

Honolulu, Hawaii
MAR 30 , 2026

RE: S.B. No. 3294
S.D. 2
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 S.B. No. 3294, S.D. 2, 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 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;
- (2) Require 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;
- (3) Require 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;



- (4) 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;
- (5) Provide that the Judiciary and Department of Corrections and Rehabilitation shall retain jurisdiction over the person for the purposes of effectuating the compensation process;
- (6) Authorize the State to seek reimbursement from the applicable county for any losses incurred by the State pursuant to the compensation process;
- (7) Require the Department of the Attorney General to submit an annual report to the Legislature;
- (8) 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; and
- (9) Shift 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.

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

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) Instead of requiring 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, requiring the Department of Corrections and Rehabilitation to immediately notify the Department of Human Services so the Department of Human Services may assign a case manager to the person; 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 Public Safety that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3294, S.D. 2, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as S.B. No. 3294, S.D. 2, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,



DELLA AU BELATTI, Chair



