

Honolulu, Hawaii

**MAR 25 2025**

RE: H.B. No. 127  
H.D. 1  
S.D. 1

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

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 127, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to require 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, Community Alliance on Prisons, ACLU of Hawai'i, Hawai'i Friends of Restorative Justice, Imua Alliance, Hawai'i Health and Harm Reduction Center, and two individuals.

Your Committee received testimony in opposition to this measure from the Department of the Prosecuting Attorney of the County of Maui, Department of the Prosecuting Attorney of the City and County of Honolulu, Office of the Prosecuting Attorney of the County of Hawai'i, Office of the Prosecuting Attorney of the County of Kaua'i, Hawaiian Islands Republican Women, Hawaii Patriot Republicans, Calvary Chapel Westside, and forty-two individuals.

Your Committee received comments on this measure from the Judiciary.



Your Committee finds that holding people unnecessarily in pretrial detention contributes to overcrowding, staffing issues, and worsening facility conditions. Additionally, unnecessary pretrial detention has been found to have a criminogenic effect, with one study from October 2024 finding that pretrial detention increases the odds for someone to miss a court appearance or be arrested by approximately fifty percent and increases the odds of convictions by thirty-six percent. Other research has found that even a short period of pretrial detention can have cascading effects on an individual, including threatening employment, housing stability, child custody, and health care access, which may in turn increase the likelihood of further involvement with the criminal justice system. This measure will allow the State to move towards achieving a justice system that is blind to wealth inequality while carefully considering an individual's circumstances and actions, rather than their bank account.

Your Committee notes that this measure, as written, does not specify whether a court is required to consider certain factors when confirming bail, and only explicitly requires the court to consider certain factors when setting bail. Your Committee also notes that in certain circumstances, it may be necessary for a court to consider bail following the initial prompt hearing required by existing law. Therefore, amendments to this measure are necessary.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that a court is required to consider certain factors when setting and confirming bail for a defendant;
- (2) Allowing bail to be considered at any time following the prompt hearing upon the defendant's motion or the court's own motion, and specifying that the subsequent hearing need not be prompt; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your



Committee is in accord with the intent and purpose of H.B. No. 127, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 127, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,

*Karl Rhoads*

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KARL RHOADS, Chair



