

STAND. COM. REP. NO. **3271**

Honolulu, Hawaii

**MAR 30 2026**

RE: H.B. No. 1247  
H.D. 1  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Third State Legislature  
Regular Session of 2026  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1247, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CRIMINAL PROCEEDINGS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Allow a party aggrieved by the judgment of a circuit court on a minimum term order to appeal to the Intermediate Appellate Court;
- (2) Require prisoners to continue to be represented by counsel in any petition challenging the minimum term proceedings;
- (3) Require the Hawaii Supreme Court to establish rules; and
- (4) Establish grounds for challenging a minimum term order.

Your Committee received testimony in support of this measure from the Office of the Public Defender, Office of Hawaiian Affairs, and one individual.

Your Committee received comments on this measure from the Judiciary.



Your Committee finds that minimum term determinations have major consequences for an incarcerated person's liberty, family stability, and pathway to reentry. However, under existing practice, individuals seeking judicial review of those decisions are often forced into a difficult and ill-fitting process under Rule 40 of the Hawaii Rules of Penal Procedure, even though that mechanism was not designed for routine review of minimum term proceedings. For indigent incarcerated individuals in particular, this existing process can be daunting, slow, and inaccessible. This measure addresses these problems by creating a more workable avenue for review and by preserving access to counsel in petitions challenging minimum term proceedings.

Your Committee has amended this measure by:

- (1) Specifying that all prisoners, including prisoners who appeared pro se before the Hawaii Paroling Authority, have the right to be represented by counsel in any petition challenging the minimum term proceedings;
- (2) Inserting blank appropriation amounts to the Judiciary and Office of the Public Defender for the purposes of this measure;
- (3) Amending section 1 to reflect its amended purpose;
- (4) Inserting an effective date of March 22, 2075, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1247, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1247, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.



Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,

*Karl Rhoads*

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KARL RHOADS, Chair



