

Honolulu, Hawaii

FEB 20 , 2026

RE: H.B. No. 2493  
H.D. 2

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

Madame:

Your Committee on Public Safety, to which was referred H.B. No. 2493, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to:

- (1) Establish the procedure that a trial court shall follow upon the reversal or vacation of an individual's judgment of conviction on grounds consistent with innocence, and where the charges were dismissed;
- (2) Require the State to pay advance compensation to any person who was convicted in a court of the State, imprisoned for at least one year, and whose judgment of conviction was reversed or vacated, or was pardoned, on grounds consistent with innocence;
- (3) Require the Comptroller to issue a warrant for payment of advance compensation to a petitioner;
- (4) Require the Adult Client Services Division or a contracted community-based agency to assign a case manager to a petitioner upon the petitioner's release;



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

Your Committee received testimony in support of this measure from the Office of the Public Defender; Community Alliance on Prisons; CARES; and six individuals. Your Committee received testimony in opposition to this measure from the Department of the Attorney General and Department of the Prosecuting Attorney of the City and County of Honolulu. Your Committee received comments on this measure from the Judiciary.

Your Committee finds that although Act 156, Session Laws of Hawaii 2016, was enacted to provide compensation to individuals for wrongful imprisonment, thus far, no claimant has received compensation, and claims have been subject to years of delay and adversarial litigation. Your Committee further finds that this measure responds to these issues by establishing clear procedures, timelines, and obligations that promote fairness, efficiency, and dignity for individuals who have been wrongfully imprisoned.

Your Committee has amended this measure by:

- (1) Clarifying that it is the circuit court, rather than the trial court, that must follow the prescribed procedure upon the reversal or vacation of an individual's judgment of conviction on grounds consistent with innocence, and where the charges were dismissed;



- (2) Requiring the Department of Human Services, in collaboration with the Department of Corrections and Rehabilitation, to assign a case manager to a person upon the reversal or vacation of the person's judgment of conviction on grounds consistent with innocence and where the charges were dismissed;
- (3) Requiring the Department of Human Services, in collaboration with the Department of Corrections and Rehabilitation, rather than the Adult Client Services Division, to contract with a community-based agency to appoint a case manager;
- (4) Deleting the proposed medical coverage for the spouse or dependent of a person upon the reversal or vacation of the person's judgment of conviction on grounds consistent with innocence and where the charges were dismissed;
- (5) Providing that, for the purposes of effectuating the prescribed procedure in this measure, the Judiciary and Department of Corrections and Rehabilitation shall retain jurisdiction over a person upon the reversal or vacation of the person's judgment of conviction on grounds consistent with innocence and where the charges were dismissed;
- (6) Authorizing the State to seek reimbursement from the applicable county for any losses incurred by the State as a result of the prescribed procedure in this measure; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Public Safety that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2493, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as H.B. No. 2493, H.D. 2.





