



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

Testimony to the Thirty-Third Legislature, 2026 Regular Session

Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

Senate Committee on Ways and Means
Senator Donovan M. Dela Cruz, Chair
Senator Sharon Y. Moriwaki, Vice Chair

Wednesday, March 4, 2026, 10:35 a.m.
State Capitol, Conference Room 211 & Via Videoconference

By

Jennifer Awong
Staff Attorney, Circuit Court of the First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 3294, Senate Draft 1, Relating to Wrongful Imprisonment.

Purpose: Establishes 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. Requires 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. Requires 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. Clarifies that any benefits that a petitioner is qualified for, including any benefits under chapter 346, HRS, continue until the petitioner is gainfully employed or no longer qualifies for the benefits. Requires the Department of Corrections and Rehabilitation to provide a state identification card to a petitioner upon release. Requires the Department of the Attorney General to submit an annual report to the Legislature. Clarifies 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. Requires 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. Effective 1/1/2525. (SD1)

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.

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...") appear to 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-3.¹ These ultimate findings should have a full and fair hearing under the provisions of H.R.S. §§ 661B-1 – 3.² 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 when a conviction is reversed or vacated by the appellate court. It is apparent 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 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.³

¹ 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.

² 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).

³ 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, SD 1, Relating to Wrongful Imprisonment
Senate Committee on Judiciary
Senate Committee on Ways and Means
Wednesday, March 4, 2026 at 10:35 a.m.
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Thank you for the opportunity to testify on this measure.

JOSH GREEN, M.D.
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STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF HUMAN SERVICES
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TRISTA SPEER
DEPUTY DIRECTOR
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March 3, 2026

TO: The Honorable Senator Karl Rhoads, Chair
Senate Committee on Judiciary

The Honorable Senator Donovan M. Dela Cruz, Chair
Senate Committee on Ways & Means

FROM: Ryan I. Yamane, Director

SUBJECT: **SB 3294 SD1 – RELATING TO WRONGFUL IMPRISONMENT.**

Hearing: March 4, 2026, 10:34 a.m.
Conference Room 211 & Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent of the measure and provides comments on relevant parts. DHS defers to the Department of the Attorney General and the Department of Corrections and Rehabilitation (DCR) on parts relevant to each department. DHS requests that any appropriations not reduce or replace priorities identified in the executive budget.

DHS provides comments regarding proposed subparagraph (2), page 6, lines 1-4, describing the Court order to DCR to alert DHS so that DHS may assign a case manager to the person upon reversal or vacation of a judgment or conviction on grounds consistent with innocence, and where the charges were dismissed, and at page 7, starting at lines 17-14. DHS does not currently have case managers available to assist individuals who were wrongly convicted and to provide the case management services described on page 8, lines 4-14. DHS

social workers respond to reports of child and adult abuse or neglect, and DHS does not have the current capacity to expand the responsibilities of DHS protective services social workers.

Depending on the projected number of individuals to whom the measure may apply, DHS respectfully suggests that the Legislature consider a Chapter 42F, Hawaii Revised Statutes, Grant-in-Aid process to provide funds to community-based organizations that work with and support individuals reentering society from an institutional setting and who provide the described case management support.

DHS has contracts with community-based organizations that provide outreach services to assist with benefit applications, but not necessarily the kind of case management services described in the measure. To provide case management services as proposed would require a general fund appropriation to contract for those services; however, DHS would first confer with DCR to avoid duplicating services it already provides to the reentry population, as DHS does not currently contract for case management services targeted at the reentry population. If there is an estimate of the number of individuals this bill may affect annually, DHS will update this testimony with additional resources to develop contracts or modify existing outreach contracts to meet this population's needs.

DHS requests clarification regarding continuing benefits under Chapter 346, Hawaii Revised Statutes, as described on page 9, lines 19 through page 10, line 2. Program eligibility requirements are already set forth in various laws and regulations, and generally continue if the individual continues to meet eligibility criteria. The proposed language is not necessary.

Of note, other than the federal Supplemental Nutrition Assistance Program (SNAP) benefits, there are no cash assistance programs for single adults who are able to work. Also, the federally funded SNAP program and soon the Medicaid program both include work or "community engagement" requirements for certain recipient groups. If the person is required to meet a work or "community engagement" requirement to maintain SNAP and Medicaid, this proposed measure cannot alter those eligibility requirements. Initially, certain exemptions may apply for individuals who were institutionalized prior to application.

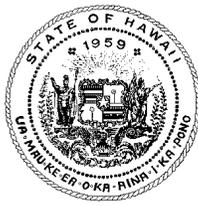
The state-funded General Assistance and Aged Blind and Disabled programs provide financial assistance to temporarily disabled individuals or to individuals aged, blind, and disabled who do not qualify for federal benefits through the Social Security Administration. If

the person is seeking employment and able to work, they would not necessarily be eligible for these programs.

If the Legislature is intent on providing cash assistance, there would need to be a general fund appropriation for the benefit and administrative resources to establish a new program that would most likely be facilitated by contract.

DHS is working with DCR to facilitate Medicaid applications and is in the final stages of planning pre-release Medicaid-sponsored services for eligible individuals within 90 days of their anticipated release date. DHS is also piloting an effort on Oahu to assist individuals reentering from two state correctional facilities with financial and SNAP applications. DHS is also piloting a visitation and family resource center at the Waiawa Correctional Facility and can discuss opportunities with the pilot contractor and the Warden that may align with this measure.

Thank you for the opportunity to provide testimony 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



Rehabilitation Services
and
Programs

No. _____

LATE TESTIMONY

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

by

Tommy Johnson, Director
Department of Corrections and Rehabilitation

Senate Committee on Ways and Means
Senator Donovan M. Dela Cruz, Chair
Senator Sharon Y. Moriwaki, Vice Chair

AND

Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

Wednesday, March 4, 2026; 10:35 a.m.
State Capitol, Conference Room 211 & via Videoconference

Chairs Dela Cruz and Rhoads, Vice Chairs Moriwaki and Gabbard, and Members of both Committees:

The Department of Corrections and Rehabilitation (DCR) **supports the intent** of Senate Bill (SB) 3294, Senate Draft (SD) 1, relating to wrongful imprisonment; however, DCR submits comments regarding Section 2 on page 9, Lines 8 – 18. Specifically, 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 we keep records of our attempts to encourage and assist individuals in these areas for future reference.

Senate Bill 3294, SD1 Relating to Wrongful Imprisonment.
March 4, 2026
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Thank you for the opportunity to provide testimony in **support of the intent** of
SB 3294, SD1.

**DEPARTMENT OF THE PROSECUTING ATTORNEY
KA 'OIHANA O KA LOIO HO'OPI'I
CITY AND COUNTY OF HONOLULU**

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**THE HONORABLE DONOVAN M. DELA CRUZ, CHAIR
SENATE COMMITTEE ON WAYS AND MEANS
AND
THE HONORABLE KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY
Thirty-Third State Legislature
Regular Session of 2026
State of Hawai'i**

March 03, 2026

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

Chair Dela Cruz and Chair Rhoads, Vice-Chair Moriwaki and Vice Chair Gabbard, and members of the Senate Committees on Ways and Means and Judiciary, 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.1.

The Department appreciates the intent behind S.B. 3294, S.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.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.

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. 1. Thank you for the opportunity to provide written testimony on this matter.

COMMUNITY ALLIANCE ON PRISONS

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Today's Inmate; Tomorrow's Neighbor



COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

COMMITTEE ON WAYS AND MEANS

Senator Donovan DelaCruz, Chair

Senator Sharon Moriwaki, Vice Chair

Wednesday, March 4, 2026

10:35 AM

Room 211 and VIDEOCONFERENCE

STRONG SUPPORT FOR SB 3294 - WRONGFUL CONVICTIONS & IMPRISONMENT

Aloha Chairs Rhoads and DelaCruz, Vice Chairs Gabbard and Moriwaki, and Members of the Committees!

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 3,669 Hawai`i individuals living behind bars¹ and under the "care and custody" of the Department of Corrections and Rehabilitation on February 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.

¹ DCR Weekly Population Report, February 16, 2026

[Pop-Reports-Weekly-2026-02-16.pdf](#)

Community Alliance on Prisons is grateful for both JDC and WAM for scheduling this important and overdue bill.

In 2016, Hawai`i passed a state law to compensate those wrongfully convicted with up to \$50,000 for every year they spent behind bars. Sadly, this bill didn't help Alvin Jardine because it required him to prove he is "actually innocent."² The Maui prosecutor fought this case and Mr. Jardine who spent over 20 years in prison and he died homeless ... and innocent, since DNA found at the scene of the crime was not his.

Defense attorneys and even state supreme court justices have said that standard is nearly impossible to meet. "We don't have any case law that talks about actual innocence," said William Harrison, who represents a man who has been seeking compensation for four years since his sexual assault convictions were vacated. "When you go to trial, it's either you're guilty or not guilty."

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](#)**. But he **characterized Hawai'i's law as more stringent than many states.**

Frederic Block, a federal district judge for the Eastern District of New York, wrote an article in 2018 that was published by The Marshall Project³:

"Prosecutors responsible for the wrongful conviction have neither been held criminally nor civilly responsible for their shameful conduct."

It is never too late to do the right thing. We are glad that Mr. Jardine's daughter, who was an infant when he went to prison, will receive the proposed funds for Alvin Jardine's wrongful conviction and incarceration.

Again, mahalo for scheduling this important bill and considering our testimony.

² **Hawai`i Wrongly Jailed Him for 20 years. Reparations Came Too Late.**

<https://www.civilbeat.org/2026/02/hawaii-wrongly-jailed-him-for-20-years-reparations-came-too-late/>

³ **Let's Put an End to Prosecutorial Immunity** by Judge Frederic Block, March 13, 2018

Published by The Marshall Project

<https://www.themarshallproject.org/2018/03/13/let-s-put-an-end-to-prosecutorial-immunity>

TO: Chair Rhoads, Vice Chair Gabbard, and Members of the Committee on Judiciary, and Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Committee on Ways and Means.

FROM: Setsuko Regina Gormley, Esq.

DATE: 02/16/2026

RE: SUPPORT for SB 3294, SD1, Relating to Wrongful Imprisonment.

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

I submit this testimony in strong support of SB 3294, SD1. 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, SD1 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 exonerated 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.

Royne 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 five 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 included a provision for advance compensation of \$5,000 per month upon release. This provision does not appear in SB 3294, SD1. I respectfully urge this Committee to add an 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. **Essential re-entry services:** Freedom alone is not enough to rebuild a life. By assigning a case manager and providing medical coverage, SB 3294, SD1 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.
4. **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.
5. **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, SD1 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.
6. **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.

I urge this committee to pass SB 3294, SD1 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

HAWAI‘I INNOCENCE PROJECT

William S. Richardson School of Law
University of Hawai‘i at Mānoa
2515 Dole Street, Honolulu, HI 96822

TO: Senate Committee on Judiciary
Senate Committee on Ways and Means

FROM: Kenneth L. Lawson, Co-Director, Hawai‘i Innocence Project

RE: **SB 3294, SD1 – RELATING TO WRONGFUL IMPRISONMENT**

POSITION: STRONG SUPPORT

I. Introduction

The Hawai‘i Innocence Project (“HIP”) strongly supports SB 3294, SD1, which makes critical and long-overdue reforms to Hawai‘i’s wrongful conviction compensation statute, Chapter 661B, Hawai‘i Revised Statutes. I submit this testimony in my capacity as Co-Director of HIP, a legal clinic and nonprofit at the William S. Richardson School of Law at the University of Hawai‘i at Mānoa. HIP is a member of the Innocence Network, a global collection of organizations dedicated to freeing the wrongfully convicted and reforming the justice system to prevent future injustice.

I also submit this testimony as someone who served on the task force that helped draft the original wrongful conviction compensation bill that became Act 156, Session Laws of Hawai‘i 2016, along with HIP co-founder William “Bill” Harrison. We believed we were building a meaningful avenue of redress. Nearly ten years later, the record shows that the statute has not functioned as intended.

SB 3294, SD1 is not a new policy experiment. It is a structural repair.

II. Hawai‘i’s Compensation Statute Has Functionally Failed

When our task force drafted the original compensation bill, the intent was straightforward: provide a fair and accessible avenue of redress for those wrongfully convicted and imprisoned by the State. The Legislature recognized this purpose when it enacted Act 156 in 2016, finding that the wrongfully convicted “deserved an avenue of redress over and above the existing tort remedies.”

For nearly a decade after enactment, Hawai‘i paid no one. According to the National Registry of Exonerations, of the thirty-eight states with 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 central structural defect has been the “actual innocence” requirement. As the Hawai‘i Supreme Court explained in *Jardine v. Hawai‘i*, 155 Haw. 60 (2024), this standard is “nearly impossible to satisfy” because courts do not vacate convictions under an “actual innocence” legal standard. The statute demanded language that trial courts were not authorized to use. That disconnect created a legal impossibility.

SB 3294, SD1 corrects this by adopting the “grounds consistent with innocence” standard—language aligned with national Innocence Project model legislation and already implicitly endorsed by the Hawai‘i Supreme Court’s reasoning. This is doctrinal coherence, not leniency.

III. Why Burden Shifting Is Constitutionally and Structurally Necessary

Under current law, an exoneree must prove eligibility, prove innocence again, and litigate against the full resources of the State. That posture inverts fundamental fairness.

Once a conviction has been vacated on grounds consistent with innocence and charges dismissed, the presumption should favor the exoneree. SB 3294, SD1 correctly places the burden on the State to prove—by a preponderance of the evidence—that the vacatur was inconsistent with innocence. This is modest. It is not clear-and-convincing. It is not beyond a reasonable doubt. It is the civil standard.

The State, not the exoneree, has investigative resources, subpoena power, and institutional continuity. Requiring the wrongfully convicted to relitigate their innocence after the judiciary has already vacated their conviction imposes a second trial for freedom. Across the country, the Innocence Project and Network partners have advocated for precisely this kind of burden-shifting, and multiple states have adopted it. SB 3294, SD1 restores equilibrium.

IV. Streamlined Procedure at the Time of Vacatur

Section 661B-B of the bill establishes a clear, efficient procedure for the court to follow at the time a conviction is reversed or vacated. Rather than forcing exonerees into a separate, prolonged compensation proceeding, the court that reverses or vacates the conviction can make the necessary findings and order the award at that time. This is a critical reform.

Under the current system, exonerees have been subjected to years of additional litigation after their convictions were already overturned. The bill wisely preserves the petitioner’s right to seek relief later if they choose not to do so at the time of reversal or vacation, ensuring that no one is forced into a premature decision.

V. Immediate Support Upon Release Is Not a Windfall—It Is Survival

When an innocent person leaves prison, they leave with nothing: no money, no housing, no employment, often no valid identification, and untreated medical and psychological trauma. Advance compensation and case management are not generosity. They are stabilization mechanisms.

SB 3294, SD1's requirements regarding DHS notification, case management, state identification upon release, medical coverage, and continuity of benefits are baseline reintegration protections. They mirror reentry services routinely provided to individuals leaving incarceration after lawful convictions. It is difficult to justify denying similar support to those the State wrongfully imprisoned.

Recommendation: Restore Advance Compensation. HIP notes that the companion bill, HB 2493, includes a provision for advance compensation of \$5,000 per month upon release. This provision does not appear in SB 3294, SD1. HIP respectfully urges this Committee to add an 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.

VI. The Attorney General's Office Has Actively Obstructed Compensation

This Committee should be aware that the single greatest institutional obstacle to wrongful conviction compensation in Hawai'i has not been the statute alone—it has been the Department of the Attorney General, which has aggressively fought every compensation claim filed under Chapter 661B. This pattern of obstruction is a key reason why SB 3294, SD1's reforms—particularly the burden-shifting and streamlined procedure provisions—are so critical.

In case after case, the Attorney General's office has contested claims for compensation even where the county prosecutors who actually tried the cases have stipulated—that is, formally agreed—to the newly discovered evidence of innocence.

In the Schweitzer brothers' case, HIP and the national Innocence Project entered into a Conviction Integrity Agreement with the Hawai'i County Prosecuting Attorney's Office in 2019, under which the parties worked collaboratively to re-investigate Dana Ireland's murder. That re-investigation led to Joint Stipulated Facts in which the prosecution agreed that DNA testing showed that a single unknown male was the source of semen recovered from the victim; that Schweitzer, his brother, and Frank Pauline were all excluded as the source of this DNA; that the bite mark evidence had been discredited by modern forensic science; and that the tire track evidence was inconsistent with the Schweitzers' vehicle. In 2024, HIP's genetic genealogy expert identified the unknown male as Albert Lauro Jr., who lived near the crime scene. Despite this overwhelming, stipulated evidence of innocence, both the Hawai'i County Prosecuting Attorney's Office—the very office that stipulated to the evidence—and the Attorney General's office have continued to contest the Schweitzers' compensation claims, forcing them into prolonged litigation more than three years after Ian Schweitzer walked out of prison.

Similarly, in Gordon Cordeiro's case, HIP attorneys and the Maui County Prosecutor filed Joint Stipulated Facts in which the prosecution agreed that modern DNA testing eliminated Cordeiro as a contributor to the DNA on every single item of crime scene evidence tested; that an unknown male's DNA was found inside the victim's pockets, directly contradicting the prosecution's trial theory; and that the gunshot residue evidence used at trial does not meet

current scientific standards. The court vacated Cordeiro's conviction. Yet the Maui County Prosecuting Attorney's Office has appealed the court's decision to vacate—despite having stipulated to the very evidence on which the court based its ruling.

In Alvin Jardine's case, the Attorney General's office argued for years that the DNA evidence excluding Jardine from the crime scene did not prove his actual innocence, even though his conviction had been vacated and charges dismissed. The AG's office forced Jardine through nearly a decade of litigation, during which time he descended into homelessness and ultimately died without compensation.

The structural problem is clear: the State has unlimited resources; exonerees have none. Delay costs the State nothing; delay costs exonerees everything. SB 3294, SD1 directly addresses this. By shifting the burden of proof, requiring immediate findings at the time of vacatur, and mandating annual reporting to the Legislature, this bill removes the incentive for the Attorney General's office to engage in delay-as-strategy. Transparency alters incentives.

VII. The Human Cost

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 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."

Royne 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 decades. But the State can decide whether to compound the injury with procedural resistance.

VIII. Why Every Provision of SB 3294, SD1 Is Necessary

Liberal construction clause. The addition of a liberal construction provision is essential. For nearly ten years, the Attorney General’s office has interpreted Chapter 661B in the narrowest possible manner, erecting procedural barriers at every stage. A liberal construction clause sends a clear legislative message: this law exists to help the wrongfully convicted, and it should be interpreted accordingly.

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.

Annual reporting requirement. Transparency and accountability are critical. The annual report requirement ensures that the Legislature can monitor implementation and identify any ongoing barriers to compensation. Given the history of delay and obstruction, this oversight mechanism is not merely helpful—it is necessary.

IX. National Context: Hawai‘i Must Catch Up

Thirty-nine states and the District of Columbia now have compensation statutes. The Innocence Project recommends a minimum of \$70,000 per year of wrongful incarceration. States like Texas provide \$80,000 per year plus lifetime annuity payments, job training, tuition credits, and medical treatment. Oklahoma raised its compensation to \$50,000 per year in 2025. Florida expanded eligibility and extended the filing window. Virginia introduced lump-sum payments for immediate financial relief. Maryland reformed its process to require the state to notify exonerees of their rights. Across the country, the trend is unmistakable: states are strengthening

their compensation laws, removing barriers to relief, and providing more comprehensive support to exonerees.

Hawai‘i remains at \$50,000 per year and has historically paid almost no one. SB 3294, SD1 does not even raise the compensation rate. It simply makes the existing compensation accessible. This bill brings Hawai‘i into alignment with national best practices. It does not exceed them.

X. Anticipating Fiscal Concerns

Two points are important. First, wrongful conviction claims are rare. Second, delayed litigation increases cost, not decreases it. Extended adversarial proceedings generate attorney fees, court costs, expert expenses, and years of administrative overhead. Efficient resolution reduces total fiscal exposure. More importantly, it prevents the reputational cost of being the only jurisdiction that compensates no one.

XI. Conclusion

I helped draft the original compensation bill because I believed Hawai‘i could and should do right by those it wrongfully imprisons. Bill Harrison and I, along with the entire HIP team, have spent years fighting not only to free innocent people from prison but also to ensure they receive the support they need and deserve upon release.

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 wait years after their exoneration with nothing from the State. It nearly failed Roynes Dural, whose settlement came only after years of resistance.

The Legislature made a promise in 2016: that those wrongfully convicted deserve an avenue of redress above ordinary tort remedies. Justice delayed for nearly ten years is not neutral policy. It is structural failure. SB 3294, SD1 corrects that failure.

I urge this Committee to pass SB 3294, SD1. We cannot afford to let another person die waiting for justice that never comes.

Kenneth Lawson

Kenneth L. Lawson
Co-Director, Hawai‘i Innocence Project
Faculty Specialist, William S. Richardson School of Law
University of Hawai‘i at Mānoa
Board of Directors, National Innocence Network

SB-3294-SD-1

Submitted on: 3/2/2026 1:27:00 PM

Testimony for JDC on 3/4/2026 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Paul Bernstein	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads, Chair Dela Cruz, and members of the JDC and WAM committees:

I'm writing in strong support of SB3294 SD1.

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 SD1 is necessary for Hawai'i to be pono.

Please pass SB3294 SD1 out of your committees.

Mahalo for the opportunity to testify.

Mahalo nui,

Paul Bernstein

Honolulu

To: Senator Donovan M. Dela Cruz, Chair
Senator Sharon Y. Moriwaki, Vice Chair
Committee on Ways and Means

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Committee on Judiciary

From: Veronica Moore, Individual Citizen

Date: March 3, 2026

RE: Senate Bill 3294 SD1
Measure Title: RELATING TO WRONGFUL IMPRISONMENT.
Report Title: AG; DCR; DHS; Wrongful Conviction and Imprisonment;
Compensation; Annual Report

To All Concerned,

My name is Veronica Moore and I support Senate Bill 3294 SD1. Thank you for your consideration.

Sincerely,

Veronica M. Moore

SB-3294-SD-1

Submitted on: 3/3/2026 8:16:45 AM

Testimony for JDC on 3/4/2026 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Gordon cordeiro	Individual	Support	Written Testimony Only

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, and left me there. No plan. No support. Just a gate closing behind me and a world I was expected to survive in on my own.

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, how does someone even begin to rebuild their life?

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 testified at the House hearing in February and 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 over \$100,000 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.

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.

I am strongly in support of this bill, and I respectfully ask this committee to advance it

SB-3294-SD-1

Submitted on: 3/3/2026 9:49:12 AM

Testimony for JDC on 3/4/2026 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Carolyn Eaton	Individual	Support	Written Testimony Only

Comments:

Aloha, Chairs Dela Cruz and Rhoads, Vice Chairs Moriwaki and Gabbard,

My name is Carolyn Eaton. I am a resident of Honolulu and I strongly support this measure. Our neglect to provide such support to wrongfully imprisoned individuals until today, is a grave error.

Mahalo for you attention to this issue with its aspect of State moral responsibility.

Naomi Aloy
39 Hoomoku Loop
Kahului, HI 96732

LATE

Aloha all,

I am writing on behalf of my deceased brother Alvin Jardine III. He was crucified by the Justice system of the State of Hawaii for a crime he did not commit. He was sent to several prisons during his incarceration of twenty Long years! The bill that you are trying to pass does not even touch on the value of his lost time with his family or his daughter. The career he could have had.

You're basically just trying to make legal what you already did to him. This bill is a joke. The system said, "our bad, sorry for all your heartache, lost time with your family, don't let the door slap you on the butt on the way out!" You provided him with welfare, medical for a short term and that was it!

My brother Alvin had zero life skills! He didn't know how to balance a check book! You didn't teach him about budgeting and planning; he didn't even have a single solitary skill to offer an employer! His opportunity for growth was stolen by the State of Hawaii for rape that he did not even commit. That was wrongful prosecution.

This bill needs to be redone. It's not fair and it's wrong. Recently on the news a man who went to jail by our justice system for two years after saying he wasn't the right man. Just was awarded 2 million dollars. One of those came from the State. Somebody help me do the math because my brother sat in there for 20 (twenty) long years.

This does not consider the economy. Would he have had a raise in 20 years? I started twenty years ago at my job at 9 (nine) plus dollars. I am almost at 40.00 (forty) now. That's the economy. Be realistic when you do math. No one makes 50,000 a year for 20 years straight.

Please do the right thing. Make things right for all the brothers out there that lost years of their lives living in a tiny jail cell. You are in a unique position to make a difference. Please don't fail us.

Naomi Aloy

LATE

SB-3294-SD-1

Submitted on: 3/3/2026 5:16:33 PM

Testimony for JDC on 3/4/2026 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Dawn Dural	Individual	Support	Written Testimony Only

Comments:

Testimony in Strong Support

Relating to Wrongful Imprisonment

Submitted by: Dawn M. Dural

Hearing Date: March 4, 2026

Chair, Vice Chair, and Members of the Committee,

My name is Dawn Dural, and I submit this testimony in strong support of this measure relating to wrongful imprisonment and the support and procedures provided to individuals whose convictions are reversed or vacated on grounds consistent with innocence.

I speak to you not only as a member of the public, but as the spouse of Roynes Dural, a man who spent sixteen years fighting to prove his innocence after being wrongfully convicted. Even after his exoneration, it took five additional years seeking accountability and recognition of the injustice that had occurred. In total, twenty-two years of our lives were consumed by a wrongful conviction that never should have happened.

Twenty-two years is not simply a number.

It represents children growing up without their father, a distinguished United States Navy career destroyed, financial devastation, deteriorating health, and the permanent reshaping of an entire family's life. It represents years of stigma, uncertainty, and trauma that followed us long after the conviction was overturned.

When a conviction is reversed on grounds consistent with innocence and the charges are dismissed, the legal system acknowledges that the person should never have been imprisoned. Yet too often, that acknowledgement is where the system stops. Individuals walk out of prison carrying the psychological trauma of incarceration, the loss of their careers, and the disruption of their lives — but without the support necessary to rebuild.

This bill recognizes a fundamental truth: **exoneration alone is not enough.**

People who are released after wrongful imprisonment often face immediate and overwhelming barriers. They must rebuild their lives while managing trauma, repairing damaged reputations, securing housing, accessing healthcare, and attempting to reintegrate into a society that moved forward without them.

The provisions in this measure address those realities in meaningful and responsible ways.

Assigning a Department of Human Services case manager upon release ensures that individuals who have lost years of their lives are not left to navigate reentry alone. Access to medical coverage is critical, as many exonerees leave incarceration with untreated physical and psychological health issues. Providing continued eligibility for benefits until the individual becomes gainfully employed recognizes that rebuilding a life after years of wrongful imprisonment cannot happen overnight.

Something as simple as ensuring a person receives a state identification card upon release can make the difference between accessing housing, employment, and services — or remaining locked out of basic opportunities.

The bill also establishes important procedural protections by clarifying that individuals whose convictions are reversed or vacated on grounds consistent with innocence may petition for compensation, while placing the burden on the State to prove by a preponderance of the evidence that the reversal or pardon was inconsistent with innocence. This safeguard reflects an important principle: when the justice system has already recognized that a conviction was overturned on grounds consistent with innocence, the burden should not fall entirely on the wrongfully imprisoned individual to prove it again.

The requirement for the Department of the Attorney General to submit an annual report to the Legislature also promotes transparency and accountability. Wrongful convictions are rare, but when they occur they represent one of the most serious failures within the justice system. Tracking these cases helps ensure that lessons are learned and that reforms continue to strengthen the integrity of our system.

For families like mine, the consequences of wrongful imprisonment extend far beyond the individual who was incarcerated. Our children grew up under the shadow of a conviction that should never have existed. Our family endured years of financial instability and emotional trauma. Every major life decision we made for more than two decades was shaped by a system that failed us.

We were not simply fighting a legal case.
We were fighting for the truth.

This bill acknowledges that when the State recognizes that someone was imprisoned for a crime they did not commit, the responsibility does not end with their release. Justice requires that the State provide a path toward stability, recovery, and the ability to rebuild a life.

No law can return the years that were taken from Roynes. Nothing can restore the time lost with our family.

But legislation like this ensures that when such injustices occur, the people who suffer them are not left to rebuild their lives entirely on their own.

I respectfully urge the Committee to pass this measure and affirm that Hawai'i values not only public safety, but also accountability, fairness, and restorative justice.

Mahalo for your time and consideration.

Respectfully,

Dawn M. Dural

LATE

SB-3294-SD-1

Submitted on: 3/3/2026 7:36:54 PM

Testimony for JDC on 3/4/2026 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Sarah Cordeiro	Individual	Support	Written Testimony Only

Comments:

TO: Ways and Means Committee Members

FROM: Sarah Cordeiro

DATE: March 3, 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, HB 2493 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

LATE

SB-3294-SD-1

Submitted on: 3/3/2026 10:12:06 PM

Testimony for JDC on 3/4/2026 10:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Roynes J Dural	Individual	Support	Written Testimony Only

Comments:

Testimony in Strong Support
Relating to Wrongful Imprisonment

Submitted by: Roynes Dural
Hearing Date: February 18, 2026

Chair, Vice Chair, and Members of the Committee,

My name is Roynes Dural. I am submitting this testimony in strong support of this measure relating to wrongful imprisonment and the procedures and support provided to individuals whose convictions are reversed or vacated on grounds consistent with innocence.

I come before you not as a policy expert, but as someone who lived through one of the most devastating failures a justice system can produce.

I was wrongfully convicted of a crime I did not commit.

It took 16 years of my life fighting to prove my innocence, followed by additional years seeking recognition of that injustice after my conviction was finally overturned. In total, more than 22 years of my life were consumed by a wrongful conviction.

Those are years I will never get back.

During that time, I lost my freedom, my career in the United States Navy, my financial stability, and countless moments with my family. My children grew up without their father present the way they should have. My spouse carried the burden of holding our family together while we fought a system that refused to see the truth for far too long.

When a person is finally exonerated, people often assume the story ends there — that once you walk out of prison, everything somehow goes back to normal.

But the truth is that exoneration is only the beginning of the struggle to rebuild a life.

When someone is released after wrongful imprisonment, they often leave with nothing. Years of employment history are gone. Health issues — both physical and psychological — remain

untreated. Reentering society can feel overwhelming because the world has moved forward without you.

That is why the provisions in this bill are so important.

Ensuring that a person who has been wrongfully imprisoned is connected with a Department of Human Services case manager upon release provides critical guidance at a moment when life feels uncertain and overwhelming. Access to medical coverage is essential for individuals who may leave incarceration with untreated trauma or health issues. Allowing continued access to benefits until the individual becomes gainfully employed recognizes the reality that rebuilding a life after years of wrongful imprisonment cannot happen overnight.

Even something as basic as providing a state identification card upon release can make the difference between being able to access housing, employment, and services — or being locked out of opportunities that most people take for granted.

This measure also clarifies the process by which individuals whose convictions are reversed or vacated on grounds consistent with innocence may petition for compensation. Importantly, it recognizes that when a conviction has already been overturned on those grounds, the burden should not fall entirely on the wrongfully imprisoned individual to prove their innocence all over again. Requiring the State to demonstrate otherwise by a preponderance of the evidence is an important safeguard for those who have already endured so much.

The requirement that the Department of the Attorney General provide an annual report to the Legislature also promotes transparency and accountability. Wrongful convictions may be rare, but when they happen, they represent a profound failure that affects not only the person imprisoned, but their families and communities as well.

I know firsthand that the damage caused by wrongful imprisonment does not stop with the individual who was incarcerated. My family lived through the consequences of my conviction every single day for more than two decades. They carried the emotional, financial, and social burden of a system that got it wrong.

No legislation can give me back the years that were taken from me.

But measures like this help ensure that when the justice system recognizes its mistake, the people who have suffered that injustice are given a real opportunity to rebuild their lives.

Justice should not end at exoneration.

Justice means acknowledging the harm that occurred and ensuring that those who were wrongfully imprisoned are supported in reclaiming their future.

I respectfully urge the Committee to pass this measure and reaffirm that the State of Hawai'i stands for fairness, accountability, and the protection of innocent lives.

Mahalo for your time and consideration.

Respectfully,

Roynes Dural