



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-THIRD LEGISLATURE, 2025**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 998, RELATING TO CONTENTS OF CITATIONS.

**BEFORE THE:**

SENATE COMMITTEE ON JUDICIARY

**DATE:** Thursday, March 13, 2025

**TIME:** 9:45 a.m.

**LOCATION:** State Capitol, Room 016

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Mark S. Tom, Deputy Attorney General

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Chair Rhoads and Members of the Committee:

The Department of the Attorney General strongly supports this bill and offers the following comments.

The purpose of the bill is to clarify that the omission of certain unavailable information or an error in a citation does not constitute grounds for dismissal of a charge or reversal of a conviction if the omission or error did not prejudice the defendant.

Currently, the process of making an arrest or issuing a citation is governed by section 803-6, Hawaii Revised Statutes (HRS). Regarding citations, section 803-6(b) and (c), HRS, currently outlines guidelines and a list of required information as follows:

"(b) In any case in which it is lawful for a police officer to arrest a person without a warrant for a misdemeanor, petty misdemeanor or violation, the police officer may, but need not, issue a citation in lieu of the requirements of [subsection] (a), if the police officer finds and is reasonably satisfied that the person:

- (1) Will appear in court at the time designated;
  - (2) Has no outstanding arrest warrants which would justify the person's detention or give indication that the person might fail to appear in court; and
  - (3) That the offense is of such nature that there will be no further police contact on or about the date in question, or in the immediate future.
- (c) The citation shall contain:
- (1) The name and current address of the offender;
  - (2) The last four digits of the offender's social security number;
  - (3) A description of the offender;

- (4) The nature of the offense;
- (5) The time and date of the offense;
- (6) A notice of time and date for court appearance;
- (7) The signature and badge number of the officer;
- (8) The signature of the offender agreeing to court appearance;
- (9) Any remarks; and
- (10) A notice directing the offender to appear at the time and place designated to stand trial for the offense indicated and a notice that failure to obey the citation may result in a fine or imprisonment, or both."

Although section 803-6, HRS, authorizes police officers to issue a citation instead of arresting an individual, obtaining certain information, such as a social security number may be impossible or impracticable. Police officers frequently encounter defendants who are unwilling or unable to provide the required information and do not have a driver's license or prior criminal record in Hawaii to obtain the necessary information. The absence of such information should not jeopardize the entire case if it does not prejudice the defendant.

We respectfully ask your committee to pass this bill. Thank you for the opportunity to provide support for this bill.

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



MIKE LAMBERT  
DIRECTOR

SYLVIA LUKE  
LT GOVERNOR  
KE KE'ENA

STATE OF HAWAII | KA MOKU'ĀINA O HAWAII  
**DEPARTMENT OF LAW ENFORCEMENT**  
*Ka 'Oihana Ho'okō Kānāwai*  
715 South King Street  
Honolulu, Hawaii 96813

JARED K. REDULLA  
Deputy Director  
Law Enforcement

TESTIMONY ON HOUSE BILL 998  
RELATING TO CONTENTS OF CITATIONS  
Before the Senate Committee on  
JUDICIARY  
Thursday, March 13, 2025, 9:45 AM  
State Capitol Conference Room 016 & Videoconference  
**WRITTEN TESTIMONY ONLY**

Chair Rhoads, Vice Chair Gabbard, and members of the Committee:

The Department of Law Enforcement (DLE) supports House Bill 998. This bill clarifies that the omission of certain information or any error in a citation does not constitute grounds for dismissal of a charge or for reversal of a conviction, if the omission or error did not prejudice the defendant.

The DLE believes this amendment is necessary and appropriate to address a practical issue faced by law enforcement officers in the field. Currently, minor technical errors or omissions in citations can potentially result in dismissal of charges even when those errors do not substantively affect a defendant's ability to understand the charges or mount a defense. This creates an unintended loophole that allows individuals to avoid accountability based on clerical mistakes rather than the merits of their case.

Law enforcement officers often work in challenging and dynamic environments when issuing citations. This legislation maintains the integrity of due process protection while preventing the dismissal of legitimate cases based on inconsequential technical errors.

It appropriately places the focus on whether the defendant was actually prejudiced by any omission or error, rather than creating an automatic dismissal for minor clerical issues.

The bill aligns with principles of judicial efficiency and substantive justice by ensuring that cases are decided on their merits rather than dismissed due to minor procedural technicalities. This amendment will allow the DLE and other law enforcement agencies to more effectively enforce laws while maintaining appropriate procedural safeguards for defendants.

Thank you for the opportunity to testify in support of this bill.

# SHOPO



STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS

Robert Cavaco  
State Board President

" A Police Organization for Police Officers Only "  
Founded 1971

Term of Office  
1-2022 to 12-2025

March 11, 2025

The Honorable Karl Rhoads, Chair  
The Honorable Mike Gabbard, Vice Chair  
Senate Committee on Judiciary  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

Re: **HB 998 – Relating to Contents of Citations**

Dear Chair Rhoads, Vice-Chair Gabbard, and Honorable Committee members:

I serve as the President of the State of Hawaii Organization of Police Officers ("SHOPO") and write to you on behalf of our Union in support of HB 998, which seeks to amend Hawaii Revised Statutes § 803-6. This bill is a crucial step forward in enhancing the efficiency and effectiveness of law enforcement operations, improving public safety, and strengthening community relations across the State of Hawaii.

***Enhancement of Law Enforcement Operations:***

HB 998 provides much-needed clarity regarding the issuance of citations by law enforcement officers. By amending subsections (b) and (c) of HRS § 803-6, the bill ensures that minor omissions or errors in citations do not automatically lead to the dismissal of charges or reversal of convictions, provided that such omissions or errors do not prejudice the defendant. This amendment aligns with the practical realities faced by our officers in the field, where obtaining complete information may not always be feasible. This flexibility is particularly important in situations where the offender is unwilling or unable to provide certain information, thus preventing the unnecessary escalation of minor offenses into arrests.

***Improvement of Public Safety:***

The bill also addresses a critical gap in the current legal framework that has allowed defendants to evade accountability due to technicalities in citation documentation. By preventing the dismissal of citations for harmless errors, HB 998 ensures that individuals who commit misdemeanor, petty misdemeanor, or violation offenses are held accountable, thereby enhancing public safety.

***Strengthening Community Relations:***

By providing officers with the flexibility to issue citations without the fear of technical dismissals, HB 998 fosters a more trusting relationship between law enforcement and the community. It reassures the public that the legal system is fair and focused on substantive justice rather than procedural loopholes.

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In conclusion, HB 998 represents a balanced approach to law enforcement that prioritizes both the effective administration of justice and the protection of individual rights. SHOPO strongly supports this bill and urges its swift passage to enhance the operational capabilities of our officers, improve public safety, and foster stronger community relations.

Thank you for considering this testimony. We are committed to working with the legislature to ensure the successful implementation of HB 998.

Respectfully submitted,  
ROBERT CAVACO  
SHOPO President

**HB-998**

Submitted on: 3/11/2025 6:30:31 AM

Testimony for JDC on 3/13/2025 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Frank Schultz	Individual	Oppose	Written Testimony Only

Comments:

I oppose this initiative.