

STAND. COM. REP. NO. 3069

Honolulu, Hawaii

MAR 06 2026

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

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

Sir:

Your Committees on Judiciary and Ways and Means, to which was referred S.B. No. 3294, S.D. 1, entitled:

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

beg 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 Department of Corrections and Rehabilitation to notify the Department of Human Services to assign a case manager to a petitioner upon the petitioner's release;
- (3) 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;
- (4) Clarify that any benefits that a petitioner is qualified for, including any benefits under chapter 346, Hawaii Revised Statutes, continue until the petitioner is



gainfully employed or no longer qualifies for the benefits;

- (5) Require the Department of Corrections and Rehabilitation to provide a state identification card to a petitioner upon release;
- (6) Require the Department of the Attorney General to submit an annual report to the Legislature;
- (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; and
- (8) Require the State to prove by a preponderance of evidence that the reversal or vacation of the order of conviction for a petitioner, or the pardoning of the petitioner, was inconsistent with innocence.

Your Committees received testimony in support of this measure from the Department of Corrections and Rehabilitation, Community Alliance on Prisons, Hawai'i Innocence Project, and nine individuals.

Your Committees received testimony in opposition to this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu.

Your Committees received comments on this measure from the Judiciary and Department of Human Services.

Your Committees find that the Legislature enacted Act 156, Session Laws of Hawaii 2026, to provide a fair and accessible avenue of redress for those wrongfully convicted and imprisoned by the State. However, for nearly a decade after enactment, the State paid zero claimants, and, until the first payment was finally agreed to in late 2025, Hawai'i was the only state out of thirty-eight states with wrongful conviction compensation statutes that had never paid a single claimant. Your Committees further find that the State has not paid claimants because existing law requires that the claimant prove "actual innocence", which the Hawaii Supreme Court has noted is a standard that is nearly



impossible to satisfy because courts do not vacate convictions under an "actual innocence" standard. This measure addresses this issue by adopting the "grounds consistent with innocence" standard and updating the State's compensation for wrongful imprisonment laws to ensure that the State's wrongful conviction compensation statute functions as intended.

Your Committees have amended this measure by:

- (1) Inserting language specifying that an award of compensation under chapter 661B, Hawaii Revised Statutes (HRS), shall constitute a compromise and settlement of only claims against the State arising from the claimant's conviction and imprisonment for crimes for which the judgment of conviction was reversed or vacated on grounds consistent with innocence or the person was pardoned;
- (2) Inserting language specifying that no provision of chapter 661B, HRS, shall be construed to waive, release, or otherwise affect any claim the claimant shall have against any person or entity other than the State;
- (3) Inserting language specifying that no award of compensation under chapter 661B, HRS, shall be subject to any setoff, offset, recoupment, deduction, lien enforcement, or other reduction asserted on behalf of any person or entity other than the State;
- (4) Inserting language specifying that the Attorney General shall not assert or apply any setoff or offset on behalf of any third party against an award made under chapter 661B, HRS;
- (5) Amending section 1 to reflect its amended purpose; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3294, S.D. 1, as amended herein, and recommend



that it pass Third Reading in the form attached hereto as S.B.
No. 3294, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Ways and Means,


DONOVAN M. DELA CRUZ, Chair


KARL RHOADS, Chair



The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* SB 3294, SDI	Committee Referral: AVO, JDC/WAM	Date: 03/04/2020		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	X			
MORIWAKI, Sharon Y. (VC)	X			
DECOITE, Lynn	X			
ELEFANTE, Brandon J.C.	X			
HASHIMOTO, Troy N.	X			
INOUYE, Lorraine R.	X			
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.	X			
KIM, Donna Mercado	X			
LEE, Chris	X			
RICHARDS, III, Herbert M. "Tim"	X			
WAKAI, Glenn	X			
FEVELLA, Kurt	X			
TOTAL	13	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink File with Committee Report Committee Drafting Agency				

*Only one measure per Record of Votes