

STAND. COM. REP. NO.

819

Honolulu, Hawaii

FEB 27 , 2025

RE: H.B. No. 127
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 Judiciary & Hawaiian Affairs, to which was referred H.B. No. 127 entitled:

"A BILL FOR AN ACT RELATING TO PRETRIAL RELEASE,"

begs leave to report as follows:

The purpose of this measure is to improve the State's system of pretrial justice by considering the need to evaluate risks to public safety, individual constitutional rights, and the fiscal and human harms that arise from overcrowded prisons. Specifically, this Act requires:

- (1) The court to enter on the record its written findings regarding the necessity of the conditions imposed on a defendant's release; and
- (2) Bail to be set in an amount that the defendant can afford based on certain factors.

Your Committee received testimony in support of this measure from the Office of the Public Defender; Hawaii Correctional System Oversight Commission; ACLU Hawai'i; R Street Institute; Imua Alliance; Democratic Party of Hawai'i; Community Alliance on Prisons; Hawai'i Health & Harm Reduction Center; and one individual. Your Committee received testimony in opposition to this measure from the Office of the Prosecuting Attorney of the

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County of Hawai'i; Department of the Prosecuting Attorney of the County of Maui; Department of the Prosecuting Attorney of the City and County of Honolulu; Fathers and Mothers for Children Kauai Chapter; American Bail Coalition; and numerous individuals. Your Committee received comments on this measure from the Judiciary.

Your Committee finds that the use of cash bail disproportionately impacts low-income individuals, who often remain detained solely because they cannot afford bail, while wealthier defendants are released. Moreover, pretrial detention for low-risk individuals disrupts employment, housing, and family stability, creating lasting economic and social hardships that extend beyond the individual to their community. Lastly, cash bail exacerbates racial and ethnic disparities in the criminal justice system, eroding public trust and highlighting systemic inequities. This measure requires courts to set bail to be in an amount that the defendant can afford based on certain factors.

Your Committee has amended this measure by:

- (1) Deleting language that required a court to enter on the record its written findings regarding the necessity of the conditions imposed on a defendant's release;
- (2) Specifying that the court enter its findings on the record regarding the defendant's ability to afford bail;
- (3) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (4) 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 H.B. No. 127, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 127, H.D. 1, and be placed on the calendar for Third Reading.



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



DAVID A. TARNAS, Chair



