

STAND. COM. REP. NO.

2034

Honolulu, Hawaii

, 2025

APR 04

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

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

Madame:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 281, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO TORTURE,"

begs leave to report as follows:

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

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu; Honolulu Police Department; Hawaii County Police Department; Family Prosecution Division of the Office of the Prosecuting Attorney of the City and County of Honolulu; Domestic Violence and Child Abuse Felony Division of the Office of the Prosecuting Attorney of the City and County of Honolulu; Honolulu Fire Department; Office of the Prosecuting Attorney of the County of Hawai'i; Hawai'i State Chapter of Children's Justice Centers; and five individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Your Committee finds that under existing law, the State only punishes torture as an aggravating circumstance for murder. Even application of that sentence has been substantially weakened

2025-3160 SB281 HD2 HSCR HMSO



2074

because the prosecution must prove that the torture inflicted was "unnecessary". Your Committee also finds that in 2024, there were several cases involving the torture of children; however, existing laws provided no framework to charge and penalize the perpetrators appropriately. Your Committee believes that it is essential to distinguish between abuse and torture, as they differ in severity, and the penalties should reflect that distinction. The prohibitions established under this measure accurately reflect the severity of torture and ensure that offenders are held accountable for the magnitude of their crimes.

Your Committee has amended this measure by:

- (1) Including a definition for "restricts"; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



HSR 2024

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: SB 281 SDI HDI	Committee Referral: HCH, JHA	Date: 04/02/25		
<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)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)	✓			
2. POEPOE, Mahina (VC)	✓			
3. BELATTI, Della Au	✓			
4. COCHRAN, Elle				✓
5. HASHEM, Mark J.	✓			
6. KAHALOA, Kirstin	✓			
7. PERRUSO, Amy A.	✓			
8. TAKAYAMA, Gregg	✓			
9. TODD, Chris	✓			
10. GARCIA, Diamond	✓			
11. SHIMIZU, Garner M.	✓			
TOTAL (11)	10	0	0	1
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				