

Honolulu, Hawaii

APR 24 2025

RE: S.B. No. 281
S.D. 1
H.D. 2
C.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

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

Sir and Madam:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 281, S.D. 1, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO TORTURE,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to establish the offense of torture as a class A felony in the State.

Your Committee on Conference finds that existing law does not clearly define torture, even though it should be explicitly prohibited. Your Committee on Conference believes that it is essential to distinguish between abuse and torture because they differ in severity, and the penalties should reflect that distinction. This measure will establish charges that accurately reflect the severity of these acts and ensure that offenders are held accountable for the magnitude of their crimes.



Your Committee on Conference has amended this measure by:

- (1) Establishing a defense to the offense of torture where the conduct consists of depriving the minor or vulnerable person of necessary food, water, or clothing if the deprivation was caused solely by poverty, destitution, or lack of financial means; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 281, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 281, S.D. 1, H.D. 2, C.D. 1.

Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



LISA MARTEN
Co-Chair



DAVID A. TARNAS
Co-Chair



KARL RHOADS
Chair



Hawai'i State Legislature

CCR 27

Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: SB 281, SD 1, HD 2	Date/Time: 4/23/25 4:04 pm
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
RHOADS, Karl, Chr.	✓				MARTEN, Lisa, Co-Chr.	✓			
GABBARD, Mike	✓				TARNAS, David A., Co-Chr.	✓			
AWA, Brenton				/	OLDS, Ikaika	✓			
					GARCIA, Diamond	✓			
TOTAL	2	0	0	1	TOTAL	4	0	0	0

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: <i>Kal Nevo</i>	House Lead Chair's or Designee's Signature: <i>Lisa Marten</i>
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