN PEACE, MR. JARDINE.**

We remember this case where the Maui Prosecutor's office was so intent on getting a conviction that they accepted sketchy evidence from some kids who identified Mr. Jardine from a picture in a high school yearbook. The prosecutors refused the case be reopened and fought Mr. Jardine's attempt to receive justice at every turn. Mr. Jardine was another victim of Hawai'i injustice by overzealous prosecutors.

Mr. Jardine was incarcerated when his child was only four months old and he was behind bars for more than a third of his life for a rape he did not commit. His family begged him to say he was guilty so he could come home – he refused their pleas because he kept asserting his innocence.

After insisting for nearly two decades that he was innocent of a sexual assault at knifepoint on Maui, Alvin Jardine got a judge to let him try to prove it. His lawyers sent a green and white checkered tablecloth found at the crime scene to a lab to test it for DNA. When police had investigated the crime in 1990, DNA testing of bloodstains and other

² Hawai'i Wrongly Jailed Him for 20 years. Reparations Came Too Late.

<https://www.civilbeat.org/2026/02/hawaii-wrongly-jailed-him-for-20-years-reparations-came-too-late/>

bodily fluids on the tablecloth was inconclusive. But by 2008, technology had advanced, and the new analysis showed that the DNA wasn't Jardine's.

In 2016, Hawai'i passed a state law to compensate those wrongfully convicted with up to \$50,000 for every year they spent behind bars³ hasn't panned out for him — or anyone else — because it requires him to prove he is “actually innocent.” Defense attorneys and even state supreme court justices have said that standard is nearly impossible to meet. “We don't have any case law that talks about actual innocence,” said William Harrison, who represents a man who has been seeking compensation for four years since his sexual assault convictions were vacated. “When you go to trial, it's either you're guilty or not guilty.”

Thirty-eight states have similar laws, and most require that people prove their innocence in some way, said **Jeffrey Gutman, a professor of clinical law at George Washington University who works with the [National Registry of Exonerations](#)**. But he **characterized Hawai'i's law as more stringent than many states**.

And Hawai'i is the only state that has **paid nothing** to claimants, according to the registry. Two other states haven't made any payments, either, but no one has filed a claim there.

This session, lawmakers are [slated to approve payments](#) in two wrongful conviction cases — the \$600,000 settlement for Jardine and a \$420,000 settlement for Roynes Dural, a man whose 2003 sexual assault conviction was overturned after he spent eight years in prison. Dural filed his claim for compensation in 2021.

The state will still have to pay Jardine's money even though he is dead. The sum will go to Mr. Jardine's 37-year-old daughter, Ashley Jardine, who is his next of kin. But the law hasn't done what it was intended to do — help wrongfully convicted people get back on their feet and reintegrate into society. People who were wrongfully convicted don't get the same support upon leaving prison that many other formerly incarcerated people get (which is not much), such as help obtaining identification documents and assistance with housing and employment.

Here is an excerpt from an article⁴ by Frederic Block, a federal district judge for the Eastern District of New York, published in 2018 by The Marshall Project:

³ **Hawai'i Passed A Law To Pay The Wrongfully Convicted. No One Has Been Paid.**

By [Madeleine Valera](#) / February 3, 2025

<https://www.civilbeat.org/2025/02/hawai%CA%BBi-wrongful-conviction-compensation-law/>

⁴ **Let's Put an End to Prosecutorial Immunity** by Judge Frederic Block, March 13, 2018

Published by The Marshall Project

<https://www.themarshallproject.org/2018/03/13/let-s-put-an-end-to-prosecutorial-immunity>

“Prosecutors responsible for the wrongful conviction have neither been held criminally nor civilly responsible for their shameful conduct.

...

It seems to me that the time has come to create some level of accountability for prosecutors.

*First, the cloak of absolute immunity should judicially or legislatively be lifted. Police officers do not have it and they are held accountable in courts of law for their egregious behavior. We wisely do not give our law enforcement officers, or even the President, carte blanche to do as they please; **bad prosecutors should similarly be accountable.***

Second, steps can be taken by the legal establishment to punish such behavior. All prosecutors are lawyers and their licenses to practice law require them to abide by legally prescribed canons of ethics enforceable by the bar and the courts. Admirably, just a few months ago, the Indiana Supreme Court suspended the chief deputy prosecutor of LaPorte County, Indiana from the practice of law for a minimum of four years with no automatic right of reinstatement for eavesdropping on an attorney-client conversation. ... Other states should follow this lead.

Third, prosecutors who intentionally withhold exculpatory evidence resulting in a wrongful conviction should be prosecuted for obstruction of justice. The good ones need not be concerned, but the bad “deplorable” ones should know that there might be civil, and even criminal, consequences for misconduct.

We all hold dear to the time-honored notion that “no one is above the law.” Truly horrendous prosecutors who have put innocent people in jail should not be an exception.”

It is about time that the government of Hawai`i models the behavior that they expect from the people in their care and custody...honesty, admitting their wrongdoing, and adhering to our community values of forgiveness and caring for each other.

We urge the committee to pass HB 2493 HD1 in the interest of justice. Mahalo for this chance to share our mana`o on this important bill – HB 2493 HD1!

HB-2493-HD-1

Submitted on: 2/17/2026 8:25:56 AM

Testimony for PBS on 2/18/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Gordon cordeiro	Individual	Support	Remotely Via Zoom

Comments:

My name is Gordon J. Cordeiro, and I was released on February 21, 2025.

When I was exonerated and released from prison, the Department of Public Safety gave me a 30-day supply of medication, walked me to the gate, and left me there. No plan. No support. Just a gate closing behind me and a world I was expected to survive in on my own.

I was lucky. My family was waiting. But I can't stop asking myself—what if they weren't? What would I have done in that moment, standing there with nowhere to go, nothing to eat, and no phone?

My sisters brought me clothes so I wouldn't walk out wearing prison clothes. My family gave me a cell phone so I could call for help. They gave me a ride. My father gave me a place to sleep. Without them, I would have been free—and completely abandoned.

They helped me apply for QUEST medical and SNAP. But how would I have done that alone? I had no real ID. No transportation. No money for a bus. No computer. No instructions. No one telling me where to start.

My sister took me to the DMV, where I was forced to put my prison address on my state ID. I used my father's car to take my driving test. Without family, how does someone even begin to rebuild their life?

And this isn't hypothetical. Alvin Jardine was released after being found innocent. He didn't have support. He didn't have money. He didn't have help. He became homeless—and he died. That is what happens when innocence is met with indifference.

If I hadn't had family, that could have been me. Innocent. Homeless. Hungry. Invisible.

I testified at the House hearing last week and heard the Attorney General's comments about advance payments. I respectfully believe she was mistaken. This bill does not authorize any compensation unless and until a petitioner is actually released. By that point, the case has been thoroughly reviewed by a judge. A petitioner must file an HRPP Rule 40 petition detailing the grounds for wrongful conviction. The State files an answer in opposition. A circuit court hearing is held where witnesses testify under oath. Only after reviewing the evidence and testimony does a judge determine whether the petitioner is actually innocent.

Only then would advance payments begin—and only for basic survival: food, shelter, transportation, and a phone.

It costs the State over \$100,000 per year to incarcerate one person. That money is spent without hesitation. When the State has imprisoned someone for decades for a crime they did not commit, those years—and those taxpayer dollars—can never be recovered.

So why is \$5,000 a month, temporarily, for housing and basic necessities such a concern?

Advance payments are not a windfall. They are not a reward. They are not final compensation. They are a bridge between wrongful imprisonment and stability. Without that bridge, we are knowingly releasing innocent people into homelessness, unemployment, and crisis.

Change is not optional. It is necessary. When an innocent person is released, there must be immediate help. A case manager should be there before they walk out the gate. There must be emergency funds for food, clothing, and housing. A cell phone so they can call for help. Transportation so they can get to where they need to go.

Freedom without support is not justice. It is neglect.

We need to acknowledge when the system made a mistake, and we must also take responsibility for what happens next—because innocence should never come with a death sentence.

If a conviction is overturned due to actual innocence, the State must take responsibility beyond release—because justice does not end at the prison gate.

This is not about charity; it is about accountability. No innocent person should be released without the basic support needed to survive.

I am strongly in support of this bill, and I respectfully ask this committee to advance it.

TESTIMONY BEFORE THE HOUSE COMMITTEE
ON PUBLIC SAFETY

Wednesday, February 18, 2026
10:00 A.M. Conference Room 411 & Videoconference
Hawai'i State Capitol, 415 South Beretainia Street

CHAIR AU BELATTI, VICE-CHAIR IWAMOTO AND MEMBERS OF THE COMMITTEE ON PUBLIC SAFETY:

STRONG SUPPORT FOR HB 2493 RELATING TO WRONGFUL CONVICTIONS

My name is Virginia E. Hench, and I am the Founding Director (Retired) of the Hawai'i Innocence Project of the William S. Richardson School of Law, at which I am a retired professor of Criminal Law and Criminal Procedure, including post-conviction remedies.

I strongly support HB 2493. My position is based on my experience as an attorney representing the late Alvin Jardine, as well as in other wrongful conviction cases including the cases of Roynes Dural and Ian Schweitzer.

As you may know, a person whose conviction is vacated on grounds consistent with innocence, as described in HB 2493, is not entitled to the usual transitional support received by a person who is actually guilty and who is released after serving a full sentence, even though the exoneree may have been incarcerated for decades, and have no identification or even marketable job skills after so long. In Alvin's case, he was convicted June 3 1992, and imprisoned until his exoneration based on DNA, in January, 2011.

An exoneree's family is often not able to help them with the simplest things, even basic necessities of life, until they can get on their feet. For example, Alvin's family is of modest means. When Alvin was released, in January, 2011, after Judge August found that the DNA and other evidence was enough to vacate his conviction, he did not even own a change of clothes, any form of identification, or even a wallet, much less anything to put in it. His family immediately had to post several thousand dollars cash bail, or Alvin would have continued in custody until the state determined that it would not re-try him.

That cash bail was non-refundable. The family was already struggling, and the financial burden of posting bail tipped off a cascade of loss, through which his father lost the family home. Wrongful convictions hurt entire families and communities.

Alvin struggled from 2011 until his death in 2026, attempting to receive compensation, which did not arrive in time to stop him from dying homeless and alone.

HB 2493 offers a means to bridge the gap between the moment when a wrongful conviction is overturned and the time when the exoneree can return to a productive life. I strongly support its passage.

Respectfully submitted,

Virginia E. Hench, Attorney # 6821

To: Representative Della Au Belatti, Chair
Representative Kim Coco Iwamoto, Vice Chair
Committee on Public Safety

From: Veronica Moore, Individual Citizen

Date: February 17, 2026

RE: House Bill 2493 HD1
Measure Title: RELATING TO WRONGFUL IMPRISONMENT.
Report Title: AG; DCR; DAGS; Wrongful Conviction and Imprisonment;
Compensation; Annual Report

To All Concerned,

My name is Veronica Moore and I support House Bill 2493 HD1. Thank you for introducing this bill.

Sincerely,

Veronica M. Moore

HB-2493-HD-1

Submitted on: 2/17/2026 9:22:57 AM

Testimony for PBS on 2/18/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Sarah Cordeiro	Individual	Support	Written Testimony Only

Comments:

TO: Committee of Public Safety

FROM: Sarah Cordeiro

DATE: February 17, 2026

RE: SUPPORT for HB 2493, Relating to Wrongful Imprisonment.

Honorable Committee Members,

I am testifying in strong support of HB 2493.

For an innocent person, the nightmare does not end when the prison gates open. While Hawai‘i has existing laws to compensate those who have been wrongfully convicted, the current process is often marred by years of litigation and bureaucratic delay. HB 2493 is a compassionate and common-sense fix that ensures the State meets its moral obligation to those it has failed.

I support this bill for three primary reasons:

Immediate Relief via Advance Compensation: Currently, wrongfully convicted individuals may wait years for a final court judgment while struggling to afford basic necessities. This bill's provision for "advance compensation" provides a vital bridge, allowing these individuals to stabilize their lives immediately upon release rather than falling into poverty.

Essential Re-entry Services: Freedom alone is not enough to rebuild a life. By requiring the Department of Corrections and Rehabilitation to assign a case manager and providing medical coverage, HB 2493 addresses the physical, mental, and logistical hurdles of re-entry. These services—including help with housing, ID, and employment—are the bare minimum we should provide to someone who has lost years of their life to a wrongful conviction.

Humanity Over Bureaucracy: We have seen one case where a wrongfully convicted individual passed away before ever receiving the compensation they were owed. This is an injustice on top of an injustice. This bill streamlines the procedure, shifting the burden of proof to the State to show why a person shouldn't be compensated if their conviction was vacated on grounds consistent with innocence.

HB 2493 recognizes that when the State makes a mistake of this magnitude, it has a duty to make the victim whole as quickly and effectively as possible.

I urge this committee to pass HB 2493 and give certainty to both the State's budgeting process and, more importantly, to the lives of the innocent.

Thank you for the opportunity to testify.

Sincerely,

Sarah Cordeiro

Makawao, Hawai'i

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February 17, 2026

Rep. Della Au Belatti, Chair
Rep. Kim Coco Iwamoto, Vice Chair
Committee on Public Safety
House of Representatives
33rd Legislature, State of Hawai'i

via: <http://www.capitol.hawaii.gov>

Dear Committee leadership and members,

Re: **SUPPORT FOR AND COMMENTS ON HB2493 HD1 RELATING
TO WRONGFUL IMPRISONMENT**

DATE: Wednesday, February 18, 2026
TIME: 10:00 a.m.
PLACE: Conference Room 41 & Videoconference
State Capitol
415 South Beretania Street

I write to express support for this bill while offering a comment on the tenacious residual pilikia re: "actual innocence." The bill proposes to address this with the following provision proposed at §661B-B(4): "*Whether the grounds for the reversal or vacation of the crime or crimes support the conclusion that the person did not commit the crime or crimes.*" Last night on Hawaii News Now, it was reported that this is to ensure that people who are exonerated "on a technicality" are not able to recover under the statute.

I write to say that as a society we have done little to nothing to correct this misapprehension of criminal justice and explain that the "technicality" is the Constitution. Why is not an individual whose conviction is vacated on an appellate court finding that s/he was deprived of the fundamental right to a fair trial not considered wrongfully imprisoned and precluded from recovery under the statute?

Thank you for your consideration of my testimony. Aloha.

/s/ Georgette A. Yaindl
GEORGETTE ANNE YAINDL