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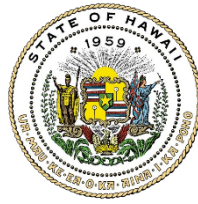
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March 16, 2026

SB 3294, SD2: 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** SB 3294 SD2, 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, nearly a decade 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:

- Court-ordered compensation at the time of reversal or vacation of conviction, where appropriate, ensuring that individuals are not left without resources upon release;

- 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 the 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; and
- Clarifying that compensation awarded under this chapter is intended to resolve claims with the State alone and may not be reduced or offset based on unrelated third-party claims, ensuring that individuals receive the full measure of compensation owed for wrongful imprisonment.

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. At its core, this bill reflects a simple principle: when the State wrongfully takes a person’s liberty, the obligation to repair that harm must be real, timely, and complete.

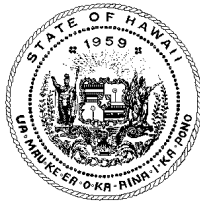
Compensation and support cannot restore the years lost to wrongful imprisonment, but timely and humane redress is the minimum a just system should provide. The bill also promotes fiscal responsibility by reducing prolonged litigation, providing certainty to the budgeting process, and resolving claims in a structured and transparent manner rather than through years of costly delay.

The SD2 amendments further strengthen this framework by ensuring that compensation awards are not diminished through offsets or collateral claims, thereby promoting finality and reducing the risk of additional litigation.

For these reasons, the OPD supports SB 3294 SD2.

Thank you for the opportunity to comment.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII
**DEPARTMENT OF CORRECTIONS
AND REHABILITATION**
*Ka 'Oihana Ho'omalu Kalaima
a Ho'oponopono Ola*
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TOMMY JOHNSON
DIRECTOR

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Vacant
Deputy Director
Correctional Institutions

Sanna Muñoz
Deputy Director
Rehabilitation Services
and
Programs

No. _____

TESTIMONY ON SENATE BILL 3294, SENATE DRAFT 2
RELATING TO WRONGFUL IMPRISONMENT.

by
Tommy Johnson, Director
Department of Corrections and Rehabilitation

House Committee on Judiciary and Hawaiian Affairs
Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair

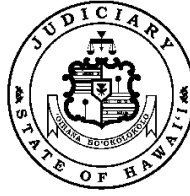
Wednesday, March 18, 2026; 2:00 p.m.
State Capitol, Conference Room 325 & via Videoconference

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

The Department of Corrections and Rehabilitation (DCR) **supports the intent** of Senate Bill (SB) 3294, Senate Draft (SD) 2, relating to wrongful imprisonment; however, DCR submits comments regarding Section 2 on page 9 Lines 14 – 21 through page 10 Lines 1 – 6. Specifically, DCR will make every effort to encourage and assist individuals pursuing a reversal on a prior court decision where innocence is in question by coordinating with the Department of Human Services, and assisting with the issuance of a State Civil ID Card. However, we want to make it clear that DCR cannot force individuals in custody to participate in these processes.

DCR will ensure to keep records of its attempts to encourage and assist individuals in these areas for future reference.

Thank you for the opportunity to provide testimony in **support of the intent** of SB 3294, SD2.



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

Wednesday, March 18, 2026, 2:00 p.m.
State Capitol, Conference Room 325 & Via Videoconference

By

Jennifer Awong
Staff Attorney, Circuit Court of the First Circuit

Bill No. and Title: Senate Bill No. 3294, S.D. 2, Relating to Wrongful Imprisonment.

Purpose: 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 charges were dismissed. Requires the Department of Corrections and Rehabilitation to notify the Department of Human Services 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 charges were dismissed. Clarifies that any benefits that a petitioner is qualified for, including any benefits under chapter 346, HRS, continue until the petitioner is gainfully employed or no longer qualifies for the benefits. Requires the Department of Corrections and Rehabilitation to provide a state identification card to a petitioner upon release. Requires the Department of the Attorney General to submit an annual report to the Legislature. Clarifies that a person whose judgment of conviction was reversed or vacated, or who was pardoned, on grounds consistent with innocence, and where the charges were dismissed, may petition for compensation. Requires the State to prove by a preponderance of evidence that the reversal or vacation of the order of conviction for a petitioner, or the pardoning of the petitioner, was inconsistent with innocence. Specifies that any award under chapter 661B, HRS, is only to settle claims with the State and not any third party. Prohibits the Attorney General from offsetting third-party claims against an award made under chapter 661B, HRS. Effective 1/1/2525. (SD2)



Judiciary’s Position:

The Judiciary takes no position on the proposed legislation. The Judiciary provides the following comments regarding the implementation of the new provisions of Chapter 661B of the Hawai‘i Revised Statutes (“H.R.S.”). First, there is a likelihood that the vacating of a conviction by the circuit court under the provisions of Rule 40 of the Hawai‘i Rules of Penal Procedure (“HRPP”) will result in an appeal pursuant to HRPP Rule 40(h), leading to the potential for two parallel cases on the same issues and the loss of jurisdiction by the criminal court.

Additionally, the Judiciary would note that the new provisions set forth in section 661B-B (“Upon the reversal or vacation of a judgment or conviction on grounds consistent with innocence....”) require the court to immediately make a finding that the defendant’s conviction was vacated on grounds consistent with innocence. The provision also requires the court to make a finding of “[w]hether 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.” These findings are the ultimate issues that are set forth to be litigated under H.R.S. § 661B-2 and the proposed revisions to H.R.S. § 661B-3.¹ These ultimate findings should have a full and fair hearing under the provisions of H.R.S. §§ 661B-1 – 3.² Respectfully, these matters are not the subject of a petition for post-conviction relief under HRPP Rule 40 and would not be fully litigated there, nor would they be litigated or determined when a conviction is reversed or vacated by the appellate court. It appears that these ultimate findings are being sought to be determined by the circuit court without the process of H.R.S. § 661B-1 – 3 as proposed section 661B-B(a)(4) requires that the court immediately award the entire amount that would be due the petitioner (had a petition been filed, heard, and granted) under H.R.S. § 661B-B(a)(3)(B) if the court at the time of the reversal or vacation and dismissal finds that the grounds “support the conclusion that the person did not commit the crime or crimes.”

The Judiciary continues to review the proposed measure to determine how the new provisions will be implemented operationally and may have further comments. This includes the provisions requiring the court to immediately order payments (either partial or in total) in a criminal action wherein the “State” (the payor) is not a party to either the HRPP Rule 40 case, or the underlying criminal action in the case of an appeal.³ Thus, at a minimum, a new civil action will have to be initiated and the provisions of the current measure leave it to the court to initiate such a proceeding and serve the appropriate parties.

¹ If either of these findings are answered in the negative, as is contemplated by proposed section 661B-B(5), it could have the unintended consequence of hindering any future relief under H.R.S. § 661B-3.

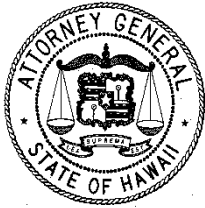
² To effectuate the intent of the legislation, some form of lesser finding than the ultimate issue to be litigated should be the trigger for the relief set forth in proposed section 661B-B(a)(1)-(3).

³ In those instances the “State” is generally represented by the county prosecutors and not the Attorney General. Those proceedings are not civil actions wherein the court could order legal remedies such as monetary damages or other equitable relief.



Senate Bill No. 3294, S.D. 2, Relating to Wrongful Imprisonment
House Committee on Judiciary & Hawaiian Affairs
Wednesday, March 18, 2026 at 2:00 p.m.
Page 3

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:

S.B. NO. 3294, S.D. 2, RELATING TO WRONGFUL IMPRISONMENT.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

DATE: Wednesday, March 18, 2026 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

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

Chair Tarnas and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments and recommendations on this bill.

The purpose of this bill is to amend the law so that the claims process for compensation for wrongful conviction and imprisonment is updated and streamlined, and to provide certainty to the budgeting process and to those who were wrongfully convicted. The process is NOT to establish innocence, but rather to simplify the process for obtaining compensation after innocence is established. The current process to recover compensation for wrongful conviction and imprisonment is established in chapter 661B, Hawaii Revised Statutes (HRS), and it essentially places the burden on a petitioner to prove eligibility to seek compensation.

Among other things, the bill: (1) establishes a new 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 charges were dismissed; (2) requires the department of corrections and rehabilitation to take steps upon release of a petitioner pursuant to innocence or dismissal of charges to assign a case manager, provide medical coverage, ensure that any benefits continue, and provide a state identification card; (3) requires the department of the attorney general to submit an annual report to the legislature; (4) clarifies that a person whose judgment of conviction was reversed or vacated, or who was pardoned, on grounds consistent with innocence,

and where the charges were dismissed, may petition for redress; (5) shifts the burden of proof in wrongful conviction claims from the petitioner to the State; (6) requires the State to prove by a preponderance of the evidence that the reversal or vacation of the order of conviction for a petitioner, or the pardoning of the petitioner, was inconsistent with innocence; (7) specifies that any award under chapter 661B, Hawaii Revised Statutes (HRS), is only to settle claims with the State and not any third party; and (8) prohibits the attorney general from offsetting third-party claims against an award made under chapter 661B, HRS.

As the bill is currently written, we note that:

- (1) The court will be unable to make findings as required on page 7, lines 1-4. The department of corrections is the only entity with the capability to determine the number of years, months, and days incarcerated. Inasmuch as the court will be unable to calculate the time of incarceration, it will not be able to determine the total compensation that the petitioner is due as required on page 7, lines 5-8.
- (2) The term "grounds consistent with innocence" found on on page 3, lines 18-19, page 4, line 8, page 6, line 3, page 8, lines 5-6, page 9, line 5, page 10, lines 4 and 20, page 12, line 5, page 13, lines 2-3, page 14, lines 11-12, page 16, lines 14-15, page 17, lines 15-16, and page 18, lines 6, and 16-17, is not defined. In the absence of a definition, it will be difficult for the petitioner and the court to reach that conclusion.
- (3) The medical coverage for the petitioner, spouse, and dependents. set forth in proposed section 661B-D, on page 9, lines 3-13, subjects the state to unlimited liability in amounts that cannot be calculated. Such a settlement requires the approval of the legislature. In this instance, the legislature will likely bind future legislatures to appropriate moneys for such benefits in unspecified amounts for the petitioner and the petitioner's spouse and children. Moreover, if the petitioner or the petitioner's partner obtain benefits through employment, the state should no longer be required to pay such benefits.

- (4) Similarly, the provision for compensation and benefits set forth in proposed section 661B-F, on page 10, lines 7-10, provides for the petitioner to receive benefits pursuant to chapter 346, HRS, for an unlimited duration thereby binding future legislatures to appropriate moneys to pay for these services.

The Department believes that legislature's goals can be met with some amendments to the procedures to be established, as follows:

- (1) Clarify the findings and orders that the court must make upon the reversal or vacation of a judgment or conviction on grounds consistent with innocence, and where the charges were dismissed;
- (2) Clarify the duties of the Department of Corrections and Rehabilitation upon the reversal or vacation of a judgment or conviction on grounds consistent with innocence, and where the charges were dismissed;
- (3) Clarify the role of the Department in facilitating the compensation;
- (4) Repeal those portions of chapter 661B that are inconsistent with the new procedures.

The Department will be happy to work with the legislature to amend the bill as recommended.

Thank you for considering our comments.

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

Wednesday, March 18, 2026

2:00 PM

Room 325 and VIDEOCONFERENCE

STRONG SUPPORT FOR SB 3294 SD2 - WRONGFUL IMPRISONMENT

Aloha e 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 3,646 Hawai`i individuals living behind bars¹ and under the “care and custody” of the Department of Corrections and Rehabilitation on March 2, 2026. We are always mindful that 797 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.

Community Alliance on Prisons appreciates this opportunity to share our **STRONG SUPPORT FOR SB 3294 SD2** 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 charges were dismissed. It requires the Department of Corrections and Rehabilitation to notify the Department of Human Services to assign a case manager to a petitioner upon the petitioner's release and 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 charges were dismissed.

¹ DCR Weekly Population Report, March 2, 2026

[Pop-Reports-Weekly-2026-03-02.pdf](#)

SB 3294 SD2 clarifies that any benefits that a petitioner is qualified for, including any benefits under chapter 346, HRS, continue until the petitioner is gainfully employed or no longer qualifies for the benefits. It also requires the DCR to provide a state identification card to a petitioner upon release and requires the Department of the Attorney General to submit an annual report to the Legislature.

The bill further clarifies that a person whose judgment of conviction was reversed or vacated, or who was pardoned, on grounds consistent with innocence, and where the charges were dismissed, may petition for compensation and requires the State to prove by a preponderance of evidence that the reversal or vacation of the order of conviction for a petitioner, or the pardoning of the petitioner, was inconsistent with innocence and specifies that any award under chapter 661B, HRS, is only to settle claims with the State and not any third party and prohibits the Attorney General from offsetting third-party claims against an award made under chapter 661B, HRS.

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](#)**². But he **characterized Hawai‘i’s law as more stringent than many states.**

How can the state compensate a wrongfully convicted and imprisoned person? How do we stop wrongful prosecution?

Frederic Block, a federal district judge for the Eastern District of New York, wrote an article in 2018³ that was published by The Marshall Project : *“Prosecutors responsible for the wrongful conviction have neither been held criminally nor civilly responsible for their shameful conduct. ... 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.”*

The consequences of Hawai‘i’s broken compensation law are not abstract. They are measured in human suffering.

² **National Registry of Exonerations**

[Home | National Registry of Exonerations](#)

³ **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>

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. Jardine's case was the very impetus for the Legislature's enactment of the compensation statute. Yet he 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. 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. Despite definitive proof of innocence, the Schweitzer brothers remain locked in litigation. 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. He was a twenty-seven-year-old Navy sailor who maintained his innocence throughout his incarceration, refusing plea deals that could have reduced his sentence. In 2019, the Hawai'i Supreme Court set aside his conviction, and the case was dismissed 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, his conviction was vacated 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.

No statute can restore lost decades. But the State *can* decide whether to compound the injury with procedural resistance.

It is never too late to do the right thing. 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.

Mahalo for scheduling this important bill and considering our testimony. Passing this bill would be a start to somewhat ameliorate the harm caused by the state.

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March 17, 2026

Rep. David A. Tarnas, Chair
Rep. Mahina Poepoe, Vice Chair
Committee on Judiciary & Hawaiian Affairs
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 SB3294, SD2 RELATING
TO WRONGFUL IMPRISONMENT**

DATE: Wednesday, March 18, 2026
TIME: 2:00 p.m.
PLACE: Conference Room 325 & Videoconference
State Capitol
415 South Beretania Street

I write to express support for this bill while offering a comment on the express limitation of relief available only when vacation or reversal expressly provides for “grounds consistent with innocence,” notwithstanding its apparent improvement over an express requirement of a finding of “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.”*

In February, Hawaii News Now reported on this bill opining that the “ground consistent with innocence” provision is to ensure that people who are exonerated “on a technicality” are not able to recover under the statute. I write to offer that as a society we have done nothing to correct this misapprehension of criminal justice. The misapprehended, so-called “technicality” is the State (or federal) Constitution. Indeed, public defenders are Constitution defenders.

Why is the individual whose conviction is vacated on an express finding that the individual was deprived of the fundamental right to a fair trial also not considered wrongfully imprisoned? And when the charge(s) subsequently is/are dismissed with prejudice on remand, why is the individual precluded from recovery under The statute? The only possible answer is that the Constitution is a mere technicality.

It is right and proper that our Legislature instead also act to defend the state Constitution by including provision in this bill for cases in which the appellate court finds grounds consistent with deprivation of the right to a fair trial, when the charge(s) are dismissed on remand.

Thank you for your consideration of my testimony. Aloha.

/s/ Georgette A. Yaindl
GEORGETTE ANNE YAINDL



www.AlohaILHawaii.org

Mar 18, 2026

MISSION

Aloha Independent Living Hawaii (AILH) dedicated to providing independent living programs and services for persons with disabilities in Hawaii.

We work together with the community and consumers to improve the quality of life through individual choices and access to services.

EXECUTIVE DIRECTOR

Roxanne U. Bolden

BOARD OF DIRECTORS

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Vice Chair

Zora Shove

Treasurer

Jonathan Yap

Member

Scott Suzuki
Sheila Castaneda
Jennifer Hartssock

The Honorable David A. Tarnas, Chair
House Committee on Judiciary & Hawaiian Affairs
The Thirty-Third Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

SUBJECT: SB3294 SD2 – Relating to Wrongful Imprisonment

Chair and Members of the Committee:

Thank you for the opportunity to **submit comments on SB3294 SD2**, which would strengthen Hawaii's wrongful conviction and imprisonment law by establishing clearer court procedures when a conviction is reversed or vacated on grounds consistent with innocence and charges are dismissed, and by improving supports and compensation for wrongfully imprisoned people.

Aloha Independent Living Hawaii (AILH) is a Center for Independent Living (CIL) serving people with all types of disabilities statewide. Our mission is to support people with disabilities to live self-directed lives in their own homes and communities, consistent with the Independent Living philosophy and the Olmstead decision.

We appreciate that SB3294 SD2 responds to the experience under Act 156 and to the Hawaii Supreme Court's decision in *Jardine v. Hawaii* by clarifying that relief is available when a judgment is reversed or vacated, or a person is pardoned, on grounds consistent with innocence, even if the order does not use the exact words "actual innocence." We also support the bill's intent to reduce lengthy, adversarial litigation and to ensure that people who were wrongfully convicted have a real, timely path to compensation and reentry supports.



www.AlohaILHawaii.org

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EXECUTIVE DIRECTOR

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Sheila Castaneda
Jennifer Hartssock

Among its key provisions, the bill would require courts, when a conviction is reversed or vacated on grounds consistent with innocence and charges are dismissed, to: provide oral and written notice of the right to seek relief under chapter 661B; make specific findings including time served; and, if the person chooses to seek relief at that time and the criteria are met, order the statutory compensation at \$50,000 per year of confinement and reasonable attorneys' fees up to \$10,000. The Department of Corrections and Rehabilitation (DCR) would be required to immediately notify the Department of Human Services to assign a case manager upon release, assist with applications for benefits and identification, and provide a state identification card. The bill would also: provide State-funded medical coverage (potentially including spouse and dependents) for a period equal to the person's wrongful imprisonment; ensure that any benefits the petitioner qualifies for, including under chapter 346, continue until they are gainfully employed and no longer qualify; and require the Attorney General to submit an annual report on implementation. Importantly, the burden of proof in compensation proceedings would shift to the State, which must show by a preponderance of the evidence that the reversal, vacation, or pardon was inconsistent with innocence, and any award would be limited to claims against the State only, without offsets for third-party claims.

From an Independent Living and cross-disability perspective, these changes are particularly important because wrongful convictions and lengthy incarceration can create or exacerbate disabilities, including physical, psychiatric, and trauma-related disabilities. Ensuring automatic connection to case management, housing assistance, medical and mental health care, and benefits can significantly improve the ability of wrongfully imprisoned people to live independently and avoid institutionalization or homelessness after release. The continuity of benefits until the person is gainfully employed, and the prohibition on third-party offsets, help protect already limited resources that wrongfully imprisoned people need to rebuild their lives.

We offer the following comments for consideration:

1. Disability- and trauma-informed implementation:



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We work together with the community and consumers to improve the quality of life through individual choices and access to services.

EXECUTIVE DIRECTOR

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We encourage explicit direction that DCR, DHS, and case managers use disability- and trauma-informed, culturally grounded approaches when supporting wrongfully imprisoned people, including people with psychiatric, cognitive, and physical disabilities, and that services be offered in accessible formats and languages.

2. Peer and community-based Independent Living supports:

In addition to case management, we encourage incorporating peer support, Independent Living services, and community-based disability organizations into the reentry planning process, so that wrongfully imprisoned people with disabilities have access to ongoing, consumer-controlled supports beyond the initial sixty-day case management period.

3. Data and equity monitoring:

We support the annual reporting requirement and recommend that, to the extent possible, data include information on disability status (when known or self-reported), race and ethnicity, and island, so that Native Hawaiians, people with disabilities, and other impacted communities are equitably served and not left out of the compensation and support framework.

AILH appreciates the Legislature's efforts to make Hawaii's wrongful conviction compensation system more fair, accessible, and supportive of community reintegration. We respectfully urge the Committee to advance SB 3294 SD2 while ensuring that implementation fully reflects Independent Living values and the needs of wrongfully imprisoned people with disabilities.

Thank you for the opportunity to testify.

Aloha,

Roxanne Bolden



www.AlohaILHawaii.org

Executive Director

MISSION

Aloha Independent Living Hawaii (AILH) dedicated to providing independent living programs and services for persons with disabilities in Hawaii.

We work together with the community and consumers to improve the quality of life through individual choices and access to services.

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HAWAI‘I INNOCENCE PROJECT

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

TO: Senate Committee on Judiciary
Senate Committee on Ways and Means

FROM: Kenneth L. Lawson, Co-Director, Hawai‘i Innocence Project

RE: **SB 3294, SD2 – RELATING TO WRONGFUL IMPRISONMENT**

POSITION: STRONG SUPPORT WITH PROPOSED AMENDMENTS

I. Introduction

The Hawai‘i Innocence Project (“HIP”) strongly supports SB 3294, SD2, 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 believed we were building a meaningful avenue of redress. Nearly ten years later, the record shows that the statute has not functioned as intended.

SB 3294, SD2 is not a new policy experiment. It is a structural repair. The SD2 draft strengthens the bill in important respects—particularly its new protections for third-party claims and its prohibition on offsets. HIP strongly supports the bill and respectfully proposes two amendments that complete its logic and prevent unintended consequences.

II. Hawai‘i’s Compensation Statute Has Functionally Failed

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.”

For nearly a decade after enactment, Hawai‘i paid no one. According to the National Registry of Exonerations, of the thirty-eight states with 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 central structural defect has been the “actual innocence” requirement. As the Hawai‘i Supreme Court explained in *Jardine v. Hawai‘i*, 155 Haw. 60 (2024), this standard is “nearly impossible to satisfy” because courts do not vacate convictions under an “actual innocence” legal standard. The statute demanded language that trial courts were not authorized to use. That disconnect created a legal impossibility.

SB 3294, SD2 corrects this by adopting the “grounds consistent with innocence” standard—language aligned with national Innocence Project model legislation and already implicitly endorsed by the Hawai‘i Supreme Court’s reasoning. This is doctrinal coherence, not leniency.

III. Why Burden Shifting Is Constitutionally and Structurally Necessary

Under current law, an exoneree must prove eligibility, prove innocence again, and litigate against the full resources of the State. That posture inverts fundamental fairness.

Once a conviction has been vacated on grounds consistent with innocence and charges dismissed, the presumption should favor the exoneree. SB 3294, SD2 correctly places the burden on the State to prove—by a preponderance of the evidence—that the vacatur was inconsistent with innocence. This is modest. It is not clear-and-convincing. It is not beyond a reasonable doubt. It is the civil standard.

The State, not the exoneree, has investigative resources, subpoena power, and institutional continuity. Requiring the wrongfully convicted to relitigate their innocence after the judiciary has already vacated their conviction imposes a second trial for freedom. Across the country, the Innocence Project and Network partners have advocated for precisely this kind of burden-shifting, and multiple states have adopted it. SB 3294, SD2 restores equilibrium.

IV. Streamlined Procedure at the Time of Vacatur

Section 661B-B establishes a clear, efficient procedure for the court to follow at the time a conviction is reversed or vacated. Rather than forcing exonerees into a separate, prolonged compensation proceeding, the court that reverses or vacates the conviction can make the necessary findings and order the award at that time. This is a critical reform.

Under the current system, exonerees have been subjected to years of additional litigation after their convictions were already overturned. The bill wisely preserves the petitioner’s right to seek relief later if they choose not to do so at the time of reversal or vacation, ensuring that no one is forced into a premature decision.

V. New Protections in SD2: Third-Party Claims and Anti-Offset Provisions

HIP commends the Committee for two important additions in the SD2 draft that were not present in SD1.

Third-party claims preservation (§661B-7(c)). SD2 specifies that any compensation award under Chapter 661B constitutes a settlement only of claims against the State, and that nothing in the chapter waives, releases, or otherwise affects any claim the exoneree may have against any person or entity other than the State. This is a significant and necessary protection. Without it, there was dangerous ambiguity about whether accepting a 661B award could be construed as settling broader claims. This matters enormously in practice. Exonerees who were wrongfully convicted often have viable federal civil rights claims under 42 U.S.C. §1983 against the individual officers, detectives, prosecutors, or county agencies whose misconduct caused the wrongful conviction—claims that are wholly separate from the State’s obligation to compensate for wrongful imprisonment. In Hawai‘i, for example, the Schweitzer brothers and Gordon Cordeiro may have actionable §1983 claims against county prosecutors and law enforcement officers who relied on fabricated informant testimony, discredited forensic evidence, and coerced statements to secure their convictions. Those constitutional claims run against different defendants, arise under different legal theories, and serve a different purpose than Chapter 661B compensation. A state compensation statute should never function as a shield for individual bad actors. SD2 correctly ensures that accepting state compensation does not waive, release, or diminish an exoneree’s right to hold accountable the specific individuals and agencies responsible for the misconduct that caused their wrongful conviction. Exonerees should not be forced to choose between state compensation and their constitutional right to seek redress. SD2 eliminates that false choice.

Anti-offset provision (§661B-7(d)). SD2 prohibits the Attorney General from asserting any setoff, offset, recoupment, deduction, lien enforcement, or reduction on behalf of any third party against a 661B award. This directly addresses a known litigation tactic: the State arguing that compensation should be reduced by amounts the exoneree received or might receive from other sources. The provision is particularly important in conjunction with §661B-7(c). Together, these two subsections ensure that compensation flows in both directions without interference: a §1983 recovery against individual defendants cannot reduce the State’s compensation obligation, and the State’s compensation cannot be used to shield individual defendants from federal civil rights liability. Without this protection, the Attorney General could theoretically argue that a federal settlement or jury verdict against county officers should reduce the exoneree’s state compensation—or vice versa—effectively forcing the exoneree to subsidize the wrongdoers’ liability. SD2 correctly closes both doors. HIP strongly supports this addition.

VI. Proposed Amendments

HIP respectfully proposes two amendments that complete the bill’s structural logic and prevent unintended consequences. Both are narrowly tailored and fiscally responsible.

Amendment 1: Amend the Abatement-on-Death Provision (§661B-7(b))

As drafted, §661B-7(b) provides that if a petitioner dies before a final judgment is entered, the claim “shall abate in its entirety.” HIP understands the policy rationale—addressing concerns about open-ended liability to estates and ensuring that compensation serves the person who was

wrongfully imprisoned. But as drafted, this provision creates a dangerous interaction with the documented pattern of institutional delay in Hawai‘i’s compensation proceedings.

The facts of Alvin Jardine’s case illustrate the problem. Jardine spent twenty years in prison for a crime DNA evidence showed he did not commit. His conviction was vacated in 2011 and charges were dismissed. He spent the next decade fighting the State for compensation. The Attorney General’s office contested his claim at every stage. On December 27, 2025, 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. Had this abatement provision been in effect, his claim would have died with him, and the State’s decade of delay would have been rewarded with the elimination of all liability.

The structural problem is clear: when the State controls the pace of litigation and has no penalty for delay, an abatement-on-death rule creates a perverse incentive. The longer the State resists, the greater the chance the claim simply disappears. This is precisely the dynamic the rest of SB 3294, SD2 is designed to prevent.

Under existing Hawai‘i law, if someone is injured in a car accident and dies before trial, their claim survives under HRS §663-7. Under §661B-7(b) as drafted, if the State wrongfully imprisons someone for twenty years and delays their compensation claim until they die, the claim vanishes. That cannot be the Legislature’s intent.

HIP proposes replacing §661B-7(b) with the following:

“(b) Notwithstanding any law to the contrary, if a petitioner dies before a final judgment in the circuit court is entered, the claim shall not abate if:

(1) The petitioner filed a petition pursuant to this chapter prior to death; or

(2) The petitioner’s judgment of conviction was reversed or vacated, or the petitioner was pardoned, on grounds consistent with innocence and the charges were dismissed prior to death.

In such cases, the claim may be pursued by the petitioner’s estate or legal representative. The estate or legal representative shall be entitled to the same compensation the petitioner would have received under this chapter had the petitioner survived.”

This amendment is narrowly tailored. It only allows survival where a petition was already filed or the person was already legally eligible—vacatur plus dismissal. It prevents speculative claims, distant heirs filing new actions, and fiscal unpredictability. It tracks the logic of HRS §663-7 without importing it wholesale. And the final sentence forecloses any argument that survival of the claim changes the compensation calculation or opens the door to additional estate-specific damages.

Amendment 2: Restore Advance Compensation

HIP notes that the companion bill, HB 2493, includes a provision for advance compensation of \$5,000 per month upon release. This provision does not appear in SB 3294, SD2. HIP respectfully urges this Committee to add an advance compensation mechanism to this bill.

When an innocent person leaves prison, they leave with nothing: no money, no housing, no employment, often no valid identification, and untreated medical and psychological trauma. 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 advance payment is modest and humane, and if deducted from the final award, creates no windfall.

The abatement-on-death provision makes this recommendation even more urgent. If a petitioner's claim will abate upon death—or even if the amended survival provision applies—the State has an even greater obligation to ensure compensation is not delayed until it is too late. Advance compensation is a stabilization mechanism, not a windfall. It is survival.

VII. 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 SB 3294, SD2's reforms—particularly the burden-shifting, the streamlined procedure, and the new anti-offset protections—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 Joint Stipulated Facts in which the prosecution agreed that DNA testing showed that a single unknown male was the source of semen recovered from the victim; that Schweitzer, his brother, and Frank Pauline were all excluded as the source of this DNA; that the bite mark evidence had been discredited by modern forensic science; and that the tire track evidence was inconsistent with the Schweitzers' vehicle. In 2024, HIP's genetic genealogy expert identified the unknown male 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 more than three years after Ian Schweitzer walked out of prison.

Similarly, in Gordon Cordeiro's case, HIP attorneys and the Maui County Prosecutor filed Joint Stipulated Facts in which the prosecution agreed that modern DNA testing eliminated Cordeiro as a contributor to the DNA on every single item of crime scene evidence tested; that an unknown male's DNA was found inside the victim's pockets, directly contradicting the

prosecution's trial theory; and that the gunshot residue evidence used at trial does not meet current scientific standards. The court vacated Cordeiro's conviction. Yet the Maui County Prosecuting Attorney's Office has appealed the court's decision to vacate—despite having stipulated to the very evidence on which the court based its ruling.

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.

The structural problem is clear: the State has unlimited resources; exonerees have none. Delay costs the State nothing; delay costs exonerees everything. SB 3294, SD2 directly addresses this. By shifting the burden of proof, requiring immediate findings at the time of vacatur, mandating annual reporting to the Legislature, and now protecting awards from third-party offsets, this bill removes the incentive for the Attorney General's office to engage in delay-as-strategy. Transparency alters incentives.

VIII. The Human Cost

The consequences of Hawai'i's broken compensation law are not abstract. They are measured in human suffering.

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. Jardine's case was the very impetus for the Legislature's enactment of the compensation statute. Yet he 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. 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. Despite definitive proof of innocence, the Schweitzer brothers remain locked in litigation. 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."

Royne Dural was convicted of sexual assault in 2003 and served eight and a half years in prison. He was a twenty-seven-year-old Navy sailor who maintained his innocence throughout

his incarceration, refusing plea deals that could have reduced his sentence. In 2019, the Hawai‘i Supreme Court set aside his conviction, and the case was dismissed 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, his conviction was vacated 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.

No statute can restore lost decades. But the State can decide whether to compound the injury with procedural resistance.

IX. Additional Provisions: Why Each Is Necessary

Liberal construction clause. The addition of a liberal construction provision is essential. For nearly ten 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.

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.

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

X. 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. 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 remains at \$50,000 per year and has historically paid almost no one. SB 3294, SD2 does not even raise the compensation rate. It simply makes the existing compensation accessible. This bill brings Hawai‘i into alignment with national best practices. It does not exceed them.

XI. Anticipating Fiscal Concerns

Two points are important. First, wrongful conviction claims are rare. Second, delayed litigation increases cost, not decreases it. Extended adversarial proceedings generate attorney fees, court costs, expert expenses, and years of administrative overhead. Efficient resolution reduces total fiscal exposure. More importantly, it prevents the reputational cost of being the only jurisdiction that compensates no one.

The proposed amendments do not expand fiscal exposure. The abatement amendment applies only to claims that already exist—where a petition has been filed or the petitioner was already legally eligible. The advance compensation amendment is deducted from the final award. Neither creates new liability. Both reduce the human and institutional cost of delay.

XII. 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.

SB 3294, SD2 represents substantial progress. The third-party claims protection and anti-offset provisions are important additions that strengthen the bill. HIP urges the Committee to go further by amending the abatement-on-death provision to ensure that institutional delay cannot extinguish valid claims, and by restoring the advance compensation mechanism from HB 2493.

The Legislature made a promise in 2016: that those wrongfully convicted deserve an avenue of redress above ordinary tort remedies. Justice delayed for nearly ten years is not neutral policy. It is structural failure. SB 3294, SD2 corrects that failure.

I urge this Committee to pass SB 3294, SD2 with the proposed amendments. We cannot afford to let another person die waiting for justice that never comes.

Kenneth Lawson

Kenneth L. Lawson
Co-Director, Hawai'i Innocence Project

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

FROM: Setsuko Regina Gormley, Esq.

DATE: 03/17/2026

RE: SUPPORT for SB 3294, SD2, Relating to Wrongful Imprisonment.

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

I submit this testimony in strong support of SB 3294, SD2. 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. SB 3294, SD2 is a compassionate and common-sense fix that ensures the State meets its moral obligation to those it has failed.

Alvin Jardine III spent twenty years in prison for a 1990 Maui sexual assault after being convicted at his third trial—a crime he did not commit. Despite being exonerated by DNA evidence in 2008 and having his conviction officially vacated in 2011, his ordeal did not end with his release. Instead, Jardine spent the next decade in a heartbreaking struggle against the State for the compensation he was owed. He re-entered society with nothing: no financial safety net, no institutional support, and the heavy psychological scars of two decades of wrongful incarceration. Though Jardine's plight eventually inspired the State Legislature to enact a compensation statute, the help came far too late. On December 27, 2025, Jardine was found dead in Haikū at the age of 56. He died homeless and destitute, never seeing a single dollar from the government that had stolen twenty years of his life. Today, as lawmakers finally move to approve a \$600,000 payout, his death stands as a devastating indictment of a system that offered him "justice" on paper but abandoned him in reality.

Albert Ian Schweitzer served over twenty-three years in prison for the 1991 assault and murder of Dana Ireland on the Big Island—a crime he did not commit. At the time of his arrest, Ian was a nurse on Kauai, and his sixteen-year-old brother, Shawn, was also wrongly accused. It wasn't until 2023 that their convictions were finally vacated. A year later, genetic genealogy experts identified the actual perpetrator as Albert Lauro Jr., a local resident who took his own life after providing a DNA sample to the police. Despite this absolute proof of his innocence, Ian's struggle continues; he is currently embroiled in a legal battle with the Attorney General for restitution, with a trial not expected until early 2026. Having re-entered society with no financial support or official apology, Ian describes his situation as a total abandonment by the state and county.

Royne Dural, a 27-year-old Navy sailor serving aboard the USS Port Royal, was convicted of sexual assault in 2003—a crime he did not commit. Arrested at Pearl Harbor following a post-

9/11 deployment, Dural was sentenced to 20 years based solely on the uncorroborated testimony of a teenager and her mother. The conviction resulted in a dishonorable discharge, stripping him of a ten-year military career just as he was due for a promotion. Dural spent eight and a half years in an Arizona prison and another eight years on parole, steadfastly maintaining his innocence and passing a polygraph exam while behind bars. His path to justice was paved by the Hawaii Innocence Project, which uncovered startling new evidence: the mother's recantation, the accuser's own failed polygraph, and confessions from two other men regarding their involvement with the accuser. Ultimately, the Hawai'i Supreme Court vacated his conviction in 2019. In a historic turn in December 2025, Dural became the first individual in the state to receive compensation under its restitution statute, settling for \$420,833. Despite this, Dural remains clear that no sum can restore the career, family time, and years of life that were stolen from him.

Gordon Cordeiro was sentenced to life without parole and spent over thirty years in prison for a 1994 murder on Maui—a crime he did not commit, and which 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 six 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. SD 2493 included a provision for advance compensation of \$5,000 per month upon release. This provision does not appear in SB 3294, SD2. I respectfully urge this Committee to add an advance compensation mechanism to this bill. 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 advance payment is modest and humane, and if deducted from the final award, creates no

windfall. The stories set out below make painfully clear what happens when we delay financial assistance to exonerees.

3. **Essential re-entry services:** Freedom alone is not enough to rebuild a life. By assigning a case manager and providing medical coverage, SB 3294, SD2 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. SB 3294, SD2 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.
6. **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.
7. **Exclusive Remedy:** 661B shall not preclude, limit, or prejudice any claims against any other person or entity. To ensure the integrity of this compensation, the award must remain immune to any third-party setoff, lien enforcement, or recoupment. Statutory compensation is intended as a reparative floor, establishing a baseline for the grave injustice suffered; it is not, and shall not be construed as, a liability ceiling. The State's fulfillment of its compensatory obligation must not preclude, limit, or prejudice the claimant's right to pursue full accountability from any other liable person or entity.

I urge this committee to pass SB 3294, SD2 including advance compensation. 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.

Sincerely,



Setsuko Regina Gormley, Esq.

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

Aloha Chair Tam, Vice Chair Poepoe, and members of the JHA committee:

I'm writing in strong support of SB3294 SD2.

Simply put, this bill would help the state take the very minimal and decent step to right a wrong. The bill would help those who have been wrongfully imprisoned seek some modicum of restitution. Act 156, enacted in 2016, was meant to provide a pathway for restitution, but it has been a complete failure. Quoting from the Hawai'i Innocence Project's testimony on HB2493: "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 current interpretation of the Act that those who've been exonerated have to actually prove their innocence to obtain restitution goes against the fundamental principle of our judicial system: one is innocent until proven guilty. By definition, if one has been exonerated, then this person has NOT been proven guilty; and therefore, must be assumed to be innocent.

Again since the current Act is being incorrectly interpreted or not being executed as intended or both, SB3294 SD2 is necessary for Hawai'i to be pono. Please pass SB3294 SD2 out of your committees.

Mahalo for the opportunity to testify.

Mahalo nui,
Paul Bernstein
Honolulu

SB-3294-SD-2

Submitted on: 3/16/2026 10:09:17 PM

Testimony for JHA on 3/18/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------|--------------|--------------------|------------------------|
| William Caron | Individual | Support | Written Testimony Only |

Comments:

Aloha Chair, Vice Chair, and members of the committee,

I am writing in **strong support** of SB3294, a bill that establishes a comprehensive and humane process for supporting individuals whose convictions have been reversed or vacated on grounds consistent with innocence.

This legislation addresses the glaring gaps in Hawai‘i’s current system—gaps that have left exonerees homeless, penniless, and without identification upon walking free from decades of wrongful imprisonment. SB3294 provides the basic necessities that allow innocent people to rebuild their lives, while clarifying the compensation process to ensure that justice does not end at the prison gate.

Hawai‘i Has Failed Its Wrongfully Convicted—This Bill Provides Immediate, Life-Sustaining Support

For too long, Hawai‘i has stood alone as the only state with a wrongful conviction compensation law that has never actually compensated anyone. The human cost of this failure is devastating and irreversible.

Alvin Jardine spent 20 years in prison for a home invasion rape that DNA proved he did not commit. Under existing law, he was entitled to \$1 million. But because the state dragged his case out for a decade, Jardine died homeless in December 2025—before receiving a single dollar of the compensation he was owed. Roynes Dural, whose case was dismissed in 2019, still has not received a dime and only recently settled after years of litigation. Gordon Cordeiro, exonerated after nearly 30 years for a murder he did not commit, walked out of prison with no ID, no money, no transportation, and no instructions—forced to put his prison address on his state identification because he had nowhere else to list.

SB3294 ensures that no exoneree ever again faces this cruel and degrading experience.

The Bill Provides Concrete, Immediate Assistance Upon Release

SB3294 mandates that upon the reversal or vacation of a conviction on grounds consistent with innocence, and where charges are dismissed, the State must provide:

- **A case manager assigned by the Department of Human Services** upon release, to guide the petitioner through the transition and connect them with housing, employment, and benefits;
- **Medical coverage for a certain duration** following release, ensuring that individuals who may have spent decades in state custody do not face illness or injury without care;
- **A state identification card** from the Department of Corrections and Rehabilitation upon release, addressing the fundamental barrier that leaves exonerees unable to open bank accounts, or secure housing;
- **Continued benefits** until the petitioner is gainfully employed or no longer qualifies.

These provisions address the exact needs that exonerees themselves have identified: "Housing, identification, employment, a cell phone." When Gordon Cordeiro walked free, he had his sister to help him. But as he asked lawmakers, "What if they weren't there? What would I have done in that moment, standing there with nowhere to go? Nothing to eat." No one should have to rely on family to survive after the state has wrongfully taken decades of their life.

The Bill Fixes a Broken Compensation Process

SB3294 also clarifies the compensation process for wrongfully convicted individuals. Currently, the law allows up to \$50,000 per year served, but the process has been so protracted and adversarial that no one has actually been paid. The bill establishes that a person whose conviction was reversed or vacated on grounds consistent with innocence may petition for compensation, and places the burden on the State to prove by a preponderance of the evidence that the reversal or vacation was **inconsistent** with innocence.

This shift is critical. It recognizes that when a conviction has already been overturned, the presumption should favor compensation unless the State can affirmatively show the petitioner is not actually innocent. It prevents the kind of years-long litigation that left Alvin Jardine dead and penniless.

Hawai'i Lags Behind Other States—We Can and Must Do Better

As Ken Lawson testified before the Legislature, conservative states like Texas and Ohio have far outstripped Hawai'i in addressing wrongful conviction. Texas pays exonerees \$80,000 per year of wrongful imprisonment, plus a lifetime annuity, tuition, and access to the state employee health plan. Since 2009, Texas has paid over \$156 million to 97 exonerees. Ohio pays over \$55,000 per year, plus lost wages and attorney fees—\$51 million to date.

These are not progressive outlier states. They are states that looked at wrongful conviction and said, "This is wrong, and we're going to make it right." Hawai'i should not be last in the nation on this issue.

This Bill Addresses Wrongful Conviction Only, with Clear Standards

It is important to note that SB3294 applies only to those whose convictions are reversed or vacated on grounds consistent with actual innocence, and where charges are dismissed. It does

not apply to those released on technicalities, or those found not guilty after pretrial detention. The bill provides clear standards and places appropriate burdens on the State to ensure that compensation reaches those who have suffered the gravest injustice.

Opposition Must Be Addressed, But Cannot Justify Delay

The Attorney General's office has expressed concerns about the timeline for determining whether charges will be refiled. These concerns are not insurmountable. But the fundamental unfairness of the current system cannot wait. Alvin Jardine's death is a stain on our state. We must act now.

SB3294 provides the basic necessities that allow innocent people to survive after the State has taken everything from them. It ensures that no one walks out of prison with nothing but the clothes on their back, forced to rely on charity or luck to find shelter and food. It fixes a broken compensation process that has left exonerees waiting years—and dying—without the money they are owed.

I urge this Committee to pass SB3294 and finally bring Hawai'i in line with the rest of the nation in treating wrongfully convicted individuals with the dignity and justice they deserve.

Thank you for the opportunity to testify.

To: Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair
Committee on Judiciary & Hawaiian Affairs

From: Veronica Moore, Individual Citizen

Date: March 16, 2026

RE: Senate Bill 3294 SD2
Measure Title: RELATING TO WRONGFUL IMPRISONMENT.
Report Title: AG; DCR; DHS; Wrongful Conviction and Imprisonment;
Compensation; Annual Report

To All Concerned,

My name is Veronica Moore and I support Senate Bill 3294 SD2. Thank you for your consideration.

Sincerely,

Veronica M. Moore

SB-3294-SD-2

Submitted on: 3/16/2026 11:21:50 PM

Testimony for JHA on 3/18/2026 2:00:00 PM

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

Comments:

My name is Gordon J. Cordeiro. I was released from prison on February 21, 2025, after the court granted my HRPP Rule 40 petition. At that hearing, evidence was presented, the prosecutor had the opportunity to respond, and the judge determined—based on the facts—that I was actually innocent of the charges against me.

Later that same day, I was walked to the gate, the door was opened, and then it was shut behind me.

If I had not had family, friends, and attorneys waiting there, what would I have done? Where would I have gone? What would I have eaten? Where would I have slept?

This bill is essential for people who are released because of actual innocence. Individuals released on parole are given support—a case manager, a social worker, someone to help them navigate the world. I had none of that. When I went into prison in 1994, we were using beepers. There were no smartphones, no laptops. When I came out, it was an entirely different world.

I attended the House hearing last month and heard the Attorney General’s concerns about the \$5,000 advance payment. I ask: why? The State of Hawaii spends between \$60,000 and \$115,000 per year to incarcerate one person. If that person is innocent and spends decades in prison, no one questions that cost. So why are we debating \$5,000 to help someone eat, find shelter, and survive long enough to rebuild their life?

This is a modest, necessary measure.

Senator Rhodes' original bill, 661B, was a strong and important step in the right direction. The intent of that law was clear: if a person is found actually innocent, they should be compensated. However, in practice, the process has been delayed and contested in ways that were never intended—turning it into a prolonged legal battle instead of a path to justice.

This process should not be a negotiation.

If a judge has already determined that a person is actually innocent, that should be enough. The burden should not fall on the wrongfully convicted person to prove they deserve compensation—they have already proven their innocence. The burden should be on the State to prove why compensation should not be provided.

There are people who have waited years—decades—for justice, and some never received it. Alvin Jardine died before he was ever compensated.

This is not a situation where hundreds of people will come forward. Actual innocence cases are rare. I fought for 30 years to prove mine. It is not easy—people give up, people pass away, people lose hope.

When the State makes a mistake of this magnitude, it has a responsibility to make it right.

I lost 30 years of my life for something I did not do. I can never get that time back. No amount of money will ever fix that. But what you do here today will decide whether the next innocent person walks out of prison with nothing—or with at least a chance to survive.

Please don't let them walk out to nothing.

I strongly support this bill, and I respectfully ask you to vote yes.

Thank you.

SB-3294-SD-2

Submitted on: 3/17/2026 7:51:11 AM

Testimony for JHA on 3/18/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|-------------------|
| Sarah Cordeiro | Individual | Support | Remotely Via Zoom |

Comments:

FROM: Sarah Cordeiro

DATE: March 17, 2026

RE: SUPPORT for SB 3294, Relating to Wrongful Imprisonment.

Honorable Committee Members,

I am testifying in strong support of SB 3294.

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. SB 3294 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, SB 3294 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.

SB 3294 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 SB 3294 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, Hawaii

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

FROM: Denise Cordeiro

DATE: March 17, 2026

RE: SUPPORT for SB 3294, Relating to Wrongful Imprisonment.

Honorable Chair, Vice Chair, and Committee Members,

My name is Denise Cordeiro and I am a resident of Hawaii testifying in **strong support of SB 3294.**

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. SB 3294 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 the following reasons:

1. **Essential Re-entry Services:** Freedom alone is not enough to rebuild a life. By requiring the Department of Corrections and Rehabilitation to provide a state ID to the petitioner at release and having DCR facilitate a referral to DHS to have DHS assign a case manager and provide medical coverage, SB 3294 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.
2. **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.

I speak not only as a constituent, but from firsthand experience. My brother was released from prison in February 2025 after being wrongfully convicted. After 31 years, he walked out with nothing more than a paper bag containing his asthma inhaler—no phone, no money, no transportation, no clothing, and no food. If he had not had family and friends waiting for him and supporting him, he would have had absolutely nothing. This is the reality of the current process, or lack thereof. I ask you to consider: if this were your son, your spouse, your father, or your friend, would you find this acceptable? Would you believe that justice had truly been served? Compensation and meaningful reentry support are not luxuries—they are the bare minimum owed to those whose lives have been taken from them by wrongful conviction.

SB 3294 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.

A vote in favor of this bill is a vote for government accountability—an acknowledgment that wrongful convictions represent a profound failure of the system, and that when the state’s negligence deprives someone of years of their life, it has a clear duty to repair that harm rather than abandon them at the prison gates. Therefore I urge this committee to pass SB 3294 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,

Denise Cordeiro

SB-3294-SD-2

Submitted on: 3/17/2026 10:22:30 AM

Testimony for JHA on 3/18/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Dawn Dural | Individual | Support | Written Testimony Only |

Comments:

Testimony in Strong Support

Relating to Wrongful Imprisonment

Submitted by: Dawn M. Dural

Hearing Date: March 18, 2026

Chair, Vice Chair, and Members of the Committee,

My name is Dawn Dural, and I submit this testimony in strong support of this measure relating to wrongful imprisonment and the procedures and support provided to individuals whose convictions are reversed or vacated on grounds consistent with innocence.

I speak to you not only as a member of the public, but as the spouse of Roynes Dural—a man who spent sixteen years fighting to prove his innocence after being wrongfully convicted. Even after his exoneration, it took five additional years seeking accountability and recognition of that injustice. In total, twenty-two years of our lives were consumed by a wrongful conviction that never should have happened.

Twenty-two years is not simply a number.

It represents children growing up without their father. It represents a United States Navy career erased. It represents financial devastation, chronic stress, and the emotional weight of living under a conviction we knew was wrong. It represents the quiet suffering of a family forced to survive in a reality we did not choose.

And that is what is often missing from these conversations.

When someone is wrongfully imprisoned, the sentence is not served by one person alone. The entire family serves that sentence.

Spouses are forced into survival mode—carrying financial burdens, raising children alone, navigating stigma, and holding onto hope while fighting a system that too often feels impossible to overcome. Children grow up without stability, without presence, and without understanding

why their family has been torn apart. The trauma does not end when the conviction is overturned—it follows the entire family long after.

When a conviction is reversed on grounds consistent with innocence and the charges are dismissed, the system acknowledges a grave error. But too often, that acknowledgment is where support ends.

This bill recognizes what families like mine have lived:

Exoneration alone is not enough.

This measure provides something that has been missing for far too long—a structured, immediate pathway to stabilization and recovery.

Requiring the Department of Corrections and Rehabilitation to coordinate with the Department of Human Services so that a case manager is assigned immediately upon release ensures that exonerees are not left to navigate reentry alone at their most vulnerable moment.

Providing medical coverage not only for the exoneree, but also extending to spouses and dependents, acknowledges a truth that is rarely recognized in law: the harm of wrongful imprisonment impacts the entire family unit.

Allowing continuity of benefits until the individual becomes gainfully employed reflects the reality that rebuilding a life after years—sometimes decades—of wrongful imprisonment cannot happen overnight.

Ensuring access to a state identification card upon release, housing support, mental health services, and employment assistance may seem like small steps, but they are foundational to restoring dignity and stability.

This bill also addresses a critical injustice within the compensation process itself. For years, wrongfully convicted individuals in Hawai‘i have faced prolonged delays and additional legal battles simply to receive compensation—sometimes waiting so long that justice is never realized. As noted in the bill’s findings, individuals have endured years of litigation, and in at least one case, a person passed away before receiving compensation.

By clarifying procedures, allowing courts to act at the time of reversal, and shifting the burden to the State to prove that a conviction overturned on grounds consistent with innocence was not in fact innocent, this measure restores fairness to a process that has too often retraumatized those it was meant to help.

For families like mine, the damage does not end with release. We must rebuild relationships, financial stability, and a sense of safety in a system that once failed us. The years lost cannot be returned, but the ability to rebuild with dignity and support can be provided.

We were not simply fighting a legal case.
We were fighting for our family, for our future, and for the truth.

This bill acknowledges that when the State makes a mistake of this magnitude, its responsibility does not end at release—it must extend to restoration.

No law can give us back the twenty-two years that were taken.

But this legislation ensures that when others walk out of prison after being wrongfully imprisoned, they are not walking out alone, and their families are not left behind to carry the burden without support.

I respectfully urge the Committee to pass this measure and affirm that Hawai‘i stands not only for public safety, but for accountability, compassion, and true justice—for individuals and for the families who endure these injustices alongside them.

Mahalo for your time and consideration.

Respectfully,
Dawn M. Dural

SB-3294-SD-2

Submitted on: 3/17/2026 10:27:14 AM

Testimony for JHA on 3/18/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Roynes J Dural | Individual | Support | Written Testimony Only |

Comments:

Testimony in Strong Support

Relating to Wrongful Imprisonment

Submitted by: Roynes Dural

Hearing Date: February 18, 2026

Chair, Vice Chair, and Members of the Committee,

My name is Roynes Dural. I am submitting this testimony in strong support of this measure relating to wrongful imprisonment and the procedures and support provided to individuals whose convictions are reversed or vacated on grounds consistent with innocence.

I come before you not as a policy expert, but as someone who lived through one of the most devastating failures a justice system can produce.

I was wrongfully convicted of a crime I did not commit.

It took sixteen years of my life fighting to prove my innocence, followed by additional years seeking recognition of that injustice after my conviction was finally overturned. In total, more than twenty-two years of my life were consumed by a wrongful conviction.

Those are years I will never get back.

During that time, I lost my freedom, my career in the United States Navy, my financial stability, and countless moments with my family. My children grew up without their father present the way they should have. My wife carried the burden of holding our family together while we fought a system that refused to see the truth for far too long.

When a person is finally exonerated, people often assume the story ends there — that once you walk out of prison, everything somehow goes back to normal.

But the truth is that exoneration is only the beginning of the struggle to rebuild a life.

When someone is released after wrongful imprisonment, they often leave with nothing. Years of employment history are gone. Health issues — both physical and psychological — remain untreated. Reentering society can feel overwhelming because the world has moved forward without you.

That is why the provisions in this bill are so important.

Ensuring that a person who has been wrongfully imprisoned is connected with a Department of Human Services case manager upon release provides critical guidance at a moment when life feels uncertain and overwhelming. Access to medical coverage is essential for individuals who may leave incarceration with untreated trauma or health issues. Allowing continued access to benefits until the individual becomes gainfully employed recognizes the reality that rebuilding a life after years of wrongful imprisonment cannot happen overnight.

Even something as basic as providing a state identification card upon release can make the difference between being able to access housing, employment, and services — or being locked out of opportunities that most people take for granted.

This measure also clarifies the process by which individuals whose convictions are reversed or vacated on grounds consistent with innocence may petition for compensation. Importantly, it recognizes that when a conviction has already been overturned on those grounds, the burden should not fall entirely on the wrongfully imprisoned individual to prove their innocence all over again. Requiring the State to demonstrate otherwise by a preponderance of the evidence is an important safeguard for those who have already endured so much.

The requirement that the Department of the Attorney General provide an annual report to the Legislature also promotes transparency and accountability. Wrongful convictions may be rare, but when they happen, they represent a profound failure that affects not only the person imprisoned, but their families and communities as well.

I know firsthand that the damage caused by wrongful imprisonment does not stop with the individual who was incarcerated. My family lived through the consequences of my conviction every single day for more than two decades. They carried the emotional, financial, and social burden of a system that got it wrong.

No legislation can give me back the years that were taken from me.

But measures like this help ensure that when the justice system recognizes its mistake, the people who have suffered that injustice are given a real opportunity to rebuild their lives.

Justice should not end at exoneration.

Justice means acknowledging the harm that occurred and ensuring that those who were wrongfully imprisoned are supported in reclaiming their future.

I respectfully urge the Committee to pass this measure and reaffirm that the State of Hawai'i stands for fairness, accountability, and the protection of innocent lives.

Mahalo for your time and consideration.

Respectfully,

Royne Dural

SB-3294-SD-2

Submitted on: 3/17/2026 12:53:06 PM

Testimony for JHA on 3/18/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Thomas Graham | Individual | Support | Written Testimony Only |

Comments:

Aloha,

I urge you to pass this bill, as it would fix the State's flawed compensation processes for wrong convictions and imprisonment. The current "actual innocence" standard is unreasonable and impractical.

Thank you,

Thomas Graham, Honolulu

SB-3294-SD-2

Submitted on: 3/17/2026 4:02:40 PM

Testimony for JHA on 3/18/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------|--------------|--------------------|------------------------|
| Carla Allison | Individual | Support | Written Testimony Only |

Comments:

My name is Carla Allison and I am a Hawai'i resident and voter, deeply concerned for the public safety and civil liberties of all the people of Hawai'i. **I strongly support SB3294 SD2 and ask you all to do the same.**

Thank you,
Carla Allison – Honolulu

SB-3294-SD-2

Submitted on: 3/18/2026 1:02:46 PM

Testimony for JHA on 3/18/2026 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Carrie Ann Shirota | Individual | Support | Written Testimony Only |

Comments:

Aloha Chair, Vice Chair and Committee Members,

I am writing in support of SB3294 SD2 Relating to Wrongful Imprisonment.

This measure is important because the legislature finds that "wrongful compensation claims in the State have often been subject to prolonged litigation and delay, including delay caused by the State. The prolonged uncertainty and financial hardship caused by a delay is unjust to those wrongfully convicted. In at least one situation, the wrongfully convicted individual passed away before receiving any compensation after almost a decade of litigation seeking compensation."

The individual who passed away was Alvine Jardine III. We need to say, and remember his name!

I knew Alvin, and it's shameful that the State obstructed financial compensation and comprehensive support services for Alvin, and others in Hawai'i, including Gordon Cordeiro, who have been wrongfully convicted.

Instead of correcting these miscarriages of injustice, the State has been stonewalling and obstructing compensation. It's time for Hawai'i lawmakers to pass a long overdue wrongful compensation law that holds the government financially accountable for the loss of freedom.

Please pass SB3294 SD2.

Sincerely,
Carrie Ann Shirota, Esq.