

Honolulu, Hawaii

MAR 20 , 2026

RE: S.B. No. 3294  
S.D. 2  
H.D. 1

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

Madame:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 3294, S.D. 2, 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 court shall follow upon the reversal or vacation of a person's judgment of conviction on grounds consistent with innocence, and where the charges were dismissed;
- (2) Require the Department of Corrections and Rehabilitation to immediately alert the Department of Human Services to assign a case manager to a person upon the person's release;
- (3) 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;



- (4) Require the Department of Corrections and Rehabilitation to provide a person with a state identification card upon release;
- (5) Clarify that any benefits that a person is qualified for continue until the person is gainfully employed and no longer qualifies for the benefits;
- (6) Require the Department of the Attorney General to submit an annual report to the Legislature;
- (7) Clarify eligibility to seek compensation for persons whose judgment of conviction was reversed or vacated, or who were pardoned, on grounds consistent with innocence, and where the charges were dismissed;
- (8) Shift the burden of proof to the State to prove by a preponderance of the evidence that the reversal or vacation of the judgment of conviction, or the pardon, was inconsistent with innocence;
- (9) Specify that any award of compensation is only to settle claims with the State and not any third party; and
- (10) Prohibit the Attorney General from offsetting third-party claims against an award of compensation.

Your Committee received testimony in support of this measure from the Department of Corrections and Rehabilitation; Office of the Public Defender; Community Alliance on Prisons; Hawai'i Innocence Project; and numerous individuals. Your Committee received comments on this measure from the Judiciary; Department of the Attorney General; Law Office of Georgette A. Yaindl, LLC; and Aloha Independent Living Hawaii.

Your Committee finds that although Act 156, Session Laws of Hawaii 2016, was intended to compensate individuals who were wrongfully convicted and imprisoned, claimants have had difficulty obtaining compensation due in part to prolonged litigation and delay, resulting in continued hardship and uncertainty for affected individuals.

Your Committee further finds that the companion to this measure, H.B. No. 2493, H.D. 2 (Regular Session of 2026), was



previously passed by your Committee on Public Safety following passage by your Committee on Judiciary & Hawaiian Affairs. That measure seeks to reduce delay, provide immediate support to wrongfully imprisoned individuals, and bring greater certainty to the State's compensation process.

Your Committee has amended this measure by:

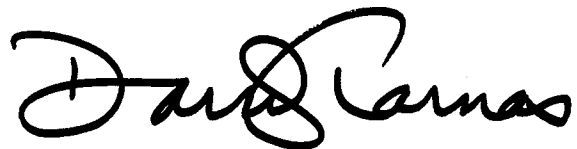
- (1) Deleting its contents and inserting the contents of H.B. No. 2493, H.D. 2, a measure that:
  - (A) Establishes the procedure that a circuit court shall follow upon the reversal or vacation of a person's judgment of conviction on grounds consistent with innocence, and where the charges were dismissed;
  - (B) Requires the State to pay, through a warrant for payment issued by the Comptroller, 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;
  - (C) Requires the Department of Human Services, in collaboration with the Department of Corrections and Rehabilitation, to contract with a community-based agency to assign a case manager to a person upon the person's release;
  - (D) Requires the State to provide medical coverage to a person for a certain duration upon the reversal or vacation of the person's judgment of conviction on grounds consistent with innocence and where the charges were dismissed;
  - (E) Provides that the Judiciary and Department of Corrections and Rehabilitation shall retain jurisdiction over the person for the purposes of effectuating the compensation process;



- (F) Authorizes the State to seek reimbursement from the applicable county for any losses incurred by the State pursuant to the compensation process;
  - (G) Requires the Department of the Attorney General to submit an annual report to the Legislature;
  - (H) Clarifies eligibility to seek compensation for persons whose judgment of conviction was reversed or vacated, or who were pardoned, on grounds consistent with innocence, and where the charges were dismissed; and
  - (I) Shifts the burden of proof to the State to prove by a preponderance of evidence that the reversal or vacation of the judgment of conviction, or the pardon, was inconsistent with innocence; and
- (2) 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 Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3294, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3294, S.D. 2, H.D. 1, and be referred to your Committee on Public Safety.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary &  
Hawaiian Affairs,



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DAVID A. TARNAS, Chair



