

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 Government Operations
Senator Angus L.K. McKelvey, Chair
Senator Mike Gabbard, Vice Chair

Tuesday, February 17, 2026, 3:45 p.m.
State Capitol, Conference Room 225 & Via Videoconference

By

Nicholas Severson
Staff Attorney for the Hawai‘i Supreme Court

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 3294, 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 chargers were dismissed. Requires the State to pay advance compensation to any petitioner who was convicted in a court of the State, imprisoned for at least one year, and whose judgment of conviction was reversed or vacated, or was pardoned, on grounds consistent with innocence. Requires the Comptroller to issue a warrant for payment of advance compensation to a petitioner. Requires the Department of Corrections and Rehabilitation 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 chargers were dismissed. 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 chargers were dismissed, may petition for compensation. Requires the State to prove by a preponderance of evidence that the reversal or vacating of the order of conviction for a petitioner, or the pardoning of the petitioner, was inconsistent with innocence.

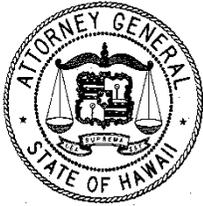


Senate Bill No. 3294, Relating to Wrongful Imprisonment
Senate Committee on Government Operations
Tuesday, February 17, 2026 at 3:45 p.m.
Page 2

Judiciary's Position:

The Judiciary requests the measure be amended to clarify that the reference to “court” on page 5 line 13 refers to the circuit court, and not the appellate courts. The Judiciary notes that the present version of Hawai‘i Revised Statutes § 661B-2, “Presentation of claim,” requires the petition to be filed in the circuit court.

Thank you for the opportunity to testify on this measure.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2026**

ON THE FOLLOWING MEASURE:

S.B. NO. 3294, RELATING TO WRONGFUL IMPRISONMENT.

BEFORE THE:

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

DATE: Tuesday, February 17, 2026 **TIME:** 3:45 p.m.

LOCATION: State Capitol, Room 225

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Michelle M.L. Puu, Deputy Attorney General

Chair McKelvey and Members of the Committee:

The Department of the Attorney General opposes this bill.

The purpose of this bill is to create an expedited mechanism for individuals seeking compensation for wrongful conviction and imprisonment to receive "advance compensation" and state-funded medical coverage before completion of the statutory process under chapter 661B, Hawaii Revised Statutes (HRS), to determine entitlement to compensation.

While this bill seeks to address legitimate concerns regarding delays in wrongful imprisonment compensation claims, the bill would effectively create two separate tracks for compensation. Under current law, a petitioner must establish eligibility under 661B, including that the reversal or vacation of the conviction was based on actual innocence as required by section 661B-1, HRS. In contrast, this bill would require the State to begin paying advance compensation, up to \$50,000 for each year of actual confinement, to individuals whose convictions are reversed or vacated by a circuit court on "grounds consistent with innocence."

The bill does not define "grounds consistent with innocence," and the term may be interpreted more broadly than the existing "actual innocence" framework. Although the bill's findings reference *Jardine v. State*, 155 Hawai'i 60 (2024), the bill would nonetheless require advance payments before the State has a meaningful opportunity

to litigate or evaluate whether the petitioner ultimately meets the statutory standards for compensation.

The Department recognizes that the bill provides that advance compensation need not be paid if charges are refiled by the prosecuting agency within five business days after the circuit court vacates the conviction. However, five business days is insufficient to allow for a thorough and ethically sound evaluation of whether refiling the charge is appropriate. Any such determination would necessarily depend on the circuit court's specific findings and reasoning, which may not be immediately available. As a practical matter, the decision to refile could not reasonably be made prior to the issuance of the circuit court's written judgment, nor within the proposed five-day window.

Significantly, if a petition filed pursuant to section 661B-2, HRS, is subsequently denied, the petitioner would not be required to repay any funds disbursed pursuant to this bill's automated system (page 8, lines 14-16). This creates a substantial fiscal risk to the State. For example, a conviction may be reversed because arguments/statements were improperly made to the jury, new evidence/technology should be considered, or the instructions provided to the jury were inappropriate. In such cases, charges may ultimately be dismissed for reasons unrelated to factual innocence, including the sheer passage of time, the unavailability of witnesses, or lost evidence. Under this bill, advance compensation would be paid and would not be recoverable even if the petitioner is later found not entitled to compensation under chapter 661B, HRS. These petitions require no merit whatsoever to be filed. More importantly, given this bill, petitioners would have no incentive to ever resolve them as they would be paid regardless of their likely outcome.

The bill also does not identify a source of funds for advance compensation or medical coverage, nor does it specify the agency responsible for administering, budgeting, and implementing these new requirements. The advanced compensation and medical coverage provisions would require significant fiscal and administrative infrastructure. In addition, the bill's payment requirements raise constitutional concerns

under article VII, section 5, of the Hawai'i Constitution, which provides that "no public money shall be expended except pursuant to appropriations made by law."

Also, the Department notes that the Judiciary cannot serve as the responsible agency for administering or budgeting for these expenditures, as section 601-2(b)(5), HRS, vests exclusive authority over the Judiciary's budget with the Chief Justice of the Hawaii Supreme Court.

The Department further notes a recurring drafting error in which the term "chargers" is used in place of "charges," including in operative sections of the bill.

For these reasons, the Department respectfully requests that this bill be deferred.

JON N. IKENAGA
PUBLIC DEFENDER

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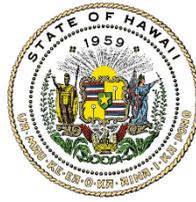
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February 16, 2026

SB 3294: RELATING TO WRONGFUL IMPRISONMENT

Chair McKelvey, Vice-Chair Gabbard, and Members of the Committee on Government Operations:

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

As the department 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 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:

- **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**, including for spouses and dependents, for a period tied to the length of wrongful imprisonment;
- **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 recognize that individuals who were wrongfully imprisoned should not be required to relitigate their innocence for years simply to survive.

From the OPD’s perspective, this measure is not about expanding liability, rather it is about honoring the State’s responsibility when its power has caused grave harm. Compensation and support cannot restore the years lost to wrongful imprisonment, but timely and humane redress is the minimum a just system should provide. The bill also promotes fiscal responsibility by reducing prolonged litigation, providing certainty to the budgeting process, and resolving claims in a structured and transparent manner rather than through years of costly delay.

For these reasons, the OPD supports SB 3294.

Thank you for the opportunity to comment.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



KEITH A. REGAN
COMPTROLLER
KA LUNA HO'OMALU HANA LAULĀ

MEOH-LENG SILLIMAN
DEPUTY COMPTROLLER
KA HOPE LUNA HO'OMALU HANA LAULĀ

STATE OF HAWAI'I | KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES | KA 'OIHANA LOIHELU A LAWELAWE LAULĀ
P.O. BOX 119, HONOLULU, HAWAII 96810-0119

WRITTEN TESTIMONY
OF
KEITH A. REGAN, COMPTROLLER
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
TO THE
COMMITTEE ON GOVERNMENT OPERATIONS

FEBRUARY 17, 2026, 3:45 P.M.
CONFERENCE ROOM 225 AND VIA VIDEOCONFERENCE, STATE CAPITOL

S.B. 3294

RELATING TO WRONGFUL IMPRISONMENT.

Chair McKelvey, Vice Chair Gabbard, and members of the Committee, thank you for the opportunity to submit testimony on this measure.

The Department of Accounting and General Services (DAGS) offers **comments** for S.B. 3294 which 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 State to pay advance compensation to any petitioner who was convicted in a court of the State, imprisoned for at least one year, and whose judgment of conviction was reversed or vacated, or was pardoned, on grounds consistent with innocence. Requires the Comptroller to issue a warrant for payment of advance compensation to a petitioner.

The Comptroller's duties, pursuant to Chapter 40, Hawaii Revised Statutes, include overseeing the state's accounting system, approving lawful payments, and maintaining fiscal integrity. The proposed measure requires the Comptroller to issue a \$5,000 warrant to the petitioner within five business days of a conviction being reversed or vacated. It further requires the comptroller to issue subsequent monthly payments to the petitioner.

DAGS has serious concerns with the measure as it relates to our responsibilities. First, it lacks a specified funding source for these payments. DAGS neither administers nor budgets for such expenditures. Second, on a programmatic level, any agency tasked with this responsibility would need the necessary fiscal infrastructure to process payments within the required timeframe. Providing for the issuance of the warrant from within five business days of the conviction reversal or vacation to within thirty days may facilitate the timely fiscal processing of the payment. The role of DAGS and that of the comptroller is to ensure that warrants presented for processing are done methodically and accurately. Rushing to process and issue payment within 5-days raises serious concerns due to resource and system constraints. The process and ultimate responsibility must rest with the program responsible which is not DAGS.

DAGS defers to the Attorney General's Office for their legal authority and expertise on the portion of this measure that does not pertain to DAGS. Thank you for the opportunity to provide testimony on this measure.

SB-3294

Submitted on: 2/16/2026 10:43:55 AM

Testimony for GVO on 2/17/2026 3:45:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|------------------|---|--------------------|---------------------------|
| Gil Keith-Agaran | Testifying for TAKITANI AGARAN JORGENSEN & WILDMAN LLLP | Support | Written Testimony Only |

Comments:

Honorable Angus L.K. McKelvey, Chair

Honorable Mike Gabbard, Vice-Chair

Committee on Government Operations

Dear Chair McKelvey, Vice-Chair Gabbard and members of the committee:

Our law firm, Takitani Agaran Jorgensen & Wildman LLLP, along with Kelley & Wilkins, LLLC, has been representing the late Alvin F. Jardine III, who was wrongfully incarcerated for twenty years. We filed his petition in 2016 in the Circuit Court of the Second Circuit, State of Hawai'i (Case No. 2 SP16-1-000056) , related to Mr. Jardine's vacated conviction in Criminal No. 91-0004(1) (Second Circuit, State of Hawai'i, and seeking compensation for **twenty** years of wrongful incarceration pursuant to Hawai'i Revised Statutes Chapter 661B. Our firms were also counsel for Mr. Jardine in the appeal reflected in the Supreme Court opinion reported at *Jardine v. Hawai'i*, 155 Haw. 60 (2024). We **strongly** support SB3294 which proposes amendments to the law that will make Hawaii's law on compensating wrongfully convicted residents more just, fair and equitable and more timely in providing assistance and benefits to people the State has wrongful imprisoned.

As this measure's preamble recognizes, "wrongful [incarceration] compensation claims in Hawai'i have often been subject to prolonged litigation and delay, including delay caused by the State." We understand that Hawaii is only state that has never compensated wrongfully convicted citizens as provided in HRS Chapter 661B. Passage of the claims against the state bill (SB 3070 and HB 2250) includes settlements for two claims, including Mr. Jardine's compensation case.

The prolonged uncertainty and financial hardship caused by a delay is unjust to those wrongfully convicted. In Mr. Jardine's situation, he filed his petition for compensation in 2016 but passed away recently before receiving any compensation after almost a decade of litigation seeking the compensation he was entitled to receive under Hawaii law. In his case, the State forced him to take an appeal (Mr. Jardine successfully transferred the appeal to the Hawaii

Supreme Court from the Intermediate Court of Appeals which reduced the delay in resolving his claim spent on successive appeals). In the Jardine opinion, Chief Justice Mark Recktenwald wrote for the court:

HRS § 661B-1's requirement that an order vacating or reversing a petitioner's conviction "so state[]" that they were "actually innocent" does not require those two exact words to be present. It does, however, require that such an order state a finding that supports a petitioner's "actual innocence" – that is, the order should support the conclusion that the petitioner did not commit the crime. **The order vacating Jardine's conviction meets this standard, and he therefore has presented an actionable claim for relief under HRS chapter 661B. .**

(emphasis added).

We ask that this committee move forward the common sense reforms to HRS chapter 661B contained in this bill. These changes are too late for Mr. Jardine and his family but will benefit others who are wrongfully incarcerated in the future.

Mahalo for your consideration.

TO: Chair McKelvey, Vice Chair Gabbard, and Members of the Committee on Government Operations.

FROM: Setsuko Regina Gormley, Esq.

DATE: 02/16/2026

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

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

I submit this testimony in strong support of SB 3294. 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 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.

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. 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.
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 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 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. 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

Submitted on: 2/13/2026 8:25:24 PM

Testimony for GVO on 2/17/2026 3:45:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------------|---------------------|---------------------------|---------------------------|
| Lynn Murakami Akatsuka | Individual | Support | Written Testimony Only |

Comments:

I support the passage of SB 3294. Thank you for the opportunity to testify in support of SB 3294.

SB-3294

Submitted on: 2/14/2026 1:48:57 PM

Testimony for GVO on 2/17/2026 3:45:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Virginia Tincher | Individual | Support | Written Testimony Only |

Comments:

I strongly support the passage of HB SB3294 this legislative session. It is the right and moral thing to do to correct the wrongful imprisonment of a citizen that was found innocent based on evidence and their sentence was reversed or vacated or was pardoned.

Especially important to help is to appoint a case manager & provide an immediate \$5000 payment.

Mahalo,

Virginia Tincher

Honolulu

SUPPORT FOR SB 3294

Senate Committee on Government Operations
SB 3294 Hearing on Feb. 17, 2026 at 3:45 pm
Conference Room 225 and videoconference

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

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.

A companion to this bill has been heard in the House. Testifying in support of the companion bill included attorneys who initially drafted Hawaii's wrongful conviction compensation statute. To their credit, they have realized flaws in the statute and are now supporting a bill to correct them.

Also, it should be noted that none of those who opposed the companion bill offered a better solution.

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

SB-3294

Submitted on: 2/14/2026 2:01:50 PM

Testimony for GVO on 2/17/2026 3:45:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Douglas Hagan | Individual | Support | Written Testimony Only |

Comments:

I support this bill

Our state has a moral obligation to assist those it has wrongfully imprisoned. Current laws often leave exonerees with fewer resources than those on parole, a "cruel irony" that this bill seeks to fix.

Thank you to the legislators have have proposed this bill and thank you to the committee for hearing this bill

Doug Hagan in Paia, Maui

SB-3294

Submitted on: 2/14/2026 9:57:21 PM

Testimony for GVO on 2/17/2026 3:45:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Thomas Graham | Individual | Support | Written Testimony Only |

Comments:

Aloha Chair McKelvey, Vice Chair Gabbard, and members of GVO,

I support SB 3294 because it would fix the State's flawed compensation processes for wrong convictions and imprisonment. The current "actual innocence" standard is unreasonable and impractical.

I urge you to pass this bill out of your committee.

Thank you,

Thomas Graham, Honolulu

Date: February 14, 2026
Re: **STRONG SUPPORT for SB3294** RELATING TO WRONGFUL IMPRISONMENT
Hearing Date: February 17, 2026 @ 3:45 PM

Aloha Chair McKelvey, Vice-Chair Gabbard, and members of the GVO Committee:

I'm writing in **strong support of SB3294**.

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 principal 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 is necessary for Hawai'i to be pono.

Please pass SB3294 out of your committee as an important step toward justice.

Mahalo nui loa,



Paul Bernstein
Honolulu, O'ahu

TESTIMONY BEFORE THE SENATE COMMITTEE
ON GOVERNMENT OPERATIONS

Tuesday, February 17, 2026
3:45 P.M. Conference Room 225 & Videoconference
Hawai'i State Capito, 415 South Beretainia Street

CHAIR McKELVEY, VICE-CHAIR GABBARD AND MEMBERS OF THE GOVERNMENT OPERATIONS
COMMITTEE:

STRONG SUPPORT FOR SB 3294 RELATING TO WRONGFUL CONVICTIONS

My name is Virginia E. Hench, and I am the Founding Director (Retired) of the Hawai'i Innocence Project of the William S. Richardson School of Law, at which I am a retired professor of Criminal Law and Criminal Procedure, including post-conviction remedies.

I strongly support SB 3294. My position is based on my experience as an attorney representing the late Alvin Jardine, as well as in other wrongful conviction cases including the cases of Roynes Dural and Ian Schweitzer.

As you may know, a person whose conviction is vacated on grounds consistent with innocence, as described in SB 3294, is not entitled to the usual support received by a person who is actually guilty and who is released after serving a full sentence, even though they may have been incarcerated for decades, and have no identification or even marketable job skills after so long. In Alvin's case, he was convicted June 3 1992, and imprisoned until his exoneration based on DNA, in January, 2011.

An exoneree's family may not be able to help them with the simplest things, even basic necessities of life, until they can get on their feet. For example, Alvin's family is of modest means. When Alvin was released, in January, 2011, after Judge August found that the DNA and other evidence was enough to vacate his conviction, he did not even own a change of clothes, any form of identification, or even a wallet, much less anything to put in it. His family immediately had to post several thousand dollars cash bail, or Alvin would have continued in custody until the state determined that it would not re-try him.

That cash bail was non-refundable. The family was already struggling, and the financial burden of posting bail tipped off a cascade of loss, through which his father lost the family home. Wrongful convictions hurt entire families and communities.

Alvin struggled from 2011 until his death in 2026, attempting to receive compensation, which did not arrive in time to stop him from dying homeless and alone.

SC 3294 offers a means to bridge the gap between the moment when a wrongful conviction is overturned and the time when the exoneree can return to a productive life. I strongly support its passage.

Respectfully submitted,

Virginia E. Hench, Attorney # 6821

SB-3294

Submitted on: 2/15/2026 5:33:17 AM

Testimony for GVO on 2/17/2026 3:45:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|---------------------------|
| Noel Morin | Individual | Support | Written Testimony Only |

Comments:

Support for SB3294

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

I strongly support SB3294. Justice is about reaching the right outcome without unnecessary delay and without forcing innocent people to fight for years to survive after release. Anyone wrongly convicted would expect this.

This measure would incentivize prompt compensation decisions. It should also enhance the quality of prosecutorial action by ensuring the consequences of inappropriate prosecutions are not borne solely by someone who lost years of their life.

Sincerely,

Noel Morin - Hilo

Testimony in Strong Support of Compensation for the Wrongfully Convicted

Submitted by: Dawn Dural

Hearing Date: February 18, 2026

Bill: HRS 8661B – Compensation for the Wrongfully Convicted

Chair, Vice Chair, and Members of the Committee,

My name is Dawn Dural, and I am writing in strong support of this bill to provide meaningful compensation to individuals who have been wrongfully convicted in the State of Hawaii.

For 16 years, my spouse, Roynes Dural, fought to prove his innocence. An additional five years after his exoneration were spent seeking compensation for the wrongful conviction that devastated our lives only to be met with continued injustices. 22 years fighting for justice is not just number. It represents missed family events, children growing up without their father, a successful Naval career erased, financial collapse, deteriorating health, and the permanent reshaping of an entire family's life.

No amount of money can restore stolen time.

Compensation is not about assigning a monetary value to suffering. It is about accountability. It is about acknowledging that when the State takes a person's liberty unjustly, it has a moral and legal obligation to repair what it can.

A wrongful conviction is not just incarceration; it is compounded trauma. It is psychological injury. It is reputational harm that follows a person long after release. It is financial devastation. While an exoneree may walk free, the psychological damage remains embedded in their nervous system, their employment history, their credit, their family stability, and their health.

In our case, the trauma extended beyond Roynes. It affected our children. It affected our extended family. It affected our economic stability. It shaped every major life decision we made for more than two decades. We were not just fighting a case; we were fighting a system that repeatedly chose procedure over truth.

Compensation statutes recognize a simple truth: when the government error destroys a life, the burden should not rest solely on the innocent person to rebuild from nothing.

Without adequate compensation:

- Exonerees leave incarceration with no resources.
- The struggle to secure housing.
- They face barriers to employment despite proven innocence.
- They often lack access to trauma-informed mental health services.
- Families who carried the weight for decades receive no recognition of harm endured.

A just compensation bill does not open the floodgates to frivolous claims. It applies to a small number of individuals who have already met the highest burden – proving their innocence after conviction. These cases are rare, but their impact on public trust is profound.

Passing this bill sends a message that Hawaii values justice not only in conviction, but in correction.

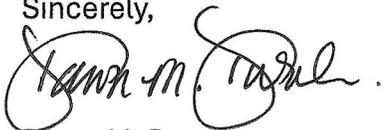
Justice is not complete at exoneration. Exoneration is only the beginning of rebuilding. Compensation is what allows a wrongfully convicted person to access stability – housing, healthcare, education, business opportunities, and their dignity.

The State had 22 years of Roynes' life. We will never get those years back. But you have the power to ensure that others who endure this devastating injustice are not left to rebuild alone.

I respectfully urge you to pass this bill and affirm that Hawaii stands not only for public safety, but for accountability, human dignity, and restorative justice, to show that we really are the Aloha State.

Mahalo for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Dawn M. Dural". The signature is fluid and cursive, with a period at the end.

Dawn M. Dural

SB-3294

Submitted on: 2/16/2026 1:54:09 PM

Testimony for GVO on 2/17/2026 3:45:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Ronald "Ron" Reilly | Individual | Support | Written Testimony Only |

Comments:

Dear Chair McKelvey, Vice Chair Gabbard and members of the Committee on Government Regulations,

My name is Ron Reilly. I live in Volcano Village.

I support SB3294 that will attempt to address the harm caused by wrongful imprisonment of people whose conviction was reversed or vacated, or who were pardoned, on grounds consistent with innocence.

Thank you for your consideration,

Regards, Ron Reilly

SB-3294

Submitted on: 2/16/2026 3:39:35 PM

Testimony for GVO on 2/17/2026 3:45:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|-------------------|
| 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, 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 last week 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.

LATE

SB-3294

Submitted on: 2/17/2026 1:55:37 PM

Testimony for GVO on 2/17/2026 3:45:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|----------------|
| Sarah Cordeiro | Individual | Support | In Person |

Comments:

TO: Senator Angus L.K. McKelvey

FROM: Sarah Cordeiro

DATE: February 17, 2026

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

Honorable Committee Members,

I am testifying in strong support of HB 2493.

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. HB 2493 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.

HB 2493 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 HB 2493 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

February 17, 2026

Dear Chair McKelvey and Members of the Committee:

Thank you for this opportunity to testify with comments on this measure.

While I sympathize with those persons wrongfully incarcerated. I feel SB3294 RELATING TO WRONGFUL IMPRISONMENT, goes too far in what is considered “fair”. I agree that those who were wrongfully incarcerated and found “actually innocent” should receive compensation under the current law and that they should have every opportunity to move forward positively after release from custody.

However, to make advance payments prior to a judgement is fiscally irresponsible. Doesn't the legislature need to approve such payments by way of bills? And... it is outrageous that any advance payments would NOT have to be paid back should the court find against the claimant. Does the State have unlimited funds to just throw away?

I suggest that upon release from incarceration, a person who may be wrongfully incarcerated should be provided the same as those who are released for time served or parole, as in:

1. Provided a state ID.
2. Assigned a case manager from DHS to assist with housing, job placement, and mental health counseling.
3. Approved for and provided with financial and medical assistance for THEMSELVES, by way of DHS, until the compensation is determined and initiated, or the claimant is gainfully employed and would no longer qualify for such benefits, as with any other resident of the State.

Again, thank you for the opportunity to testify.

Aloha,

Karen Oshiro