

STAND. COM. REP. NO. 2686

Honolulu, Hawaii

FEB 2 Q 2026

RE: S.B. No. 3294  
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 Government Operations, to which was referred S.B. No. 3294 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish 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;
- (2) Require the State to pay advance compensation to any petitioner 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 Department of Corrections and Rehabilitation 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 a 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 detailing the implementation and application of this measure;
- (7) Clarify 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;
- (8) Shift the burden of proof in wrongful conviction claims from the petitioner to the State; and
- (9) Require the State to prove by a preponderance of evidence that the reversal or vacating of the order 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; Takitani, Agaran, Jorgensen, and Wildman, LLLP; and thirteen individuals.

Your Committee received testimony in opposition to this measure from the Department of the Attorney General.

Your Committee received comments on this measure from the Judiciary, Department of Accounting and General Services, and one individual.

Your Committee finds that although the Legislature enacted Act 156, Session Laws of Hawaii 2016, to provide compensation for wrongful imprisonment, in the nearly ten years since its enactment, no claimant has received compensation and claims have been subject to years of delay and adversarial litigation. This measure will honor the State's responsibility when its power has caused grave harm and promote 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.

Your Committee has amended this measure by:

- (1) Deleting language that would have:
  - (A) Required the State to pay advance compensation to any petitioner 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 pardoned, on grounds consistent with innocence; and
  - (B) Required the Comptroller to issue a warrant for payment of advance compensation to a petitioner;
- (2) Requiring the Department of Corrections and Rehabilitation, upon the reversal or vacation of a judgment on grounds consistent with innocence, where the charges were dismissed, to immediately alert the Department of Human Services so the Department of Human Services may assign a case manager to the person;
- (3) Specifying that the case manager assigned by the Department of Human Services is required to also assist the person in obtaining mental health counseling, cell phone for one year, and expedited processing of benefit assistance;
- (4) Inserting language requiring the Department of Corrections and Rehabilitation to:
  - (A) Once made aware that an individual is pursuing a reversal on a prior court decision where innocence is in question, work in conjunction with the Department of Human Services to assist the petitioner in preparing applications for individual financial and medical assistance, so that processing may be expedited upon release; and
  - (B) Upon the reversal or vacation or a judgment or conviction on grounds consistent with innocence, and where the charges were dismissed, provide the



person with a state identification card upon release;

- (5) Inserting language requiring any benefits that a petitioner is qualified for, including any benefits under chapter 346, Hawaii Revised Statutes, continue until the petitioner is gainfully employed and no longer qualifies for the benefits;
- (6) Amending section 1 to reflect its amended purpose;
- (7) Inserting an effective date of January 1, 2525, to encourage further discussion; and
- (8) 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 Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3294, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3294, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committee on Government  
Operations,



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ANGUS L.K. MCKELVEY, Chair



The Senate  
Thirty-Third Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Government Operations**  
**GVO**

Bill / Resolution No.:* <b>SB3294</b>	Committee Referral: <b>GVO, JDC/WAM</b>	Date: <b>2/19/2026</b>
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The Committee is reconsidering its previous decision on this measure.  
If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312      Pass, with amendments 2311      Hold 2310      Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
MCKELVEY, Angus L.K. (C)	✓			
GABBARD, Mike (VC)	✓			
HASHIMOTO, Troy N.	✓			
MORIWAKI, Sharon Y.	✓			
AWA, Brenton				✓
<b>TOTAL</b>	<b>4</b>	<b>—</b>	<b>—</b>	<b>1</b>

Recommendation:  Adopted      Not Adopted

Chair's or Designee's Signature:  
*[Handwritten Signature]*

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\*Only one measure per Record of Votes