

JAN 23 2026

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# A BILL FOR AN ACT

RELATING TO CRIMINAL JUSTICE REFORM.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. The legislature finds that arrests are commonly  
2 made at the initiation of a criminal case, but sometimes occur  
3 needlessly when the issuance of a citation to appear in court  
4 would have sufficed. Arrests consume a significant portion of  
5 the limited resources of understaffed police departments,  
6 increase the number of people held in custody before trial, and  
7 contribute to overcrowding in correctional facilities. Given  
8 Hawaii's high cost of living and the significant percentage of  
9 families who live paycheck to paycheck, many arrestees cannot  
10 afford to post bail before trial.

11       The legislature also finds that arrests are highly  
12 disruptive to a person's life. Despite the fundamental  
13 principle of the presumption of innocence on which the justice  
14 system is built, arrests cause embarrassment and, in some cases,  
15 trauma, when they occur in the presence of family members,  
16 neighbors, or coworkers, or are publicized in the media.  
17 Further, an arrest can significantly jeopardize the arrestee's



1 housing and employment and set into motion a chain of economic  
2 and logistical hardships for the arrestee's family, especially  
3 when the arrestee is the main source of household income and  
4 cares for multiple dependents.

5 Accordingly, the purpose of this Act is to reduce  
6 unnecessary arrests in criminal cases by:

- 7 (1) Amending the factors under which officers may arrest  
8 and detain persons without a warrant for petty  
9 misdemeanors and violations, and requiring officers to  
10 document the justification for the arrests;
- 11 (2) Amending the circumstances under which officers may  
12 issue citations in lieu of arrest;
- 13 (3) Requiring officers to issue citations in lieu of  
14 arrest for certain petty misdemeanors and violations;  
15 and
- 16 (4) Improving court appearance rates through a redesigned  
17 citation form and updated required citation  
18 information.

19 SECTION 2. Section 803-5, Hawaii Revised Statutes, is  
20 amended to read as follows:



1       "§803-5 By police officer without warrant. (a) A police  
2 officer or other officer of justice, may, without warrant,  
3 arrest and detain for examination any person when the officer  
4 has probable cause to believe that ~~[such]~~ the person ~~[has]~~  
5 committed any felony or misdemeanor offense, whether in the  
6 officer's presence or otherwise.

7       (b) A police officer or other officer of justice, may,  
8 without warrant, arrest and detain for examination any person  
9 when the officer has probable cause to believe that the person  
10 committed any petty misdemeanor or violation, whether in the  
11 officer's presence or otherwise, and the officer is reasonably  
12 satisfied that the person:

13       (1) Will not appear in court at the time designated;

14       (2) Has an outstanding arrest warrant that would justify  
15 the person's detention or gives indication that the  
16 person might fail to appear in court;

17       (3) Committed an offense of such nature that there will be  
18 further police contact on or about the date in  
19 question, or in the immediate future; or

20       (4) Must be detained to prevent bodily injury to that  
21 person or another person.



1        (c) In any case in which an officer arrests an individual  
2        for a petty misdemeanor or violation, the officer shall record  
3        which of the factors under subsection (b) justified the arrest.

4        ~~[(b)]~~ (d) For purposes of this section, a police officer  
5        has probable cause to make an arrest when the facts and  
6        circumstances within the officer's knowledge and of which the  
7        officer has reasonably trustworthy information are sufficient in  
8        themselves to warrant a person of reasonable caution in the  
9        belief that a crime has been or is being committed."

10       SECTION 3. Section 803-6, Hawaii Revised Statutes, is  
11       amended to read as follows:

12       **"§803-6 Arrest, how made[-]; citations in lieu of arrest.**

13       (a) At or before the time of making an arrest, the person shall  
14       declare that the person is an officer of justice, if ~~[such is~~  
15       ~~the case.]~~ applicable. If the person has a warrant, the person  
16       ~~[should]~~ shall show it; or if the person makes the arrest  
17       without warrant in any of the cases in which it is authorized by  
18       law, the person ~~[should]~~ shall give the party arrested clearly  
19       to understand for what cause the person undertakes to make the  
20       arrest, and shall require the party arrested to submit and be



1 taken to the police station or judge. This done, the arrest is  
2 complete.

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

9 (1) The person has not offered satisfactory evidence of  
10 the person's identity;

11 ~~[-(1)-]~~ (2) The person will not appear in court at the time  
12 designated;

13 ~~[-(2)-]~~ (3) The person has ~~[no]~~ an outstanding arrest  
14 ~~[warrants]~~ warrant that would justify the person's  
15 detention or ~~[give]~~ gives indication that the person  
16 might fail to appear in court; ~~[and]~~ or

17 ~~[-(3)-]~~ (4) The offense is of such nature that there will be  
18 ~~[no]~~ further police contact on or about the date in  
19 question or in the immediate future.

20 (c) In any case in which it is lawful for a police officer  
21 to issue a citation in lieu of the requirements of subsection



1 (a) for a petty misdemeanor or violation, the police officer  
2 shall issue a citation in lieu of the requirements of subsection  
3 (a), unless it is lawful for the police officer to arrest the  
4 person without a warrant for:

5 (1) A felony or misdemeanor offense;

6 (2) The offense of operating a vehicle under the influence  
7 of an intoxicant under section 291E-61; or

8 (3) The offense of abuse of family or household members  
9 under section 709-906.

10 Nothing in this subsection limits law enforcement discretion to  
11 issue a citation pursuant to subsection (b).

12 (d) No later than July 1, 2027, the judiciary shall  
13 promulgate a citation form for use by police officers that  
14 includes, at a minimum, all of the information described in  
15 subsection (e). To the extent possible, the citation form shall  
16 be designed to:

17 (1) Facilitate data collection and sharing, including  
18 between law enforcement agencies, the criminal justice  
19 research institute, and any court reminder system  
20 managed by the judiciary; and



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- 1       (2) Maximize the rate at which persons appear in court in  
2       response to the citation, by adhering to research and  
3       best practices on form design to improve court  
4       appearance rates.
- 5       [~~(e)~~] (e) The citation shall contain:
  - 6       (1) The name of the offender;
  - 7       (2) The current address of the offender, if available;
  - 8       (3) [~~The last four digits of the offender's social~~  
9       security number,] The offender's cell phone number and  
10       electronic mail address, if available;
  - 11       (4) A description of the offender;
  - 12       (5) The nature of the offense;
  - 13       (6) The time and date of the offense;
  - 14       (7) A notice of the time [~~and~~], date, and location for  
15       court appearance;
  - 16       (8) The signature and badge number of the officer;
  - 17       (9) The signature of the offender agreeing to court  
18       appearance, unless the offender refuses, or is unable  
19       to sign;
  - 20       (10) Any remarks; [~~and~~]



(11) 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;

(12) Available options for citation resolution and options for persons unable to afford any fines or costs imposed; and

(13) The phone number and internet address of the court for questions or additional information relating to the court appearance;

provided that omission of any of the information listed in paragraphs (1) to [~~(11)~~] (13) or any error in the citation shall not be a ground for dismissal of a charge or for reversal of a conviction if the omission or error did not prejudice the defendant. To the extent practicable, the citation shall place information described in paragraphs (7), (11), (12), and (13) at the top of the citation, before other administrative fields.

~~[(d)]~~ (f) Where a citation has been issued in lieu of the requirements of subsection (a), the officer who issues the summons or citation may subscribe to the complaint:





(1) Under oath administered by any police officer whose name has been submitted to the prosecuting officer and who has been designated by the chief of police to administer the oath; or

(2) By declaration in accordance with the rules of court.

~~[(e)]~~ (g) If a person fails to appear in answer to the citation~~[+]~~, or if there is reasonable cause to believe that the person will not appear, a warrant for the person's arrest may be issued. A knowing failure to appear in answer to the citation may be punished by a fine of ~~[not]~~ no more than \$1,000 or imprisonment of ~~[not]~~ no more than thirty days, or both."

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

INTRODUCED BY: Karl Rhoads



# S.B. NO. 2730

**Report Title:**

Judiciary; Arrests; Warrantless; Citations

**Description:**

Establishes factors under which officers may arrest and detain persons without a warrant for petty misdemeanors and violations, and requires officers to document the justification for the arrests. Amends the circumstances under which officers may issue citations in lieu of arrest. Requires officers to issue citations in lieu of arrest for certain petty misdemeanors and violations. Requires the Judiciary to promulgate a standardized citation form and updates the required information for citations.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

