

STAND. COM. REP. NO.

122

Honolulu, Hawaii

FEB 04, 2025

RE: H.B. No. 438
H.D. 1

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Madame:

Your Committee on Economic Development & Technology, to which
was referred H.B. No. 438 entitled:

"A BILL FOR AN ACT RELATING TO DUE PROCESS PROTECTIONS,"

begs leave to report as follows:

The purpose of this measure is to establish the Due Process
in Immigration Proceedings Program within the Judiciary to provide
legal representation to individuals in immigration-related
proceedings in immigration court.

Your Committee received testimony in support of this measure
from the Office of the Public Defender; one member of the Hawai'i
County Council; one member of the Honolulu City Council; IATSE
Local 665; UNITE HERE Local 5; Indivisible Hawaii; Refugee &
Immigration Law Clinic; Hawai'i Coalition for Immigrant Rights; The
Legal Clinic; League of Women Voters of Hawaii; North Hawaii
Community Action Network; Hawaii Government Employees Association,
AFSCME Local 152, AFL-CIO; HCANSpeaks!; COFACAN; Oahu Filipino
Community Council; Hawaii Friends of Civil Rights; Filipino
Chamber of Commerce of Hawaii; Roots Reborn; Hawai'i Democratic
Party; Hawaii State AFL-CIO; Fujiwara & Rosenbaum, LLC; Catholic
Charities Hawai'i; Imua Alliance; Democratic Party of Hawai'i
Education Caucus; ACLU Hawai'i; A.L.O.H.A. Latinos; Hawai'i Workers
Center; and numerous individuals. Your Committee received

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testimony in opposition to this measure from Hawaiian Islands Republican Women and numerous individuals. Your Committee received comments on this measure from the Judiciary.

Your Committee finds that the State should ensure that all Hawaii residents, regardless of citizenship status, have certain due process protections. Your Committee further finds that many individuals facing deportation or other immigration-related proceedings lack legal representation. This measure addresses this need by establishing a Due Process in Immigration Proceedings Program to provide representation to individuals in immigration-related proceedings.

Your Committee has amended this measure by:


- (1) Clarifying that the Judiciary shall administer funding to entities contracted to implement and operate the program, rather than administer it directly;
- (2) Adding a requirement that entities contracted to implement and operate the program partner with the University of Hawaii at Manoa William S. Richardson School of Law; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee respectfully requests your Committee on Finance, should it deliberate on this measure, to consider the appropriation amount of \$750,000 for the Due Process in Immigration Proceedings Program.

As affirmed by the record of votes of the members of your Committee on Economic Development & Technology that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 438, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 438, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.



Respectfully submitted on
behalf of the members of the
Committee on Economic
Development & Technology,



GREGGOR ILAGAN, Chair

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Bill/Resolution No.: HB 438	Committee Referral: ECD, JHA, FIN	Date: 1/29/2025		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
ECD Members	Ayes	Ayes (WR)	Nays	Excused
1. ILAGAN, Greggor (C)				
2. HUSSEY, Ikaika (VC)				
3. HOLT, Daniel				
4. TAM, Adrian K.				
5. TEMPLO, Shirley Ann				
6. TODD, Chris				
7. MATSUMOTO, Lauren				
TOTAL (7)				
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				