

*The Judiciary, State of Hawai‘i*  
*Ka ‘Oihana Ho‘okolokolo, Moku‘āina ‘o Hawai‘i*

**Testimony to the Thirty-Third Legislature, 2026 Regular Session**

**House Committee on Public Safety**  
Representative Della Au Belatti, Chair  
Representative Kim Coco Iwamoto, Vice Chair

Wednesday, March 25, 2026, 10:00 a.m.  
State Capitol, Conference Room 411 & Via Videoconference

By

Jennifer Awong  
Staff Attorney, Circuit Court of the First Circuit

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**Bill No. and Title:** Senate Bill No. 3294, SD2, HD1, Relating to Wrongful Imprisonment.

**Purpose:** 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. Requires the State to pay, through a warrant for payment issued by the Comptroller, 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. 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 petitioner upon the petitioner's release. 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. Provides that the Judiciary and Department of Corrections and Rehabilitation shall retain jurisdiction over the person for the purposes of effectuating this process. Authorizes the State to seek reimbursement from the applicable county for any losses incurred by the State pursuant to this process. Requires the Department of the Attorney General to submit an annual report to the Legislature. 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. 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 for a petitioner, or the pardoning of the petitioner, was inconsistent with innocence. Effective 7/1/3000. (HD1)

### **Judiciary's Position:**

The Judiciary takes no position on the proposed legislation. The Judiciary provides the following comments regarding the implementation of the new provisions of Chapter 661B of the Hawai'i Revised Statutes ("H.R.S."). First, there is a likelihood that the vacating of a conviction by the circuit court under the provisions of Rule 40 of the Hawai'i Rules of Penal Procedure ("HRPP") will result in an appeal pursuant to HRPP Rule 40(h), leading to the potential for two parallel cases on the same issues and the loss of jurisdiction by the criminal court.

Additionally, the Judiciary would note that the new provisions set forth in section 661B-B ("Upon the reversal or vacation of a judgment or conviction on grounds consistent with innocence....") require the court to immediately make a finding that the defendant's conviction was vacated on grounds consistent with innocence. The provision also requires the court to make a finding of "[w]hether the grounds for the reversal or vacation of the crime or crimes support the conclusion that the person did not commit the crime or crimes." These findings are the ultimate issues that are set forth to be litigated under H.R.S. § 661B-2 and the proposed revisions to H.R.S. § 661B-3.<sup>1</sup> These ultimate findings should have a full and fair hearing under the provisions of H.R.S. §§ 661B-1 – 3.<sup>2</sup> Respectfully, these matters are not the subject of a petition for post-conviction relief under HRPP Rule 40 and would not be fully litigated there, nor would they be litigated or determined when a conviction is reversed or vacated by the appellate court. It appears that these ultimate findings are being sought to be determined by the circuit court without the process of H.R.S. § 661B-1 – 3 as proposed section 661B-B(a)(4) requires that the court immediately award the entire amount that would be due the petitioner (had a petition been filed, heard, and granted) under H.R.S. § 661B-B(a)(3)(B) if the court at the time of the reversal or vacation and dismissal finds that the grounds "support the conclusion that the person did not commit the crime or crimes."

The Judiciary continues to review the proposed measure to determine how the new provisions will be implemented operationally and may have further comments. This includes the provisions requiring the court to immediately order payments (either partial or in total) in a criminal action wherein the "State" (the payor) is not a party to either the HRPP Rule 40 case, or the underlying criminal action in the case of an appeal.<sup>3</sup> Thus, at a minimum, a new civil action

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<sup>1</sup> If either of these findings are answered in the negative, as is contemplated by proposed section 661B-B(5), it could have the unintended consequence of hindering any future relief under H.R.S. § 661B-3.

<sup>2</sup> To effectuate the intent of the legislation, some form of lesser finding than the ultimate issue to be litigated should be the trigger for the relief set forth in proposed section 661B-B(a)(1)-(3).

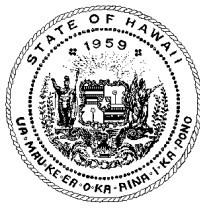
<sup>3</sup> In those instances the "State" is generally represented by the county prosecutors and not the Attorney General. Those proceedings are not civil actions wherein the court could order legal remedies such as monetary damages or other equitable relief.



Senate Bill No. 3294, SD2, HD1, Relating to Wrongful Imprisonment  
House Committee on Public Safety  
Wednesday, March 25, 2026 at 10:00 a.m.  
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will have to be initiated and the provisions of the current measure leave it to the court to initiate such a proceeding and serve the appropriate parties.

Thank you for the opportunity to testify on this measure.



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII  
**DEPARTMENT OF CORRECTIONS  
AND REHABILITATION**  
*Ka 'Oihana Ho'omalu Kalaima  
a Ho'oponopono Ola*  
1177 Alakea Street  
Honolulu, Hawaii 96813

No. \_\_\_\_\_

TESTIMONY ON SENATE BILL 3294, SENATE DRAFT 2, HOUSE DRAFT 1  
RELATING TO WRONGFUL IMPRISONMENT.

by  
Tommy Johnson, Director  
Department of Corrections and Rehabilitation

House Committee on Public Safety  
Representative Della Au Belatti, Chair  
Representative Kim Coco Iwamoto, Vice Chair

Wednesday, March 25, 2026; 10:00 a.m.  
State Capitol, Conference Room 411 & via Videoconference

Chair Belatti, Vice Chair Iwamoto, and Members of the Committee:

The Department of Corrections and Rehabilitation (DCR) **supports the intent** of Senate Bill (SB) 3294, Senate Draft (SD) 2, House Draft 1, relating to wrongful imprisonment and submits the following recommended amendments to Section 2. Recommended language to be deleted is bracketed and struck through, proposed new language is underscored.

Page 5 (lines 18 through 21):

(3) Order the department of corrections and rehabilitation to immediately alert the department of human services [~~in collaboration with the department of corrections and rehabilitation,~~] so the department of human services may assign a case manager to the person pursuant to section 661B-D; and

Page 8 (lines 15 through 20) and page 9 (lines 1 and 2):

§661B-D Case manager; appointment. (a) Upon the reversal or vacation of a person's judgment of conviction on grounds consistent with innocence and where the charges were dismissed, the department of [~~human services, in collaboration with the department of corrections and rehabilitation,~~ shall ~~contract with a community-based agency to~~ corrections and rehabilitation

shall immediately notify the department of human services so the department of human services may appoint a case manager to the person. Services shall commence immediately and continue for sixty days from the day of the person's release.

The recommended amendments were included in the Senate Draft 2 version of this measure. However, the current HD1 version was amended and removed the language. DCR respectfully recommends this committee adopt the proposed amendments because once released from custody, the DCR has no jurisdiction in the person's case nor any authority to order the individual to participate in services.

DCR will make every effort to encourage and assist individuals pursuing a reversal on a prior court decision where innocence is in question by coordinating with the Department of Human Services, and assisting with the issuance of a State Civil ID Card. However, we want to make it clear that DCR cannot force individuals in custody to participate in these processes.

DCR will ensure to keep records of its attempts to encourage and assist individuals in these areas for future reference.

Thank you for the opportunity to provide testimony in **support of the intent** of SB 3294, SD 2, HD 1.

JON N. IKENAGA  
PUBLIC DEFENDER

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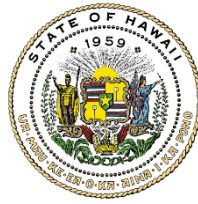
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**March 23, 2026**

**SB 3294, SD2, HD1: RELATING TO WRONGFUL IMPRISONMENT**

**Chair Belatti, Vice-Chair Iwamoto, and Members of the Committee on Public Safety:**

The Office of the Public Defender (OPD) **strongly supports** SB 3294 SD2 HD1 which makes long overdue and necessary reforms to Hawai'i's wrongful conviction and imprisonment compensation framework.

As the agency charged with representing indigent individuals accused and convicted of crimes, the OPD sees firsthand the profound human cost when the criminal legal system fails. For those who have been wrongfully convicted and imprisoned, the harm does not end with release from custody. Individuals often reenter the community without housing, income, identification, medical care, or meaningful support after years of confinement for crimes they did not commit.

Although Hawai'i enacted Act 156 (2016) to provide compensation for wrongful imprisonment, the Legislature itself has recognized that, eight years later, no claimant has received compensation, and claims have been subject to years of delay and adversarial litigation. This reality underscores the urgent need for a system that is not only available in theory, but functional in practice.

This measure responds directly to these failures by establishing clear procedures, timelines, and obligations that promote fairness, efficiency, and dignity for individuals wrongfully imprisoned.

The OPD strongly supports the bill's core reforms, including:

- **Immediate judicial findings and streamlined procedures** at the time a conviction is reversed or vacated on grounds consistent with innocence, which will significantly reduce unnecessary delay and duplicative litigation;
- **Advance compensation** for eligible individuals immediately following reversal or vacation of conviction, recognizing that release without resources is not meaningful justice;
- **Assignment of a case manager upon release**, to assist with housing, identification, healthcare, employment, and reentry needs;
- **Temporary medical coverage**, for a period tied to the length of wrongful imprisonment including any period during which the person was released on parole;
- **Clear statutory guidance** implementing the Hawai‘i Supreme Court’s decision in *Jardine v. State*, 155 Haw. 60 (2024), ensuring that relief does not hinge on magic words but on whether the reversal supports innocence;
- **Shifting the burden to the State**, by a preponderance of evidence, to prove that a reversal or pardon was inconsistent with innocence which reflects the reality that the State is best positioned to carry that burden.

These provisions directly address the systemic barriers that have prevented wrongfully convicted individuals from obtaining timely and meaningful relief. By requiring courts to make findings at the time of reversal and enabling compensation to begin immediately, this bill helps ensure that individuals are not forced to relitigate their innocence for years simply to survive.

The measure also promotes fairness and fiscal responsibility by reducing prolonged litigation, providing greater certainty to the State, and resolving claims in a more structured and transparent manner.

For these reasons, the OPD strongly supports SB 3294 SD2 HD1.

Thank you for the opportunity to comment.

**DEPARTMENT OF THE PROSECUTING ATTORNEY  
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**THE HONORABLE DELLA AU BELATTI, CHAIR  
HOUSE COMMITTEE ON PUBLIC SAFETY  
Thirty-Third State Legislature  
Regular Session of 2026  
State of Hawai'i**

March 25, 2026

**REGARDING S.B. 3294, S.D. 2, H.D.1 — RELATING TO WRONGFUL  
IMPRISONMENT.**

Chair Della Au Belatti, Vice-Chair Iwamoto, and members of the House Committees on Public Safety, the Department of the Prosecuting Attorney of the City and County of Honolulu (“Department”) submits the following testimony in **opposition** of S.B. 3294, S.D. 2, H.D.1.

The Department appreciates the intent behind S.B. 3294, S.D. 2, H.D.1. Individuals who are truly wrongfully convicted and imprisoned deserve a fair, efficient, and dignified process for compensation. Justice requires that the State provide meaningful redress in those rare and tragic cases. However, while we support the principle of compensating the actually innocent, we respectfully oppose this bill and for the following reasons.

**Shift of the Burden of Proof to the State**

S.B. 3294, S.D. 2, H.D.1 fundamentally alters the structure of Hawaii’s wrongful conviction statute by shifting the burden of proof to the State to demonstrate, by a preponderance of the evidence, that the reversal, vacation of judgment, or pardon was “inconsistent with innocence.”

Traditionally, wrongful conviction statutes require the claimant to affirmatively demonstrate factual innocence. This bill instead requires the State to prove the negative — that the reversal was not consistent with innocence — potentially years after the underlying prosecution.

This creates practical and legal concerns:

- Evidence may be stale or unavailable.
- Witnesses may no longer be locatable.
- Prosecutors may be required to effectively re-litigate complex cases long after convictions were set aside.

Reversals occur for many reasons — procedural error, ineffective assistance of counsel, evidentiary rulings, jury instruction issues — that do not equate to factual innocence. This bill risks awarding compensation in cases where innocence has not been affirmatively established.

### **Replacement of “Actual Innocence” with “Grounds Consistent with Innocence”**

The bill replaces the clearer “actually innocent” language with “grounds consistent with innocence.”

This phrase is broader and more ambiguous. A dismissal following reversal or a judgment that has been vacated does not necessarily mean a person did not commit the offense; dismissals can occur for practical reasons, including:

- Unavailable witnesses,
- Passage of time,
- Evidentiary rulings that affect retrial viability.

Without requiring a finding that the petitioner “did not commit the crime,” the eligibility threshold is significantly lowered.

### **Mandatory Advance Compensation Before Final Determination**

The bill requires the State to issue \$5,000 within five business days of reversal or a conviction being vacated, with monthly payments thereafter, regardless of whether a petition has been fully adjudicated. Importantly, if the petition is later denied, the funds are *not recoverable*.

This provision effectively forces the prosecution, often in highly complex cases involving extensive forensic evidence, multiple witnesses, and significant procedural history, to make a charging decision under extreme time pressure. Because the Comptroller must issue the first \$5,000 payment within five business days of the conviction being reversed, vacated, or pardoned, prosecutors are placed in the untenable position of having to evaluate whether to refile charges before advance compensation is triggered. Five business days is an extraordinarily compressed timeframe to thoroughly review the evidence, reassess admissibility issues, consult with law enforcement agencies, and meaningfully confer with victims. Such a rushed process undermines the careful, deliberate administration of justice and risks sidelining the constitutional and statutory rights of victims to be informed and heard before critical decisions are made. Most states require a final adjudication before compensation is paid. Advance, non-recoverable payments represent a significant departure from traditional models.

### **Immediate Court Findings at Time of Reversal**

The bill requires trial courts to make findings related to innocence and compensation contemporaneously with reversal or when a conviction is vacated.

At that stage:

- The record may not be fully developed for civil compensation purposes.
- Prosecutors may have limited opportunity to present evidence relevant to eligibility.

- Courts may be placed in the position of making compensation-related findings before the matter is fully litigated.

This could blur the line between criminal appellate relief and civil compensation proceedings.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu **opposes** the passage of S.B. 3294, S.D. 2, H.D.1. Thank you for the opportunity to provide testimony on this matter.

# COMMUNITY ALLIANCE ON PRISONS

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*Today's Inmate; Tomorrow's Neighbor*



## COMMITTEE ON PUBLIC SAFETY

Representative Della Belatti, Chair

Representative Kim Coco Iwamoto, Vice Chair

Wednesday, March 25, 2026

10:00 AM

Room 411 and VIDEOCONFERENCE

## **STRONG SUPPORT FOR SB 3294 SD2, HD1 - WRONGFUL IMPRISONMENT**

Aloha e Chair Belatti, Vice Chair Iwamoto, and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai`i for almost three decades. This testimony is respectfully offered on behalf of the 3,633 Hawai`i individuals living behind bars<sup>1</sup> and under the "care and custody" of the Department of Corrections and Rehabilitation on March 16, 2026. We are always mindful that 797 of Hawai`i's imprisoned male population are serving their sentences abroad -- thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

Community Alliance on Prisons appreciates this opportunity to share our STRONG SUPPORT FOR SB 3294 SD2, HD1 that 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. It requires the State to pay, through a warrant for payment issued by the Comptroller, 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. It further requires the Department of Human Services, in collaboration with the Department of Corrections

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<sup>1</sup> DCR Weekly Population Report, March 16, 2026

[Pop-Reports-Weekly-2026-03-16.pdf](#)

and Rehabilitation, to contract with a community-based agency to assign a case manager to a petitioner upon the petitioner's release and 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.

This bill further provides that the Judiciary and Department of Corrections and Rehabilitation shall retain jurisdiction over the person for the purposes of effectuating this process and authorizes the State to seek reimbursement from the applicable county for any losses incurred by the State pursuant to this process and requires the Department of the Attorney General to submit an annual report to the Legislature.

The bill further 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. 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 for a petitioner, or the pardoning of the petitioner, was inconsistent with innocence. Effective 7/1/3000. (HD1)

This bill is so important because it rights a wrong committed by the state. It is not broad-based and its eligibility will be applicable only to a small number of people. We are pleased that the contents of the bill contain the language of HB 2493 HD2 on which the Chair of this committee worked hard and in collaboration with the Judiciary, Probation, and the community.

The amendments to SB 3294 SD2, HD1:

- (A) 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;
- (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.

Thirty-eight states have similar laws, and most require that people prove their innocence in some way, said **Jeffrey Gutman, a professor of clinical law at George Washington University who works with the [National Registry of Exonerations](#)**<sup>2</sup>. But he characterized Hawai'i's law as more stringent than many states.

The consequences of Hawai'i's broken compensation law are not abstract. They are measured in human suffering.

**Alvin Jardine III** spent twenty years in prison for a 1990 sexual assault on Maui after being convicted at his third trial. DNA testing in 2008 excluded him as the source of bodily fluids at the crime scene. His conviction was vacated in 2011, and charges were dismissed. Jardine's case was the very impetus for the Legislature's enactment of the compensation statute. Yet he spent the next decade fighting the State for compensation he never received. He was released into a world that had moved on without him—no money, no support, no resources. He struggled with poverty, substance abuse, and the lasting psychological trauma of two decades of wrongful

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<sup>2</sup> **National Registry of Exonerations**  
[Home | National Registry of Exonerations](#)

incarceration. On December 27, 2025, Alvin Jardine was found dead in Ha‘ikū, Maui at age 56—homeless, without ever receiving a single dollar from the State that wrongfully imprisoned him for twenty years of his life. Legislators are now poised to approve a \$600,000 payment in his case, but it is too late for Alvin. His death is a moral indictment of a system that failed him at every turn.

**Albert Ian Schweitzer** spent over twenty-three years in prison for the 1991 rape and murder of Dana Ireland on the Big Island—a crime DNA evidence now conclusively shows was committed by another man, Albert Lauro Jr. Ian was a nurse at a Kaua‘i hospital when he was arrested. His brother, Shawn Schweitzer, was only sixteen years old when he was falsely implicated. Their convictions were overturned in 2023. Despite definitive proof of innocence, the Schweitzer brothers remain locked in litigation. Ian walked out of court after twenty-three years behind bars with no money, no job, and no resources. As he has said: “The state and county give me nothing, absolutely nothing. I didn’t even get a sorry yet.”

**Roynes Dural** was convicted of sexual assault in 2003 and served eight and a half years in prison. He was a twenty-seven-year-old Navy sailor who maintained his innocence throughout his incarceration, refusing plea deals that could have reduced his sentence. In 2019, the Hawai‘i Supreme Court set aside his conviction, and the case was dismissed with prejudice. In addition to the eight years in prison, Dural served eight more years on parole. In December 2025, after years of litigation against the Attorney General’s office, Dural finally settled his compensation claim for \$420,833—making him the first person in Hawai‘i’s history to receive compensation under a law that has been on the books for nearly a decade. As Roynes himself said: “It’s definitely not enough. Losing my family, losing loved ones, you can never get that back. Losing my career.”

**Gordon Cordeiro** spent thirty years in prison—sentenced to life without parole—for a 1994 murder on Maui that DNA evidence now shows he did not commit. His first trial ended in a hung jury with eleven of twelve jurors favoring acquittal. At his second trial, the State secured a conviction using the testimony of four jailhouse informants who fabricated evidence in exchange for reduced sentences. On February 21, 2025, his conviction was vacated after new DNA testing excluded him from the crime scene. Gordon’s mother died of ALS the same year he was incarcerated; his first act upon release was to visit her grave. Gordon now faces the prospect of rebuilding his life at age 51 with no compensation and no services from the State.

No statute can restore lost years and decades. But the State *can* decide whether to compound the injury with procedural resistance.

It is never too late to do the right thing. It is about time that the government of Hawai`i models the behavior that they expect from the people in their care and custody...honesty, admitting their wrongdoing, and adhering to our community values of forgiveness and caring for each other.

Passing this bill would be a start to somewhat ameliorate the harm caused by the state.

Mahalo for scheduling this important bill and considering our testimony.

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**TO:** Chair Della Au Belatti, Vice Chair Kim Coco Iwamoto, and Members of the Committee on Public Safety

**FROM:** Setsuko Regina Gormley, Esq.

**DATE:** 03/24/2026

**RE: SUPPORT for SB 3294, SD2, HD1, Relating to Wrongful Imprisonment.**

Dear Honorable Chair, Vice Chair, and Members of the Committee:

I submit this testimony in strong support of SB 3294, SD2, HD1. I am a solo practitioner on Maui and have practiced both family law and criminal defense law in Hawaii for almost twenty years. I am a volunteer attorney with the Hawaii Innocence Project.

For an innocent person, the nightmare does not end when the prison gates open. While Hawaii has existing laws to compensate those who have been wrongfully convicted, the current process is often marred by years of litigation and unnecessary delay. SB 3294, SD2, HD1 is a compassionate and common-sense fix that ensures the State meets its moral obligation to those it has failed.

**Alvin Jardine III** spent twenty years in prison for a 1990 Maui sexual assault after being convicted at his third trial—a crime he did not commit. Despite being excluded by DNA evidence in 2008 and having his conviction officially vacated in 2011, his ordeal did not end with his release. Instead, Jardine spent the next decade in a heartbreaking struggle against the State for the compensation he was owed. He re-entered society with nothing: no financial safety net, no institutional support, and the heavy psychological scars of two decades of wrongful incarceration. Though Jardine's plight eventually inspired the State Legislature to enact a compensation statute, the help came far too late. On December 27, 2025, Jardine was found dead in Haikū at the age of 56. He died homeless and destitute, never seeing a single dollar from the government that had stolen twenty years of his life. Today, as lawmakers finally move to approve a \$600,000 payout, his death stands as a devastating indictment of a system that offered him "justice" on paper but abandoned him in reality.

**Albert Ian Schweitzer** served over twenty-three years in prison for the 1991 assault and murder of Dana Ireland on the Big Island—a crime he did not commit. At the time of his arrest, Ian was a nurse on Kauai, and his sixteen-year-old brother, Shawn, was also wrongly accused. It wasn't until 2023 that their convictions were finally vacated. A year later, genetic genealogy experts identified the actual perpetrator as Albert Lauro Jr., a

local resident who took his own life after providing a DNA sample to the police. Despite this absolute proof of his innocence, Ian's struggle continues; he is currently embroiled in a legal battle with the Attorney General for restitution, with a trial not expected until early 2026. Having re-entered society with no financial support or official apology, Ian describes his situation as a total abandonment by the state and county.

**Roynes Dural**, a 27-year-old Navy sailor serving aboard the USS Port Royal, was convicted of sexual assault in 2003—a crime he did not commit. Arrested at Pearl Harbor following a post-9/11 deployment, Dural was sentenced to 20 years based solely on the uncorroborated testimony of a teenager and her mother. The conviction resulted in a dishonorable discharge, stripping him of a ten-year military career just as he was due for a promotion. Dural spent eight and a half years in an Arizona prison and another eight years on parole, steadfastly maintaining his innocence and passing a polygraph exam while behind bars. His path to justice was paved by the Hawaii Innocence Project, which uncovered startling new evidence: the mother's recantation, the accuser's own failed polygraph, and confessions from two other men regarding their involvement with the accuser. Ultimately, the Hawai'i Supreme Court vacated his conviction in 2019. In a historic turn in December 2025, Dural became the first individual in the state to receive compensation under its restitution statute, settling for \$420,833. Despite this, Dural remains clear that no sum can restore the career, family time, and years of life that were stolen from him.

**Gordon Cordeiro** was sentenced to life without parole and spent over thirty years in prison for a 1994 murder on Maui—a crime he did not commit, and which DNA evidence now shows he did not commit. His first trial ended in a hung jury with eleven of twelve jurors favoring acquittal. At his second trial, the State secured a conviction using the testimony of four jailhouse informants who fabricated evidence in exchange for reduced sentences. On February 21, 2025, Judge Kirstin Hamman vacated his conviction after new DNA testing excluded him from the crime scene, and after finding that the gunshot residue evidence did not meet current scientific standards. Gordon's mother died of ALS the same year he was incarcerated; his first act upon release was to visit her grave. I was part of his legal team that worked tirelessly to have his conviction vacated. His case is now up on appeal which further delays Gordon receiving any compensation. Gordon now faces the prospect of rebuilding his life at age 51 with no compensation and no services from the State.

### **I support this bill for these primary reasons:**

1. **Replacing “actual innocence” with “grounds consistent with innocence”:** The “actual innocence” standard has been the single greatest barrier to compensation in Hawai'i. No other state that has a compensation statute has been as ineffective as Hawai'i's. The “grounds consistent with innocence” standard is used in model legislation promoted by the national Innocence Project and adopted in other states. As the Hawai'i Supreme Court recognized in *Jardine v. Hawai'i*, 155 Haw. 60 (2024), this standard is “nearly impossible to satisfy” because “that is not the legal standard under which [a court] vacates a conviction or orders a new trial.”

2. **Immediate relief via advance compensation:** Currently, wrongfully convicted individuals may wait years for a final court judgment while struggling to afford basic necessities. They have no savings, no credit history, no employment, and often no identification. SD 2493, SD2, HD 1 reinstated the provision for advance compensation of \$5,000 per month upon release. I respectfully urge this Committee to keep this advance compensation mechanism to this bill. The Innocence Project's model compensation statute recommends immediate subsistence funds for exactly this reason. Multiple states, including Virginia and others that reformed their laws in 2024–2025, have introduced lump-sum or advance payment mechanisms. A monthly advance payment is modest and humane, and if deducted from the final award, creates no windfall. The stories set out below make painfully clear what happens when we delay financial assistance to exonerees.
3. **Interest on delayed payments:** This enforcement mechanism is necessary to prevent the delay of payments that has occurred for no reason other than to withhold payment. Wrongfully convicted individuals should not have to relitigate their case for years just to be compensated for years lost for a crime they did not commit.
4. **County reimbursement:** This puts financial accountability where misconduct has actually happened.
5. **Essential re-entry services:** Freedom alone is not enough to rebuild a life. By assigning a case manager and providing medical coverage, SB 3294, SD2, HD1 addresses the physical, mental, psychological, social, and logistical hurdles of re-entry. These services—including help with housing, ID, and employment—are the bare minimum we should provide to someone who has lost years of their life to a wrongful conviction. Individuals released through the normal parole process receive more transitional support than exonerees, who did nothing wrong. State ID should be provided upon release. **This needs to be reinstated.**
6. **Shifting the burden to the state:** We have seen one case where a wrongfully convicted individual, Alvin Jardine III, passed away before ever receiving the compensation he was owed. This is an injustice on top of an injustice. This bill streamlines the procedure, shifting the burden of proof to the State to show why a person *shouldn't* be compensated if their conviction was vacated on grounds consistent with innocence.
7. **The liberal construction clause:** The addition of a liberal construction clause ensures the law serves its purpose – to help those who have been wrongfully convicted. SB 3294, SD2, HD1 recognizes that when the State makes a mistake of this magnitude, it has a duty to make the victim whole as quickly and effectively as possible.
8. **Medical coverage for the duration of wrongful imprisonment:** Wrongful incarceration causes lasting physical and psychological harm. The trauma of imprisonment, the deprivation of adequate health care while incarcerated, and the stress of fighting for exoneration take a devastating toll. Providing medical coverage for a period equal to the wrongful imprisonment— including for spouses and dependents—is consistent with best practices in other jurisdictions and reflects the true scope of the harm the State has caused. **Medical coverage for**


**spouses and dependents needs to be reinstated.** Wrongful incarceration devastates entire families.

9. **Exclusive Remedy:** This provision was taken out and needs to be reinstated. This provision is necessary because 661B shall not preclude, limit, or prejudice any claims against any other person or entity. To ensure the integrity of this compensation, the award must remain immune to any third-party setoff, lien enforcement, or recoupment. Statutory compensation is intended as a reparative floor, establishing a baseline for the grave injustice suffered; it is not, and shall not be construed as, a liability ceiling. The State's fulfillment of its compensatory obligation must not preclude, limit, or prejudice the claimant's right to pursue full accountability from any other liable person or entity.

I urge this committee to pass SB 3294, SD2, HD1 including advance compensation. It is consistent with what other states are doing. The current law has failed. It failed Alvin Jardine, who died homeless after twenty years of wrongful imprisonment and a decade of futile litigation. It has failed Ian and Shawn Schweitzer, who are still waiting. It nearly failed Roynes Dural, whose settlement came only after years of resistance. Gordon Cordeiro is still waiting after thirty years of wrongful imprisonment.

Thank you for the opportunity to testify.

Sincerely,



Setsuko Regina Gormley, Esq.

Law Offices of Setsuko Regina Gormley, LLC  
Volunteer Attorney, Hawaii Innocence Project

**SB-3294-HD-1**

Submitted on: 3/21/2026 9:54:48 AM

Testimony for PBS on 3/25/2026 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sarah Cordeiro	Individual	Support	Remotely Via Zoom

Comments:

TO: Committee on Public Safety

FROM: Sarah Cordeiro

DATE: March 21, 2026

RE: SUPPORT for SB 3294, Relating to Wrongful Imprisonment.

Honorable Committee Members,

I am testifying in strong support of SB 3294.

For an innocent person, the nightmare does not end when the prison gates open. While Hawaii has existing laws to compensate those who have been wrongfully convicted, the current process is often marred by years of litigation and bureaucratic delay. SB 3294 is a compassionate and common-sense fix that ensures the State meets its moral obligation to those it has failed.

I support this bill for three primary reasons:

**Immediate Relief via Advance Compensation:** Currently, wrongfully convicted individuals may wait years for a final court judgment while struggling to afford basic necessities. This bill's provision for "advance compensation" provides a vital bridge, allowing these individuals to stabilize their lives immediately upon release rather than falling into poverty.

**Essential Re-entry Services:** Freedom alone is not enough to rebuild a life. By requiring the Department of Corrections and Rehabilitation to assign a case manager and providing medical coverage, SB 3294 addresses the physical, mental, and logistical hurdles of re-entry. These services—including help with housing, ID, and employment—are the bare minimum we should provide to someone who has lost years of their life to a wrongful conviction.

**Humanity Over Bureaucracy:** We have seen one case where a wrongfully convicted individual passed away before ever receiving the compensation they were owed. This is an injustice on top of an injustice. This bill streamlines the procedure, shifting the burden of proof to the State to show why a person shouldn't be compensated if their conviction was vacated on grounds consistent with innocence.

SB 3294 recognizes that when the State makes a mistake of this magnitude, it has a duty to make the victim whole as quickly and effectively as possible.

I urge this committee to pass SB 3294 and give certainty to both the State's budgeting process and, more importantly, to the lives of the innocent.

Thank you for the opportunity to testify.

Sincerely,

Sarah Cordeiro

Makawao, Hawaii

**SB-3294-HD-1**

Submitted on: 3/24/2026 7:50:37 AM

Testimony for PBS on 3/25/2026 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Gordon cordeiro	Individual	Support	Remotely Via Zoom

Comments:

My name is Gordon J. Cordeiro, and I was released on February 21, 2025.

When I was exonerated and released from prison, the Department of Public Safety gave me a 30-day supply of medication, walked me to the gate, opened it, and left me there alone. No plan. No support. Just a gate closing behind me and a world I was expected to survive in on my own.

In that first hour, I didn't even know where I would go or how I would get there.

I was lucky. My family was waiting. But I can't stop asking myself—what if they weren't? What would I have done in that moment, standing there with nowhere to go, nothing to eat, and no phone?

My sisters brought me clothes so I wouldn't walk out wearing prison clothes. My family gave me a cell phone so I could call for help. They gave me a ride. My father gave me a place to sleep. Without them, I would have been free—and completely abandoned.

They helped me apply for QUEST medical and SNAP. But how would I have done that alone? I had no real ID. No transportation. No money for a bus. No computer. No instructions. No one telling me where to start.

My sister took me to the DMV, where I was forced to put my prison address on my state ID. I used my father's car to take my driving test. Without family, there is no starting point.

And this isn't hypothetical. Alvin Jardine was released after being found innocent. He didn't have support. He didn't have money. He didn't have help. He became homeless—and he died. That is what happens when innocence is met with indifference.

If I hadn't had family, that could have been me. Innocent. Homeless. Hungry. Invisible.

I have been testifying at all the hearings and have heard the Attorney General's comments about advance payments. I respectfully believe she was mistaken. This bill does not authorize any compensation unless and until a petitioner is actually released. By that point, the case has been thoroughly reviewed by a judge. A petitioner must file an HRPP Rule 40 petition detailing the grounds for wrongful conviction. The State files an answer in opposition. A circuit court hearing is held where witnesses testify under oath. Only after reviewing the evidence and testimony does a judge determine whether the petitioner is actually innocent.

Only then would advance payments begin—and only for basic survival: food, shelter, transportation, and a phone.

It costs the State between \$65,000 and \$115,000 per year to incarcerate one person. That money is spent without hesitation. When the State has imprisoned someone for decades for a crime they did not commit, those years—and those taxpayer dollars—can never be recovered.

So why is \$5,000 a month, temporarily, for housing and basic necessities such a concern?

Advance payments are not a windfall. They are not a reward. They are not final compensation. They are a bridge between wrongful imprisonment and stability. Without that bridge, we are knowingly releasing innocent people into homelessness, unemployment, and crisis.

Just as important, this bill must restore critical legal protections that were removed. The current version eliminates third-party claim protections and anti-offset provisions. That is a serious problem.

The prior version made clear that accepting state compensation does not waive a person's right to pursue a federal civil rights claim under §1983 against the individuals or agencies responsible for their wrongful conviction. It also ensured that the Attorney General could not reduce or "offset" a federal recovery by the amount of state compensation awarded.

Those protections must be restored.

State compensation and federal civil rights claims serve entirely different purposes. State compensation acknowledges that the system failed and provides a measure of accountability for the years taken. A federal civil rights action addresses the specific misconduct that caused that wrongful conviction. One should never cancel out the other.

Without these protections, we are effectively forcing innocent people to choose between limited compensation and their full constitutional rights. It is pressure on innocent people to give up their rights just to survive.

In addition, medical coverage protections must be restored. The earlier version of this bill allowed medical coverage to extend to spouses and dependents. The current version removes that protection.

Wrongful incarceration does not just harm the individual—it devastates entire families. Spouses carry emotional and financial burdens for years. Children grow up without a parent. Families struggle to survive while fighting to prove their loved one's innocence.

And in many cases, the person who was wrongfully incarcerated was the one providing medical coverage for their family. When that person was taken, that coverage disappeared too. Doctor visits were delayed. Prescriptions went unfilled. Conditions went untreated. Small health problems became serious. Serious problems became life-threatening.

All because an innocent person was taken from them.

The harm didn't stop at conviction—and it doesn't end at release.

When that person finally comes home, they are not the only one trying to recover—their entire family is. Restoring medical coverage for spouses and dependents is not an extra benefit. It is a necessary step toward repairing the damage that was done.

Without it, we are leaving families to carry invisible wounds that may never heal.

This bill must also restore benefits continuity. The prior version ensured that any benefits a person qualifies for—such as medical coverage, food assistance, and other basic supports—would continue until they are able to become gainfully employed. The current version removes that protection.

That gap is dangerous.

No one walks out of prison after years or decades and immediately steps into stable employment. There is a gap—weeks, months, sometimes longer—where a person is trying to rebuild from nothing. During that time, those basic benefits are not a luxury; they are survival.

Without continuity, people can lose access to food, lose medical care, and lose stability before they ever have a real chance to stand on their own. It means someone can finally be free—and still go to bed hungry.

We should not be setting people up to fail in the very moment they are trying to rebuild their lives.

Benefits should not disappear the moment someone begins to move forward—they should remain until that person is truly stable and self-sufficient.

Change is not optional. It is necessary. When an innocent person is released, there must be immediate help. A case manager should be there before they walk out the gate. There must be emergency funds for food, clothing, and housing. A cell phone so they can call for help. Transportation so they can get to where they need to go.

Freedom without support is not justice. It is neglect.

We need to acknowledge when the system made a mistake, and we must also take responsibility for what happens next—because innocence should never come with a death sentence.

If a conviction is overturned due to actual innocence, the State must take responsibility beyond release—because justice does not end at the prison gate.

This is not about charity; it is about accountability. No innocent person should be released without the basic support needed to survive.

Because when the State takes years—decades—from an innocent person, it does not just take time. It takes birthdays. It takes families. It takes futures. And when that person is finally proven innocent, the State cannot simply open a gate and walk away.

I stood at that gate. I know what it feels like to be free and yet one step away from being lost. No one who is innocent should ever have to face that moment alone.

Justice is not just about correcting a wrongful conviction. Justice is about what happens next.

And once we know this happens, choosing not to fix it is a decision.

And if we fail in that moment—if we turn our backs when an innocent person needs help the most—then we are not delivering justice at all.

We are repeating the harm.

Please do not let that be the legacy of this system.

Please pass this bill—and make sure no innocent person is ever abandoned like this again.

**SB-3294-HD-1**

Submitted on: 3/20/2026 7:50:40 PM

Testimony for PBS on 3/25/2026 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
William Caron	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Members of the Committee,

I am writing in **strong support** of SB3294, a comprehensive and long-overdue measure to provide compensation and support to individuals who have been wrongfully convicted and imprisoned by the State of Hawai‘i. When the state gets it wrong—when an innocent person is convicted, incarcerated, and then exonerated—it has a moral and legal obligation to make them whole. This bill finally begins to fulfill that obligation.

**The Injustice of Wrongful Conviction Cannot Be Undone with an Apology**

Wrongful conviction is not a theoretical concern. In Hawai‘i and across the nation, innocent people have spent years—sometimes decades—behind bars for crimes they did not commit. The state took their freedom, their livelihoods, their relationships, and often their health. When a conviction is reversed on grounds consistent with innocence, a simple "we're sorry" is not enough. The state must provide the resources these individuals need to rebuild lives that were stolen from them.

SB3294 establishes a clear, compassionate, and efficient process for doing exactly that.

**What SB3294 Does**

This bill creates a comprehensive framework for supporting exonerees from the moment they are released:

- **Advance Compensation:** The bill requires the State to pay advance compensation to any petitioner who was convicted in a Hawai‘i court, imprisoned for at least one year, and whose judgment of conviction was reversed, vacated, or pardoned on grounds consistent with innocence. The Comptroller must issue a warrant for payment, ensuring that funds are delivered without unnecessary delay.
- **Case Management:** Recognizing that returning to society after years of wrongful imprisonment is an overwhelming challenge, the bill 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 each petitioner upon release. This case manager will help navigate housing, employment, healthcare, and

other essential needs.

- **Medical Coverage:** The state has a duty to address the physical and mental health consequences of wrongful imprisonment. SB3294 requires the State to provide medical coverage to exonerees for a specified duration following the reversal or vacation of their conviction.
- **Clear Procedures and Burden of Proof:** The bill establishes the procedure circuit courts shall follow upon the reversal or vacation of a conviction on innocence-related grounds. Importantly, it shifts the burden of proof to the State to prove by a preponderance of evidence that the reversal or vacation was inconsistent with innocence. This ensures that exonerees are not forced to prove their innocence all over again after the state has already released them.
- **Retained Jurisdiction:** The Judiciary and Department of Corrections and Rehabilitation retain jurisdiction over the person for the purposes of effectuating this process, ensuring continuity of care and support.
- **Reimbursement and Reporting:** The bill authorizes the State to seek reimbursement from applicable counties for any losses incurred, and requires the Department of the Attorney General to submit an annual report to the Legislature on the implementation of the program.

### **Why This Bill Is Necessary**

Currently, Hawai‘i lacks a comprehensive system for compensating the wrongfully convicted. Exonerees often leave prison with nothing—no money, no job, no housing, no healthcare, and no support network. The state that imprisoned them offers little more than the clothes on their backs. This is not justice. It is abandonment.

SB3294 recognizes that the harm of wrongful conviction extends far beyond the prison walls. Years lost cannot be returned, but the state can provide the resources to help exonerees build new lives. It can provide medical care for conditions that developed or worsened in custody. It can provide a case manager to help navigate a world that has moved on without them.

### **A National Model**

Comprehensive wrongful conviction compensation laws exist in states across the country. Hawai‘i has an opportunity to join them with a bill that goes beyond simple monetary compensation to include the wraparound supports that exonerees desperately need. The case management provision is particularly important—it acknowledges that money alone cannot solve the complex challenges of reentry after years of incarceration.

### **Conclusion**

When the state exercises its immense power to deprive someone of their liberty, it must accept the immense responsibility that comes with that power. When that power is exercised in error—when an innocent person is convicted and imprisoned—the state's responsibility does not end at the prison gate. It continues until that person is made whole to the greatest extent possible.

SB3294 honors that responsibility. It provides not just compensation, but comprehensive support. It treats exonerees not as a burden, but as people who have suffered a profound injustice at the hands of the state and deserve our help in rebuilding their lives.

I urge this committee to pass SB3294 and finally provide Hawai'i's wrongfully convicted with the justice they have been denied for far too long.

Mahalo for the opportunity to testify.

Aloha Chair Belatti, Vice Chair Iwamoto, and members of the PBS committee:

I'm writing in strong support of SB3294 SD2 HD1.

Simply put, this bill would help the state take the very minimal and decent step to right a wrong. The bill would help those who have been wrongfully imprisoned seek some modicum of restitution. Act 156, enacted in 2016, was meant to provide a pathway for restitution, but it has been a complete failure. Quoting from the Hawai'i Innocence Project's testimony on HB2493: "The reality has been devastating. According to the National Registry of Exonerations, of the thirty-eight states that have wrongful conviction compensation statutes, Hawai'i was the only state that had never paid a single claimant. It took nearly a decade—and the death of an exoneree—before the first payment was finally agreed to in late 2025."

The current interpretation of the Act that those who've been exonerated have to actually prove their innocence to obtain restitution goes against the fundamental principle of our judicial system: one is innocent until proven guilty. By definition, if one has been exonerated, then this person has NOT been proven guilty; and therefore, must be assumed to be innocent.

Again, since the current Act is being incorrectly interpreted or not being executed as intended or both, SB3294 SD2 HD1 is necessary for Hawai'i to be pono. Please pass this bill out of your committee.

Mahalo for the opportunity to testify.

Mahalo nui,  
Paul Bernstein  
Honolulu

**SB-3294-HD-1**

Submitted on: 3/22/2026 9:36:05 AM

Testimony for PBS on 3/25/2026 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Douglas Hagan	Individual	Support	Written Testimony Only

Comments:

My name is Doug Hagan, and I strongly support SB3294 SD2.

This bill is about doing what is simply right. Hawai‘i’s current law has failed—leaving wrongfully convicted individuals without meaningful restitution for years, even after their innocence is recognized.

Requiring exonerees to prove their innocence turns our justice system on its head. If a conviction is overturned on grounds consistent with innocence, the State must act accordingly.

SB3294 SD2 restores fairness, accountability, and basic decency. It helps ensure Hawai‘i is truly pono.

Please pass this measure.

Mahalo,  
Doug Hagan

## SUPPORT FOR SB 3294 HD1

House Committee on Public Safety  
SB3294 HD1 Hearing on March 25, 2026 at 10:00 am  
Conference Room 411 and videoconference

My name is John Kawamoto, and I support SB 3294 HD1.

This bill corrects an egregious flaw in Hawaii's wrongful conviction compensation statute. The intent of the statute is to provide a fair and accessible avenue of redress for those who are wrongfully convicted and imprisoned by the State. However, the statute is not fulfilling its intent.

Thirty-eight states have adopted wrongful conviction compensation statutes, and Hawaii is the only state where nothing has been paid to claimants. Recent cases highlight the shortcomings of Hawaii's statute. For example, Alvin Jardine was wrongfully convicted of sexual assault. He spent 20 years in prison before his conviction was vacated. DNA testing showed that he could not have been the perpetrator. The wrongful conviction wrecked his life. After being discharged from prison he spent the next 10 years trying to receive compensation from the State. He never received any compensation and died homeless.

Also testifying in support of this bill is an attorney who initially drafted Hawaii's wrongful conviction compensation statute. To his credit, he has realized flaws in the statute and is now supporting this bill to correct them.

It should be noted that none of those who have opposed this bill have offered a better solution.

For the foregoing reasons, I urge the committee to pass this bill.

**SB-3294-HD-1**

Submitted on: 3/23/2026 9:42:57 AM

Testimony for PBS on 3/25/2026 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Barbara Polk	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Belatti, Vice Char Iwamoto and Members of the House Committee on Public Safety:

I strongly support SB3294 SD2 HD1. When I read of people waiting months or years for compensation for having been falsely imprisoned, it makes me sick to my stomach. What kind of "justice" have we had? This bill corrects that by guaranteeing that people in that situation will get immediate compensation for the failures of our system.

My only question is: why is compensation restricted to those held for a year or longer? Research has shown that even one day of incarceration, especially when the person is innocent, has serious mental and other effects on the person's life. There should, ideally, be compensation to every innocent person incarcerated.

However, please pass this bill as a step forward.

**SB-3294-HD-1**

Submitted on: 3/23/2026 11:03:08 AM

Testimony for PBS on 3/25/2026 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Carolyn Eaton	Individual	Support	Written Testimony Only

Comments:

Aloha, Chair Belatti, Vice Chair Iwamoto, and Members of the Committee,

My name is Carolyn Eaton. I am a resident of Honolulu, and very pleased today to acknowledge supporting Rep. Belatti at the polls over the years.

This bill has become stronger as a result of the work of House committees, both Committee on Public Safety and Committee on Judiciary and Hawaiian Affairs. This must be the year our State Legislature sends to Governor Green a measure which acknowledges and moves to compensate wrongs done to innocent individuals. The details incorporated in the measure allow for easing the reentry of a wrongly convicted individual, providing advance compensation, health care and case management by a community-based agency.

In recent history we find just a handful of examples of the the State's shameful failures to support individuals incarcerated over decades of their lives, finally exonerated and released, but never given an apology and assistance.

While there are surely other examples never put right before the age of DNA testing, innocent individuals convicted and held by the State over years, now is the time to acknowledge fallibility and address, examine, any prosecution which resulted in conviction of an individual ultimately found to be innocent.

Mahalo for the hope this bill provides to bring our State into an era of greater humanity.

**TO:** Chair Della Au Belatti, Vice Chair Kim Coco Iwamoto, and Members of the Committee on Public Safety.

**FROM:** Denise Cordeiro

**DATE:** March 23, 2026

**RE: Testimony in Strong Support of SB 3294, SD2, HD1 (HSCR1267-26), With Requested Restorations**

Dear Honorable Chair, Vice Chair, and Members of the Committee:

I write in strong support of SB 3294, SD2, HD1 (HSCR1267-26).

This measure represents meaningful progress toward creating a fair, functional, and accountable system for compensating individuals who have been wrongfully convicted and incarcerated.

HD1 contains several critical improvements that deserve recognition and preservation.

First, the restoration of advance compensation is essential. Providing \$5,000 within five business days of release and \$5,000 on the first of each month thereafter — capped at one year's total compensation and deducted from the final award — ensures immediate stability without creating any windfall. Importantly, if a petition is later denied, the individual is not required to repay the advance. This structure acknowledges the urgent needs of exonerees at the moment of release, when they often have no housing, no income, and no support network.

Second, the move to community-based case management is a major improvement. Contracting with a community-based agency through DHS to assign case managers reflects best practices. Community organizations are better equipped than internal state structures to provide trauma-informed, culturally competent, and practical reentry support.

Third, the addition of county reimbursement authority is significant. Allowing the State to seek reimbursement from the county whose prosecutors or law enforcement caused the wrongful conviction introduces long-overdue financial accountability. Responsibility should follow misconduct.

Fourth, the provision requiring interest on delayed payments is an important enforcement mechanism. Compensation delayed is justice denied. Interest accrual creates a necessary incentive for timely compliance.

Fifth, the enhanced annual reporting requirements increase transparency by requiring disclosure of whether compensation was actually paid and when it was disbursed. Public accountability matters.

Finally, jurisdictional continuity retained by the judiciary and DCR ensures that cases do not fall into procedural gaps and that implementation is monitored to completion.

While HD1 is strong, several important protections included in SD2 were removed and should be restored in conference.

Most critically, the removal of third-party claims and anti-offset protections must be addressed. The prior language made clear that accepting state compensation does not waive the right to pursue a federal civil rights claim under 42 U.S.C. §1983 against individual officers, prosecutors, or agencies responsible for the wrongful conviction — and that the Attorney General cannot offset a federal recovery against state compensation. State compensation and federal civil rights claims serve distinct purposes and must remain independent. One should never cancel out the other.

The removal of medical coverage for spouses and dependents should also be reconsidered. Wrongful incarceration devastates entire families, not just the person imprisoned. The impact is intergenerational and systemic. Family stabilization is part of meaningful reentry.

Similarly, the removal of benefits continuity protections is concerning. SD2 ensured that eligible benefits would continue until the exoneree becomes gainfully employed. HD1 omits this safeguard. Reentry stability requires consistent support during transition.

Finally, while HD1 assigns the responsibility for securing a state ID to a case manager, SD2's direct mandate to provide a state ID upon release offered greater certainty without delay. Identification is foundational to employment, housing, and access to services. This requirement should be strengthened.

It is worth noting that the removal of the abatement-on-death provision is appropriate. Given documented delays in prior cases, allowing claims to die with the claimant would have incentivized delay and undermined justice.

In summary, SB 3294, SD2, HD1 makes meaningful progress by restoring advance compensation, strengthening accountability, and improving implementation. I respectfully urge the Legislature to pass this bill while restoring the SD2 protections related to third-party claims, anti-offset safeguards, family medical coverage, benefits continuity, and guaranteed identification upon release.

Justice delayed has already taken years from these individuals. This bill is an opportunity to ensure that justice delivered is real, enforceable, and humane.

Thank you for your consideration and commitment to fairness and accountability.

Respectfully submitted,

Denise Cordeiro

**SB-3294-HD-1**

Submitted on: 3/24/2026 8:11:09 AM

Testimony for PBS on 3/25/2026 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Noel Morin	Individual	Support	Written Testimony Only

Comments:

Dear Chair Belatti, Vice Chair Iwamoto, and Committee Members,

I support SB3294 SD2 HD1.

What would any of us expect if we were wrongfully imprisoned? Answer: What this measure enables.

We could argue that the measure should go further, but this is a start.

Sincerely,

Noel Morin  
Climate, Sustainability, and Resilience Advocate  
Hilo, Hawai'i

**SB-3294-HD-1**

Submitted on: 3/24/2026 10:18:18 AM

Testimony for PBS on 3/25/2026 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Samuel M Mitchell	Individual	Support	Written Testimony Only

Comments:

Please pass this bill

SamuelMitchell Makiki NB-10 & NARFE Hawaii