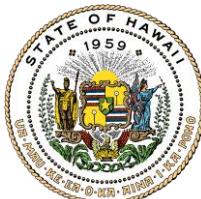


JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



TOMMY JOHNSON

DIRECTOR

Melanie Martin  
Deputy Director  
Administration

Vacant  
Deputy Director  
Correctional Institutions

Sanna Muñoz  
Deputy Director  
Rehabilitation Services  
and  
Programs

No. \_\_\_\_\_

STATE OF HAWAI'I | KA MOKU'ĀINA 'O HAWAI'I  
**DEPARTMENT OF CORRECTIONS**

**AND REHABILITATION**

*Ka 'Oihana Ho'omalu Kalaima  
a Ho'oponopono Ola*

1177 Alakea Street  
Honolulu, Hawai'i 96813

**TESTIMONY ON HOUSE BILL 2493  
RELATING TO WRONGFUL IMPRISONMENT.**

by

Tommy Johnson, Director  
Department of Corrections and Rehabilitation

House Committee on Judiciary & Hawaiian Affairs

Representative David A. Tarnas, Chair

Representative Mahina Poepoe, Vice Chair

Tuesday, February 10, 2026; 2:00 p.m.  
State Capitol, Conference Room 325 & Via Video Conference

Chair Tarnas, Vice Chair Poepoe, and Members of the Committee:

The Department of Corrections and Rehabilitation (DCR) **supports the intent** of House Bill (HB) 2493 relating to wrongful imprisonment; however, DCR objects to Section 2 on page 5 (Lines 18 – 20) and Page 8 (Lines 17 – 21), which continues to Page 9 (Lines 1 – 10). These provisions would require DCR to assign a Case Manager to assist a released individual with obtaining housing, state identification, medical, dental, mental health insurance, appointments, a cell phone, and employment.

Once an individual is released from custody after their conviction(s) have been reversed or vacated on the grounds consistent with innocence, and/or where charges have been dismissed, they no longer fall under the jurisdiction of DCR. Therefore, DCR would be unable to provide the assistance outlined in this measure, as the department would have neither the authority over the released individual nor the resources to offer such services.

HB 2493 Relating to wrongful Imprisonment.

February 10, 2026

Page 2

DCR recommends that the duties of the case manager, as outlined in HB 2493, be assigned by the court to its Adult Client Services Division (Probation) or contract with a community-based agency, including non-profit entities.

Thank you for the opportunity to provide testimony in **support of the intent** of HB 2493.

JON N. IKENAGA  
PUBLIC DEFENDER

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HONOLULU OFFICE  
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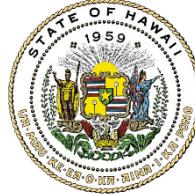
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February 9, 2026

**HB 2493: RELATING TO WRONGFUL IMPRISONMENT**

**Chair Tarnas, Vice-Chair Poepoe, and Members of the Committee on Judiciary and Hawaiian Affairs:**

The Office of the Public Defender (OPD) **supports HB 2493** 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.

Thank you for the opportunity to comment.



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

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**ON THE FOLLOWING MEASURE:**

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

**BEFORE THE:**

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

**DATE:** Tuesday, February 10, 2026      **TIME:** 2:00 p.m.

**LOCATION:** State Capitol, Room 325

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

---

Chair Tarnas and Members of the Committee:

The Department of the Attorney General opposes this bill.

The purpose of this bill is to provide an expedited mechanism for individuals alleging wrongful conviction and imprisonment to receive "advance compensation" and state-funded medical coverage prior to the completion of any court proceeding to determine whether the offender was "actually innocent."

While this bill seeks to address legitimate concerns, this bill would effectively create separate tracks for receiving compensation for wrongful conviction and imprisonment. Under current law, a petitioner must establish actual innocence before compensation must be awarded. See Statement of Claim for Compensation, section 661B-1, Hawaii Revised Statutes (HRS). In contrast, this bill proposes the payment of advance compensation, in an amount of 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 term "grounds consistent with innocence" is undefined and plainly denotes a standard lower than "actual innocence." By statute, a determination of "actual innocence" may not be made until a petition has proceeded through the statutory process, including appellate review. See Section 661B-5, HRS. Moreover, 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).

Testimony of the Department of the Attorney General

Thirty-Third Legislature, 2026

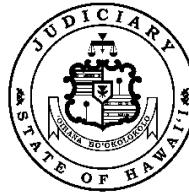
Page 2 of 2

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 refilling 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.

This bill also raises significant fiscal concerns. The bill does not identify the source of funds for advance compensation or medical coverage, nor does it specify the agency responsible for administering or budgeting for these expenditures, which would require significant programmatic and fiscal infrastructure. Any agency responsible would be required to identify, secure, and administer ongoing funding to support these expenses. The Judiciary could not serve as the responsible agency, as section 601-2(b)(5), HRS, vest exclusive authority over the Judiciary's budget with the Chief Justice of the Hawaii Supreme Court.

The Department further notes a recurring drafting error in which the term "chargers" is used in place of "charges," including in operative sections of the bill.

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



***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 Judiciary & Hawaiian Affairs**

Representative David A. Tarnas, Chair

Representative Mahina Poepoe, Vice Chair

Tuesday, February 10, 2026, 2:00 p.m.

State Capitol, Conference Room 325 & Via Videoconference

By

Nicholas Severson  
Staff Attorney for the Hawai'i Supreme Court

**WRITTEN TESTIMONY ONLY**

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**Bill No. and Title:** House Bill No. 2493, Relating to Wrongful Imprisonment.

**Purpose:** Establishes the procedure that a court of the State shall follow upon the reversal or vacating of an individual's judgment or conviction on grounds consistent with innocence, and where the chargers [sic] were dismissed. . . . Clarifies that a person whose judgment of conviction was reversed or vacated, or who was pardoned, on grounds consistent with innocence, and where the chargers [sic] were dismissed, may petition for compensation. Requires the State to prove by a preponderance of evidence that the reversal or vacating of the order of conviction for a petitioner, or the pardoning of the petitioner, was inconsistent with innocence.

**Judiciary's Position:**

The Judiciary requests the measure be amended to clarify that the reference to "court" on page 5 line 13 refers to the trial court where the charge was originally filed, and not the appellate courts. The Judiciary notes that the present version of HRS § 661B-2, "Presentation of claim," requires the petition to be filed in the circuit court.

Thank you for the opportunity to testify on this measure.

## HAWAI'I INNOCENCE PROJECT

William S. Richardson School of Law  
University of Hawai'i at Mānoa  
2515 Dole Street, Honolulu, HI 96822

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**TO:** House Committee on Judiciary & Hawaiian Affairs  
**FROM:** Kenneth L. Lawson, Co-Director, Hawai'i Innocence Project  
**RE: HB 2493 – RELATING TO WRONGFUL IMPRISONMENT**  
**POSITION: STRONG SUPPORT**

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Dear Chair and Members of the Committee:

**The Hawai'i Innocence Project (“HIP”)** strongly supports HB 2493, which makes critical and long-overdue reforms to Hawai'i's wrongful conviction compensation statute, Chapter 661B, Hawai'i Revised Statutes. I submit this testimony in my capacity as Co-Director of HIP, a legal clinic and nonprofit at the William S. Richardson School of Law at the University of Hawai'i at Mānoa. HIP is a member of the Innocence Network, a global collection of organizations dedicated to freeing the wrongfully convicted and reforming the justice system to prevent future injustice.

I also submit this testimony as someone who served on the task force that helped draft the original wrongful conviction compensation bill that became Act 156, Session Laws of Hawai'i 2016, along with HIP co-founder William “Bill” Harrison. We have witnessed firsthand the promise of that law—and its profound failure to deliver on that promise over the last eight years. HB 2493 represents a necessary course correction.

### **I. Hawai'i's Current Law Has Failed Every Person It Was Designed to Help**

When our task force drafted the original compensation bill, the intent was straightforward: provide a fair and accessible avenue of redress for those wrongfully convicted and imprisoned by the State. The Legislature recognized this purpose when it enacted Act 156 in 2016, finding that the wrongfully convicted “deserved an avenue of redress over and above the existing tort remedies.”

The reality has been devastating. According to the National Registry of Exonerations, of the thirty-eight states that have wrongful conviction compensation statutes, Hawai'i was the only state that had never paid a single claimant. It took nearly a decade—and the death of an exoneree—before the first payment was finally agreed to in late 2025.

The primary obstacle has been the statute's requirement that petitioners prove they were “actually innocent.” As the Hawai'i Supreme Court recognized in *Jardine v. Hawai'i*, 155 Haw. 60 (2024), this standard is “nearly impossible to satisfy” because “that is not the legal standard under which [a court] vacates a conviction or orders a new trial.” The Court's decision helped clarify the law, but the underlying statutory framework remains fundamentally flawed. HB 2493's shift to a “grounds consistent with innocence” standard, consistent with model legislation promoted by the Innocence Project and used in other states, is both sensible and just.

## II. The Human Cost of Delay and Inaction

The consequences of Hawai‘i’s broken compensation law are not abstract. They are measured in human suffering. Every case HIP has handled illustrates the urgent need for the reforms in HB 2493:

**Alvin Jardine III** spent twenty years in prison for a 1990 sexual assault on Maui after being convicted at his third trial. DNA testing in 2008 excluded him as the source of bodily fluids at the crime scene. His conviction was vacated in 2011, and charges were dismissed. Yet Jardine spent the next decade fighting the State for compensation he never received. He was released into a world that had moved on without him—no money, no support, no resources. He struggled with poverty, substance abuse, and the lasting psychological trauma of two decades of wrongful incarceration. Jardine was Alvin Jardine’s case was the very impetus for the Legislature’s enactment of the compensation statute. On December 27, 2025, Alvin Jardine was found dead in Ha‘ikū, Maui at age 56—homeless, without ever receiving a single dollar from the State that wrongfully imprisoned him for twenty years of his life. Legislators are now poised to approve a \$600,000 payment in his case, but it is too late for Alvin. His death is a moral indictment of a system that failed him at every turn.

**Albert Ian Schweitzer** spent over twenty-three years in prison for the 1991 rape and murder of Dana Ireland on the Big Island—a crime DNA evidence now conclusively shows was committed by another man, Albert Lauro Jr. Ian was a nurse at a Kaua‘i hospital when he was arrested. His brother, **Shawn Schweitzer**, was only sixteen years old when he was falsely implicated. Their convictions were overturned in 2023. In 2024, HIP hired a genetic genealogy expert who linked all the crime scene DNA to Lauro, who lived near the crime scene and killed himself after police collected his DNA. Despite this definitive proof of innocence, the Schweitzer brothers have been locked in litigation with the Attorney General’s office for years, with a trial date not set until March 2026. Ian walked out of court after twenty-three years behind bars with no money, no job, and no resources. As he has said: “The state and county give me nothing, absolutely nothing. I didn’t even get a sorry yet.”

**Roynes Dural** was convicted of sexual assault in 2003 and served eight and a half years in prison. Dural was a twenty-seven-year-old Navy sailor deployed on the USS Port Royal in the Persian Gulf after September 11 when the accusations surfaced. He was arrested upon his ship’s return to Pearl Harbor. The accuser was a teenager—the daughter of a woman Dural had previously dated. No physical evidence supported the allegations; the conviction rested entirely on the girl’s testimony and her mother’s corroboration. Dural was sentenced to twenty years and dishonorably discharged from the military, ending a decade-long career in which he was about to receive a promotion. He maintained his innocence throughout his incarceration, refusing plea deals that could have reduced his sentence. While imprisoned at Saguaro Correctional Center in Arizona, he passed a polygraph examination. After HIP took his case in 2006, the evidence of his innocence mounted: the accuser’s mother recanted her testimony and stated unequivocally that Dural was innocent; the accuser herself failed a polygraph examination; two other men—the accuser’s stepfather and a school employee—came forward and admitted under oath to having inappropriate sexual relationships with the accuser during the time period charged in the indictment; and the accuser married the school employee just weeks after Dural’s conviction, when she was only fourteen years old. In 2019, the Hawai‘i Supreme Court set aside Dural’s conviction, and Circuit Court Judge Karen Nakasone dismissed the case with prejudice. In

addition to the eight years in prison, Dural served eight more years on parole. In December 2025, after years of litigation against the Attorney General’s office, Dural finally settled his compensation claim for \$420,833—making him the first person in Hawai‘i’s history to receive compensation under a law that has been on the books for nearly a decade. As Roynes himself said: “It’s definitely not enough. Losing my family, losing loved ones, you can never get that back. Losing my career.”

**Gordon Cordeiro** spent thirty years in prison—sentenced to life without parole—for a 1994 murder on Maui that DNA evidence now shows he did not commit. His first trial ended in a hung jury with eleven of twelve jurors favoring acquittal. At his second trial, the State secured a conviction using the testimony of four jailhouse informants who fabricated evidence in exchange for reduced sentences. On February 21, 2025, Judge Kirstin Hamman vacated his conviction after new DNA testing excluded him from the crime scene. Gordon’s mother died of ALS the same year he was incarcerated; his first act upon release was to visit her grave. Gordon now faces the prospect of rebuilding his life at age 51 with no compensation and no services from the State.

### **III. Why Every Provision of HB 2493 Is Necessary**

**Replacing “actual innocence” with “grounds consistent with innocence.”** The “actual innocence” standard has been the single greatest barrier to compensation in Hawai‘i. No other state that has a compensation statute has been as ineffective as Hawai‘i’s. The “grounds consistent with innocence” standard is used in model legislation promoted by the national Innocence Project and adopted in other states. It fairly balances the need to compensate the wrongfully convicted while protecting against unwarranted claims.

**Shifting the burden of proof to the State.** HB 2493 correctly requires the State—not the petitioner—to prove by a preponderance of the evidence that the reversal or vacating of a conviction was inconsistent with innocence. This is a fundamental shift that recognizes a basic truth: once a court has reversed or vacated a conviction on grounds consistent with innocence, the presumption should favor the exoneree. It should not be the burden of someone who has already been wrongfully imprisoned to prove their innocence yet again. Across the country, the Innocence Project and Network partners have advocated for precisely this kind of burden-shifting, and multiple states have adopted it.

**Advance compensation of \$5,000 per month.** This is perhaps the most urgently needed reform. When a person walks out of prison after years or decades of wrongful incarceration, they have nothing—no money, no identification, no housing, no employment. In 2025, similar legislation (SB 169) was introduced but died in the Senate Ways and Means Committee. The stories above make clear what happens when we delay. The Innocence Project’s model compensation statute recommends immediate subsistence funds for exactly this reason. Multiple states, including Virginia and others that reformed their laws in 2024–2025, have introduced lump-sum or advance payment mechanisms. A monthly payment of \$5,000 is modest and humane, and HB 2493 wisely provides that advance payments are deducted from the final award, so there is no windfall.

**Assignment of a case manager upon release.** Exonerees are released into a world that has changed dramatically during their incarceration. They need assistance with housing, identification, medical care, and employment—the same basic services provided to individuals

leaving incarceration through reentry programs. The original bill our task force drafted included comprehensive reentry services. HB 2493's requirement for a sixty-day case management period through the Department of Corrections and Rehabilitation is a reasonable minimum. The Innocence Project has long advocated that states must provide not only monetary compensation but also critical transitional services, and the Innocence Network's Exoneree Network has documented the acute need for immediate housing, medical, and reintegration support.

**Medical coverage for the duration of wrongful imprisonment.** Wrongful incarceration causes lasting physical and psychological harm. The trauma of imprisonment, the deprivation of adequate health care while incarcerated, and the stress of fighting for exoneration take a devastating toll. Providing medical coverage for a period equal to the wrongful imprisonment—including for spouses and dependents—is consistent with best practices in other jurisdictions and reflects the true scope of the harm the State has caused.

**Liberal construction clause.** The addition of a liberal construction provision is essential. For eight years, the Attorney General's office has interpreted Chapter 661B in the narrowest possible manner, erecting procedural barriers at every stage. A liberal construction clause sends a clear legislative message: this law exists to help the wrongfully convicted, and it should be interpreted accordingly.

**Annual reporting requirement.** Transparency and accountability are critical. The annual report requirement ensures that the Legislature can monitor the implementation of this law and identify any ongoing barriers to compensation. Given the history of delay and obstruction, this oversight mechanism is not merely helpful—it is necessary.

#### **IV. The Attorney General's Office Has Actively Obstructed Compensation**

This Committee should be aware that the single greatest institutional obstacle to wrongful conviction compensation in Hawai‘i has not been the statute alone—it has been the Department of the Attorney General, which has aggressively fought every compensation claim filed under Chapter 661B. This pattern of obstruction is a key reason why HB 2493's reforms, particularly the burden-shifting provision, are so critical.

In case after case, the Attorney General's office has contested claims for compensation even where the county prosecutors who actually tried the cases have stipulated—that is, formally agreed—to the newly discovered evidence of innocence.

In the Schweitzer brothers' case, HIP and the national Innocence Project entered into a Conviction Integrity Agreement with the Hawai‘i County Prosecuting Attorney's Office in 2019, under which the parties worked collaboratively to re-investigate Dana Ireland's murder. That re-investigation led to the filing of Joint Stipulated Facts in which the prosecution agreed to the following: that DNA testing showed that a single unknown male ("Unknown Male #1") was the source of semen recovered from Ms. Ireland's vaginal swabs, the hospital gurney sheet, and Ms. Ireland's clothing; that Unknown Male #1 was the "habitual wearer" of the bloody Jimmy'Z t-shirt found at the crime scene—the very shirt the prosecution told the jury belonged to Frank Pauline; that Albert Ian Schweitzer, Shawn Schweitzer, and Frank Pauline were all excluded as the source of this DNA; that the bite mark evidence used at trial has been discredited by modern forensic science, with the American Board of Forensic Odontologists now prohibiting the very type of identification presented to the jury; that the tire track evidence at the crime scene was

inconsistent with the Schweitzers’ VW Beetle; and that Shawn Schweitzer recanted his coerced guilty plea, passed a polygraph, and confirmed that neither he nor his brother had any involvement in the crime. The prosecution stipulated that all of this evidence was newly discovered, could not have been discovered at trial, and was material and not cumulative. In 2024, HIP’s genetic genealogy expert identified Unknown Male #1 as Albert Lauro Jr., who lived near the crime scene. Despite this overwhelming, stipulated evidence of innocence, both the Hawai‘i County Prosecuting Attorney’s Office—the very office that stipulated to the evidence—and the Attorney General’s office have continued to contest the Schweitzers’ compensation claims, forcing them into prolonged litigation with a trial date not set until March 2026, more than three years after Ian Schweitzer walked out of prison. The absurdity cannot be overstated: the same prosecuting authority that formally agreed to the newly discovered DNA, bite mark, tire tread, and recantation evidence now joins the Attorney General in fighting the Schweitzers’ right to compensation based on that very evidence.

Similarly, in Gordon Cordeiro’s case, HIP attorneys and Maui County Prosecutor Richard Rost filed Joint Stipulated Facts in which the prosecution agreed to the following: that modern DNA testing conducted on multiple items of crime scene evidence—including a condom found at the scene, a cigarette pack near the victim’s body, the victim’s fingernail scrapings, and critically, the inside of the victim’s jeans pockets—eliminated Cordeiro as a contributor to the DNA on every single item tested; that an unknown male’s DNA was found inside the victim’s pockets, directly contradicting the prosecution’s trial theory that Cordeiro had rifled through the victim’s pockets and stolen \$800; that the FBI’s mitochondrial DNA testing had previously eliminated Cordeiro as the source of hairs found on the victim’s clothing—the same hairs the State’s forensic analyst had testified were “consistent with” Cordeiro’s; and that the gunshot residue evidence used at trial does not meet current scientific standards, as the State’s analyst never identified a single fused lead-barium-antimony particle as required by modern protocols. The prosecution stipulated that this DNA and GSR evidence was newly discovered, could not have been discovered at trial, and was material. The court vacated Cordeiro’s conviction. Yet remarkably, the Maui County Prosecuting Attorney’s Office has appealed the court’s decision to vacate Cordeiro’s conviction—despite having stipulated to the very evidence on which the court based its ruling. The office that formally agreed that the DNA and scientific evidence was newly discovered and material now seeks to reinstate the conviction of a man whom that evidence excludes from the crime scene. And should the vacatur be upheld, the Attorney General’s office can be expected to contest his compensation claim as well, subjecting a man who lost thirty years of his life to yet another round of adversarial litigation against the State.

In Alvin Jardine’s case, the Attorney General’s office argued for years that the DNA evidence excluding Jardine from the crime scene did not prove his actual innocence, even though his conviction had been vacated and charges dismissed. The AG’s office forced Jardine through nearly a decade of litigation, during which time he descended into homelessness and ultimately died without compensation. When the AG’s office testified against reform legislation (SB 169) in 2025, it argued that having the AG involved in the compensation process created a “conflict of interest”—an ironic admission given that the AG’s office is both the entity that defends the State in these claims and the entity that has most aggressively blocked them.

The effect of this posture has been to force desperate exonerees—people who have already lost years or decades of their lives and who emerge from prison with nothing—into prolonged,

expensive litigation against the full resources of the State. The power imbalance is staggering. Exonerees have no income, no savings, and often no stable housing. The State has unlimited legal resources and no penalty for delay. The practical result is that claimants are pressured to settle for less than they are owed, to abandon their claims, or, in Alvin Jardine's case, to die waiting.

HB 2493 directly addresses this problem. By shifting the burden of proof to the State, by requiring advance compensation payments, and by mandating annual reporting to the Legislature, this bill removes the incentive for the Attorney General's office to engage in delay-as-strategy. If the State believes a claimant's exoneration was inconsistent with innocence, it must affirmatively prove that—rather than simply forcing exonerees to relitigate their innocence in a process the State controls and can extend indefinitely.

## **V. National Context: Hawai‘i Must Catch Up**

Thirty-nine states and the District of Columbia now have compensation statutes. The Innocence Project recommends a minimum of \$70,000 per year of wrongful incarceration. States like Texas provide \$80,000 per year plus lifetime annuity payments, job training, tuition credits, and medical treatment. Oklahoma raised its compensation to \$50,000 per year in 2025. Florida expanded eligibility and extended the filing window. Virginia introduced lump-sum payments for immediate financial relief. Maryland reformed its process to require the state to notify exonerees of their rights. Indiana passed its first-ever eyewitness identification reform. Across the country, the trend is unmistakable: states are strengthening their compensation laws, removing barriers to relief, and providing more comprehensive support to exonerees.

Hawai‘i, by contrast, has spent eight years with a law that compensated no one. The national Innocence Project's 2024 annual report highlighted the urgent need for states to remove barriers to compensation. The National Registry of Exonerations has documented that only about 41 percent of exonerees in states with compensation statutes actually receive payment. Hawai‘i's rate, until very recently, was zero percent. This is unconscionable.

## **VI. Conclusion**

I helped draft the original compensation bill because I believed Hawai‘i could and should do right by those it wrongfully imprisons. Bill Harrison and I, along with the entire HIP team, have spent years fighting not only to free innocent people from prison but also to ensure they receive the support they need and deserve upon release. The current law has failed. It failed Alvin Jardine, who died homeless after twenty years of wrongful imprisonment and a decade of futile litigation. It has failed Ian and Shawn Schweitzer, who wait years after their exoneration with nothing from the State. It nearly failed Roynes Dural, whose settlement came only after years of resistance.

HB 2493 is not a radical bill. It brings Hawai‘i's law in line with national best practices and the recommendations of the Innocence Project and the Innocence Network. It provides basic humanity to people who have already endured the most profound injustice our legal system can inflict: the loss of their freedom for crimes they did not commit.

I urge this Committee to pass HB 2493. We cannot afford to let another person die waiting for justice that never comes.

Respectfully submitted,

*Kenneth Lawson*

**Kenneth L. Lawson**

Co-Director, Hawai‘i Innocence Project

Faculty Specialist, William S. Richardson School of Law

University of Hawai‘i at Mānoa

Board of Directors, National Innocence Network

# COMMUNITY ALLIANCE ON PRISONS

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*Today's Inmate; Tomorrow's Neighbor*



## COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Representative David Tarnas, Chair

Representative Mahina Poepoe, Vice Chair

Tuesday, February 10, 2026

2:00 PM

Room 325 and VIDEOCONFERENCE

## **STRONG SUPPORT FOR HB 2493 - WRONGFUL CONVICTIONS**

Aloha Chair Tarnas, Vice Chair Poepoe 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 3,667 Hawai`i individuals living behind bars<sup>1</sup> and under the "care and custody" of the Department of Corrections and Rehabilitation on February 2, 2026. We are always mindful that 799 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** that establishes the procedure that a court of the State shall follow upon the reversal or vacation of an individual's judgment or conviction on grounds consistent with innocence, and where the chargers were dismissed. Requires the

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<sup>1</sup> DCR Weekly Population Report, February 2, 2026

[PSD/Weekly Population Report](#)

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. The bill requires the Comptroller to issue a warrant for payment of advance compensation to a petitioner; requires the Department of Corrections and Rehabilitation 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 a person's judgment of conviction on grounds consistent with innocence and where the chargers were dismissed; and requires the Department of the Attorney General to submit an annual report to the Legislature. The bill clarifies that a person whose judgment of conviction was reversed or vacated, or who was pardoned, on grounds consistent with innocence, and where the chargers were dismissed, may petition for compensation. It also requires the State to prove by a preponderance of evidence that the reversal or vacating of the order of conviction for a petitioner, or the pardoning of the petitioner, was inconsistent with innocence.

Civil Beat posted a story last Friday, February 6, 2026<sup>2</sup> 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

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 did not want the case 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. He fought for compensation so that he could get his life in the community started.

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<sup>2</sup> **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/>

*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 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 bars<sup>3</sup> 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.

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<sup>3</sup> [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/>

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.

It is about time that the government of Hawai`i models the behavior that they expect from the people in the care and custody of the state...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 in the interest of justice.

**Rest in Peace, Mr. Jardine. We will never forget you.**

Mahalo for this chance to share our mana`o on this important bill – HB 2493!

## HAWAI'I INNOCENCE PROJECT

William S. Richardson School of Law

University of Hawai'i at Mānoa

2515 Dole Street, Honolulu, HI 96822

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**TO:** Honorable Representative David A. Tarnas, Chair  
Honorable Representative Mahina Poepoe, Vice Chair  
House Committee on Judiciary & Hawaiian Affairs

**FROM:** William A. Harrison, Esq., Co-Founder & Adjunct Professor, Hawai'i Innocence Project

**RE:** **HB 2493 – RELATING TO WRONGFUL IMPRISONMENT**

**POSITION:** **STRONG SUPPORT**

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Dear Chair, Vice Chair and Members of the Committee:

I submit this testimony in strong support of HB 2493 in my capacity as co-founder and Adjunct Professor of the Hawai'i Innocence Project ("HIP"), a legal clinic at the William S. Richardson School of Law at the University of Hawai'i at Mānoa. I have practiced criminal defense law in Hawai'i for over forty years. I am a graduate of the Richardson School of Law, where I served on the Law Review, and I am admitted to practice before the United States Supreme Court, the Ninth Circuit Court of Appeals, and multiple federal district courts. I have served as Chair of the Judicial Selection Commission for the State of Hawai'i, as a member of the Hawai'i Supreme Court Permanent Committee on Rules of Penal Procedure, and on multiple legislative task forces. I am a Life Member of the National Association of Criminal Defense Lawyers. I share this background not out of vanity but because this bill touches on matters I have lived with professionally for four decades.

### **I. I Helped Draft the Original Compensation Law—and It Needs to Be Fixed**

I was a member of the task force that drafted the original wrongful conviction compensation bill that became Act 156 in 2016. I believed then, as I believe now, that Hawai'i had a moral obligation to compensate individuals it wrongfully imprisoned. My colleague Ken Lawson and I, along with the entire HIP team, worked to craft a statute that would be both fair to the State and meaningful for exonerees. We studied laws from across the country and incorporated what we believed were sound provisions.

The bill we drafted originally used the standard "grounds consistent with innocence"—language drawn from model legislation used in other states. During the legislative process, that language was changed to require claimants to prove they were "actually innocent." This was a standard that had never been defined in Hawai'i law. In nearly a decade since Act 156 took effect, the consequences of that change have become painfully clear. The Hawai'i Supreme Court itself, in

*Jardine v. Hawai‘i*, 155 Haw. 60 (2024), acknowledged that the “actual innocence” standard is “nearly impossible to satisfy.” As I have said publicly: “We don’t have any case law that talks about actual innocence. When you go to trial, it’s either you’re guilty or not guilty.”

HB 2493 restores the standard we originally intended—“grounds consistent with innocence”—and in doing so returns the statute to its founding purpose. This is not a radical change. It is a course correction that brings our law back into alignment with its original design and with the approach used successfully in other states.

## II. The Human Cost of a Broken Law

I have personally represented or worked alongside clients in nearly every wrongful conviction case in Hawai‘i. After more than forty years in the courtroom, I can tell this Committee without reservation that these cases represent the most profound injustices I have witnessed in our legal system.

**Alvin Jardine III** spent twenty years in prison for a 1990 sexual assault on Maui. DNA testing excluded him from the crime scene evidence. I was part of his legal team that worked tirelessly to overturn his conviction in 2011, and the charges were dismissed. Alvin’s case was the impetus for the Legislature’s enactment of the compensation statute—lawmakers heard his story and were moved to act. Yet the statute that was supposed to help him never did. On December 27, 2025, Alvin was found dead in Ha‘ikū at age 56, having spent the last years of his life in poverty. The Legislature is now poised to approve a \$600,000 payment in his case—posthumously.

**Albert Ian Schweitzer** served more than twenty-three years in prison for the 1991 rape and murder of Dana Ireland on the Big Island. I have been part of his legal team. The case was re-investigated through a Conviction Integrity Agreement between HIP and the Hawai‘i County Prosecuting Attorney’s Office. That re-investigation produced Joint Stipulated Facts in which the prosecution agreed that DNA testing identified a single unknown male on all crime scene evidence, that Ian and his co-defendants were excluded from all biological evidence, that the bite mark analysis used at trial had been discredited, and that the tire track evidence was inconsistent with the Schweitzers’ vehicle. In 2024, genetic genealogy identified the unknown male as Albert Lauro Jr., who lived near the crime scene and took his own life after a DNA sample was collected. Ian’s conviction was vacated in January 2023. His brother **Shawn Schweitzer**’s conviction was also overturned after he recanted his coerced guilty plea and passed a polygraph examination. Despite this overwhelming evidence, their compensation claims remain unresolved, with trial set for March 2026.

**Roynes Dural** was a twenty-seven-year-old Navy sailor deployed on the USS Port Royal when he was accused of sexual assault by the teenage daughter of a woman he had previously dated. I represented Roynes and worked on his case for years. He was convicted in 2003 on testimony alone—no physical evidence—sentenced to twenty years, and dishonorably discharged from the military. He maintained his innocence throughout his incarceration and refused plea deals. The evidence of his innocence ultimately proved overwhelming: the accuser’s mother recanted; the accuser failed a polygraph; two other men admitted under oath to sexual relationships with the accuser during the charged period; and the accuser married one of those men just weeks after

Roynes's conviction, when she was fourteen years old. The Hawai'i Supreme Court set aside his conviction in 2019, and the case was dismissed with prejudice. In December 2025, Roynes became the first person in Hawai'i's history to receive compensation under the statute—\$420,833 for eight and a half years of wrongful imprisonment, plus eight additional years on parole. As I said at the time, the statute needs to be adjusted—and that is exactly what HB 2493 does.

**Gordon Cordeiro** spent thirty years in prison—sentenced to life without parole—for a 1994 murder on Maui. His first trial ended in a hung jury with eleven of twelve jurors favoring acquittal. At his second trial, the State secured a conviction using testimony from four jailhouse informants. Joint Stipulated Facts filed with the Maui County Prosecuting Attorney's Office established that modern DNA testing eliminated Gordon from all crime scene evidence—including from inside the victim's pockets, which directly contradicted the prosecution's trial theory—and that the gunshot residue evidence did not meet current scientific standards. His conviction was vacated on February 21, 2025. Gordon now faces the prospect of rebuilding his life at age 51 with no compensation and no services from the State.

### **III. Why Each Provision of HB 2493 Matters**

Having drafted the original law, having litigated under it, and having watched it fail the very people it was designed to help; I can speak with some authority about why HB 2493's specific reforms are necessary:

**The “grounds consistent with innocence” standard** restores the language we originally drafted. It requires a meaningful connection between the reversal and the claimant's innocence without demanding the impossible proof of a negative after a court has already vacated the conviction. This is the standard used in other states and recommended by the national Innocence Project.

**Shifting the burden to the State** reflects a simple reality. When a conviction has been vacated on grounds consistent with innocence and charges have been dismissed, the presumption should favor the individual—not the government. This is consistent with the foundational principle of our legal system that people are presumed innocent. The State retains all existing affirmative defenses.

**Advance compensation of \$5,000 per month** addresses the immediate crisis exonerees face upon release. After years or decades behind bars, they have no savings, no credit history, no employment record, and often no identification. In Hawai'i's housing market, the situation is dire. Without some form of interim support, exonerees are left destitute during the very period they are supposed to be pursuing their compensation claims. These advances are deducted from any final award, so they cost the State nothing additional.

**Case management and medical coverage** recognize that wrongful incarceration causes deep and lasting harm—physical, psychological, and social. Exonerees often emerge with untreated medical conditions, post-traumatic stress, and no support network. Ironically, individuals released through the normal parole process receive more transitional support than exonerees, who did nothing wrong. HB 2493's provisions for a sixty-day case management period and

medical coverage for a duration equal to the wrongful imprisonment are both humane and practical.

**The liberal construction clause and annual reporting** ensure the law functions as intended. The liberal construction directive instructs courts to interpret the statute in a manner consistent with its remedial purpose. The annual reporting requirement gives this Legislature the data it needs to evaluate the law's performance and make adjustments. Both provisions are standard features of well-designed compensation statutes in other jurisdictions.

## **IV. A Practitioner's Perspective: The Compensation Process Must Be Improved**

I want to speak candidly to this Committee as someone who has spent four decades in Hawai‘i’s courts. The compensation process under the current statute has not worked the way any of us—legislators, advocates, or practitioners—hoped it would. The lack of clear standards has created uncertainty for everyone involved. Claimants do not know what they must prove. Courts do not have established frameworks to evaluate claims. And the State is left in a reactive posture, litigating each case from scratch without clear guidelines.

The result has been prolonged, expensive litigation that serves no one’s interests. Exonerees who have already waited years or decades behind bars face additional years of legal proceedings while trying to survive with nothing. The State expends significant resources litigating cases that a clearer statute could resolve more efficiently. And the courts are burdened with complex proceedings that lack the statutory guidance they need to reach consistent outcomes.

HB 2493 benefits all parties by establishing clear standards, defined procedures, and a workable framework. When the rules are clear, cases can be resolved more efficiently and more fairly. That is in everyone’s interest—the claimant’s, the State’s, and the publics.

## **V. National Context**

Thirty-nine states and the District of Columbia have enacted wrongful conviction compensation statutes. The national trend is unmistakable: states are strengthening their compensation frameworks and expanding transitional services for exonerees. The Innocence Project recommends a minimum of \$70,000 per year of wrongful incarceration. In 2024 and 2025, states including Texas, Oklahoma, Florida, Virginia, and Maryland all enacted significant reforms. Hawai‘i’s statute was a good first step in 2016, but the law has fallen behind. HB 2493 brings us into alignment with national standards.

## **VI. Conclusion**

I have spent more than forty years in courtrooms across this state. I have served on the Judicial Selection Commission, on Supreme Court committees, and on legislative task forces. I co-founded the Innocence Project at Richardson Law School because I believe our justice system must have the courage to correct its mistakes.

I helped write the original compensation law because I believed Hawai‘i would do right by those it wrongfully imprisoned. That law has not fulfilled its promise. Alvin Jardine died waiting. Ian and Shawn Schweitzer are still waiting. Gordon Cordeiro, after thirty years of wrongful imprisonment, has nothing. Only Roynes Dural will be compensated—and that took years of litigation for a modest sum that cannot restore what was taken from him.

HB 2493 is the fix this law needs. It is fair. It is balanced. It is consistent with what other states are doing. And it will finally allow the compensation statute to function as this Legislature originally intended. I respectfully and strongly urge you to pass this bill.

Respectfully submitted,



**William A. Harrison, Esq.**

Co-Founder & Adjunct Professor, Hawai‘i Innocence Project

William S. Richardson School of Law

University of Hawai‘i at Mānoa

President, Harrison Law Center, A Law Corporation

Life Member, National Association of Criminal Defense Lawyers

Former Chair, Judicial Selection Commission, State of Hawai‘i

**HB-2493**

Submitted on: 2/6/2026 3:14:33 PM  
Testimony for JHA on 2/10/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lynn Murakami Akatsuka	Individual	Support	Written Testimony Only

**Comments:**

I strongly support the passage of HB 2493 this legislative session. It is the right and moral thing to do to correct the wrongful imprisonment of a citizen that was found innocent based on evidence and their sentence was reversed or vacated or was pardoned. As a society we need to support this individual to succeed in re-entering society and gaining employment, housing, and financial support after all the lost years of their life in prison.

Thank you for the opportunity to provide testimony in strong support of HB 2493.

**HB-2493**

Submitted on: 2/10/2026 6:50:13 AM  
Testimony for JHA on 2/10/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lani Gomes	Individual	Support	Written Testimony Only

Comments:

TO: Chair Tarnas, Vice Chair Poepoe, and Members of the Committee on Judiciary & Hawaiian Affairs (JHA).

FROM: Lani Gomes

DATE: February 10, 2026

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

Honorable Chair, Vice Chair, and 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 Hawaii 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:

1. 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.
2. 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.
3. 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,

Lani Gomes 808-264-2295

# LAW OFFICES OF SETSUKO REGINA GORMLEY, LLLC

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Email: [ginagormleylaw@gmail.com](mailto:ginagormleylaw@gmail.com)

**TO:** Chair Tarnas, Vice Chair Poepoe, and Members of the Committee on Judiciary & Hawaiian Affairs (JHA).

**FROM:** Setsuko Regina Gormley, Esq.

**DATE:** 02/10/2026

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

Dear Honorable Chair, Vice Chair, and Members of the Committee:

I submit this testimony in strong support of HB 2493. I am a solo practitioner on Maui and have practiced both family law and criminal defense law in Hawaii for almost twenty years. I am a volunteer attorney with the Hawaii Innocence Project.

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

**Gordon Cordeiro** spent thirty years in prison—sentenced to life without parole—for a 1994 murder on Maui that DNA evidence now shows he did not commit. His first trial ended in a hung jury with eleven of twelve jurors favoring acquittal. At his second trial, the State secured a conviction using the testimony of four jailhouse informants who fabricated evidence in exchange for reduced sentences. On February 21, 2025, Judge Kirstin Hamman vacated his conviction after new DNA testing excluded him from the crime scene, and after finding that the gunshot residue evidence did not meet current scientific standards. Gordon's mother died of ALS the same year he was incarcerated; his first act upon release was to visit her grave. I was part of his legal team that worked tirelessly to have his conviction vacated. His case is now up on appeal which further delays Gordon receiving any compensation. Gordon now faces the prospect of rebuilding his life at age 51 with no compensation and no services from the State.

**I support this bill for five primary reasons:**

1. **Replacing “actual innocence” with “grounds consistent with innocence”:** The “actual innocence” standard has been the single greatest barrier to compensation in Hawai‘i. No other state that has a compensation statute has been as ineffective as Hawai‘i’s. The “grounds consistent with innocence” standard is used in model

legislation promoted by the national Innocence Project and adopted in other states. As the Hawai‘i Supreme Court recognized in *Jardine v. Hawai‘i*, 155 Haw. 60 (2024), this standard is “nearly impossible to satisfy” because “that is not the legal standard under which [a court] vacates a conviction or orders a new trial.”

2. **Immediate relief via advance compensation:** Currently, wrongfully convicted individuals may wait years for a final court judgment while struggling to afford basic necessities. They have no savings, no credit history, no employment, and often no identification. 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.
3. **Essential re-entry services:** Freedom alone is not enough to rebuild a life. By assigning a case manager and providing medical coverage, HB 2493 addresses the physical, mental, psychological, social, 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. Individuals released through the normal parole process receive more transitional support than exonerees, who did nothing wrong.
4. **Shifting the burden to the state:** We have seen one case where a wrongfully convicted individual, Alvin Jardine III, passed away before ever receiving the compensation he was 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.
5. **The liberal construction clause:** The addition of a liberal construction clause ensures the law serves its purpose – to help those who have been wrongfully convicted.

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. It is consistent with what other states are doing. The current law has failed. It failed Alvin Jardine, who died homeless after twenty years of wrongful imprisonment and a decade of futile litigation. It has failed Ian and Shawn Schweitzer, who are still waiting. It nearly failed Roynes Dural, whose settlement came only after years of resistance. Gordon Cordeiro is still waiting after thirty years of wrongful imprisonment.

Thank you for the opportunity to testify.

Respectfully,



Setsuko Regina Gormley, Esq.

Law Offices of Setsuko Regina Gormley, LLLC  
Volunteer Attorney, Hawaii Innocence Project