

STAND. COM. REP. NO.

3796

Honolulu, Hawaii

APR 10 2026

RE: H.B. No. 2413  
H.D. 1  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Third State Legislature  
Regular Session of 2026  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2413, H.D. 1, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require release on recognizance for defendants charged with violations, traffic offenses, nonviolent petty misdemeanors, nonviolent misdemeanors, and nonviolent class C felonies, subject to conditions;
- (2) Establish exclusions for specified offenses, threats to public safety, and certain other circumstances;
- (3) Require findings when bail or detention is imposed, ongoing review of continued detention or conditions, and a prompt hearing if bail cannot be posted; and
- (4) Require prosecutors to notify victims of pretrial decisions.

Your Committee received testimony in support of this measure from the Judiciary, Office of the Public Defender, Office of Hawaiian Affairs, Hawai'i Community Safety Coalition, Kauai Women's



Caucus, Community Alliance on Prisons, Share Your Mana, Imua Alliance, ACLU Hawai'i, Reimagining Public Safety in Hawai'i Coalition, and fifty-six individuals.

Your Committee received testimony in opposition to this measure from the Department of the Attorney General; Department of the Prosecuting Attorney of the City and County of Honolulu; Office of the Prosecuting Attorney of the County of Hawaii; Department of the Prosecuting Attorney of the County of Maui; Hawai'i Police Department; one member of the Waikiki Neighborhood Board; Kohala Coast Resort Association; Chinatown Business and Community Association; ABC Stores; Retail Merchants of Hawaii; Fairmont Orchid; Universal Fire and Casualty Insurance Company; Waikiki Business Improvement District; Stolen Stuff Hawaii; State of Hawaii Organization of Police Officers; Institute of Human Services, Inc.; and numerous individuals.

Your Committee received comments on this measure from the Sex Abuse Treatment Center.

Your Committee finds that the posting of monetary bail is not, by itself, a guarantee of a defendant's appearance in court, nor does the setting of bail necessarily prevent the commission of additional offenses while a case is pending. To guarantee the appearance of every arrestee and eliminate all pretrial risk, the State would have to detain every defendant until trial. Your Committee further finds that such a system would be extraordinarily costly, unnecessary, and likely inconsistent with fundamental constitutional principles governing pretrial liberty. The general rule in our system of justice is that a person is presumed innocent unless and until proven guilty, not that a person should begin serving a sentence before conviction. Accordingly, this measure seeks to tailor pretrial detention more narrowly to circumstances in which detention or monetary bail is necessary to reasonably assure appearance in court or protect the public.

Your Committee has amended this measure by:

- (1) Requiring a court that decides to detain a defendant or set monetary bail to make certain oral findings on the record, with the findings reflected in the court's



minutes or by order, as appropriate, rather than written findings;

- (2) Allowing a court to reconsider detention or conditions one time without requiring new information or changed circumstances, rather than at any time;
- (3) Specifying that a court is allowed to reconsider detention or conditions at any time if there is new information or a change in circumstances;
- (4) Clarifying that the pretrial process established by this measure shall not prohibit a court, rather than the prosecuting attorney or pretrial officer, to impose a sanction or financial conditions under section 804-7.3, Hawaii Revised Statutes;
- (5) Inserting a definition for "crime of violence";
- (6) Specifying that "nonviolent petty misdemeanor offense", "nonviolent misdemeanor offense", and "nonviolent class C felony" do not include a crime of violence; and
- (7) 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. 2413, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2413, H.D. 1, S.D. 2.

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



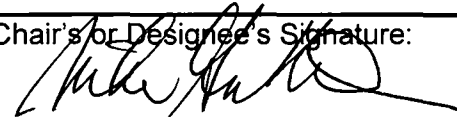
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KARL RHOADS, Chair



The Senate  
 Thirty-Third Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 2913 HD1 SD1	PSM .JDC	4/7/26		
<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				✓
<b>TOTAL</b>	3	1	—	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution:             Original     Yellow     Pink File with Committee Report     Committee     Drafting Agency				

\*Only one measure per Record of Votes