

STAND. COM. REP. NO.

726

Honolulu, Hawaii

FEB 14 , 2025

RE: H.B. No. 438
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 H.B. No. 438, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO DUE PROCESS PROTECTIONS,"

begs leave to report as follows:

The purpose of this measure is to establish the Due Process in Immigration Proceedings Program within the Judiciary to provide legal representation to individuals in immigration-related proceedings in immigration court.

Your Committee received testimony in support of this measure from one member of the Hawai'i County Council; Oahu Filipino Community Council; League of Women Voters of Hawaii; Hawai'i Friends of Civil Rights; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; ACLU of Hawai'i; The Legal Clinic; William S. Richardson School of Law Refugee & Immigration Law Clinic Advisory Committee; Imua Alliance; Democratic Party of Hawai'i Education Caucus; UNITE HERE Local 5; Hawaii State AFL-CIO; and numerous individuals. Your Committee received testimony in opposition to this measure from Free Citizens of Maunaloa; Hawaiian Islands Republican Women; and numerous individuals. Your Committee received comments on this measure from the Judiciary.

Your Committee finds that many individuals in the State may be facing deportation or other immigration-related proceedings in

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the coming years in a complex and costly process. Often, these individuals do not have the resources, legal training, or language skills to properly respond in these proceedings. Your Committee further finds that the establishment of a Due Process in Immigration Proceedings program will provide immigrants who are residents of the State with the needed support to navigate the complex legal issues in immigration-related proceedings.

Your Committee has amended this measure by:

- (1) Clarifying that entities contracted to implement the Due Process in Immigration Proceedings Program shall partner with entities capable of training and educating law students and legal practitioners, in addition to the University of Hawaii at Manoa William S. Richardson School of Law, to provide legal representation to individuals in immigration-related proceedings;
- (2) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (3) 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. 438, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as H.B. No. 438, H.D. 2.

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



DAVID A. TARNAS, Chair



