

Honolulu, Hawaii

FEB 10 2025

RE: S.B. No. 816
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 S.B. No. 816 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to establish a program to provide access to legal representation for individuals in the State facing immigration-related proceedings in immigration court, assuring due process and promoting family unity, community stability, and economic security.

Your Committee received testimony in support of this measure from one member of the Hawai'i County Council, The Legal Clinic, ACLU Hawai'i, Hawai'i Friends of Civil Rights, Refugee and Immigration Clinic at the William S. Richardson School of Law, Hawai'i Coalition for Immigrant Rights, Oahu Filipino Community Council, Hawaii State AFL-CIO, Education Caucus of the Democratic Party of Hawai'i, Imua Alliance, League of Women Voters of Hawaii, HCANSpeaks!, Indivisible Hawai'i Statewide Network, and twenty-five individuals.

Your Committee received testimony in opposition to this measure from Hawaiian Islands Republican Women and one individual.

Your Committee received comments on this measure from the Judiciary.



Your Committee finds that the State is home to a diverse population, with a significant portion of its residents being immigrants or individuals from mixed-status families. Your Committee further finds that many foreign-born residents face challenges navigating complex immigration proceedings in immigration court without legal representation, and language barriers, financial constraints, and the lack of accessible legal resources exacerbate these challenges. Individuals facing deportation or other immigration-related proceedings in immigration court lack the right to government-funded legal representation, leaving them to navigate complex legal systems alone unless they retain costly counsel or other assistance on their own. Your Committee also finds that research demonstrates that individuals with legal representation are significantly more likely to achieve favorable outcomes in immigration proceedings in immigration court. This measure will assure due process and promote family unity, community stability, and economic security for individuals facing immigration-related proceedings in immigration court by providing them access to legal representation.

Your Committee notes that this measure directs the Judiciary to provide legal representation to individuals in immigration-related proceedings in immigration court. However, immigration court does not fall under the purview of the state courts, but rather the federal courts, meaning the Judiciary has no jurisdiction over immigration cases nor the immigration court. Your Committee additionally finds that the Judiciary, as an entity, and its staff, are not qualified to provide legal representation in immigration cases in immigration court.

Accordingly, your Committee has amended this measure by:

- (1) Requiring the Judiciary to serve as the administrator of the funds appropriated by this measure and contract with nonprofit organizations, legal service providers, and other entities to implement and operate the program and provide program services, rather than requiring the Judiciary to administer the program;
- (2) Making conforming amendments;



- (3) Inserting an effective date of April 23, 2057, to encourage further discussion; and
- (4) 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 S.B. No. 816, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 816, S.D. 1, and be referred to your Committee on Ways and Means.

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

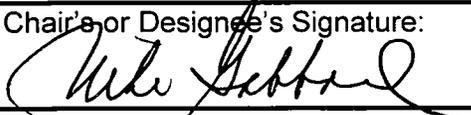


KARL RHOADS, Chair



The Senate
 Thirty-Third Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* <i>SB 816</i>	Committee Referral: <i>JDC, WAM</i>	Date: <i>1/31/25</i>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)		✓		
CHANG, Stanley	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton				✓
TOTAL	<i>3</i>	<i>1</i>	<i>—</i>	<i>1</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes