



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2026**

ON THE FOLLOWING MEASURE:

S.B. NO. 2730, RELATING TO CRIMINAL JUSTICE REFORM.

BEFORE THE:

SENATE COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

DATE: Wednesday, February 4, 2026 **TIME:** 3:02 p.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Michelle M.L. Puu, Deputy Attorney General

Chair Fukunaga and Members of the Committee:

The Department of the Attorney General (Department) opposes this bill.

The stated purpose of this bill is to reduce the number of arrests made in criminal cases by: (1) amending the factors under which law enforcement officers may arrest and detain persons without a warrant for petty misdemeanors and violations, (2) requiring law enforcement officers to record the factors that justified a warrantless arrest for certain petty misdemeanors and violations, (3) amending the circumstances under which law enforcement officers may issue citations in lieu of arrest, (4) requiring law enforcement officers to issue citations in lieu of arrest for certain petty misdemeanors and violations, and (5) improving court appearance rates by redesigning the citation form and updating required information fields.

Limiting arrests to the four criteria enumerated in this bill would significantly impede law enforcement officers' ability to resolve the situations they encounter in the community. Arrest authority must be left to officer discretion to preserve public safety and the swift administration of justice. There are several petty misdemeanor offenses that may never meet the four enumerated criteria that would therefore not be subject to arrest. These would include, but are not limited to: Harassment, section 711-1106, Hawaii Revised Statutes (HRS), Disorderly Conduct, section 711-1101, HRS, Theft in the Fourth Degree, section 708-733, HRS, Criminal Property Damage in the Fourth Degree, section 708-823, Criminal Trespass in the Second Degree, section 708-814,

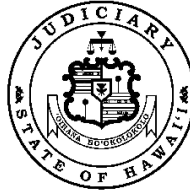
HRS, and Indecent Exposure, section 707-734, HRS. Law enforcement officers need discretion to de-escalate situations via arrest even when they cannot reasonably predict that "there will be further police contact . . . in the immediate future" or that the defendant "must be detained to prevent bodily injury." Page 3, lines 17-21.

Additionally, the initiation of a criminal action via an arrest secures positive identifications by way of the booking process and thereby ensures adjudication of the correct offender. These positive identifications are also necessary to provide the foundation required for holding habitual offenders accountable via enhanced sentencing for repeat offenders. See Habitual Property Crime, section 708-803, HRS.

Moreover, once these cases reach the court system, every petty misdemeanor arrest may be called into question. This may prompt an increase in court hearings to adjudicate motions to suppress evidence and/or dismiss cases based on alleged illegal arrest, which might have nothing to do with the facts or merits of the case. Because the bill does not provide an appropriate remedy, when an arrest falls outside of the four enumerated criteria, different courts could use different standards, leading to different remedies and inconsistent rulings. Inconsistent rulings by judges, with no appropriate remedy, will likely lead to unintended consequences such as key evidence being precluded from trial or dismissal of cases for failing to note which category formed the basis for arrest. The Department is very concerned about these and other unintended consequences, which will undoubtedly arise in other petty misdemeanor offenses as well.

Finally, the revisions proposed to the citation form proposing the removal of the individuals' last four digits of their social security number in a citation will contribute to identification issues in court and in the charging of subsequent cases involving the same individual, as discussed above. See page 7, lines 8-9. This information, when available, is routinely utilized and necessary to ensure proper identification of offenders.

The potential repercussions of restricting law enforcement officers' discretion to arrest in petty misdemeanor cases, when it is appropriate, would be detrimental to public safety and the welfare of our community. Thank you for the opportunity to testify on this bill; we respectfully request that this bill be held.



The Judiciary, State of Hawai‘i
Ka ‘Oihana Ho‘okolokolo, Moku‘āina ‘o Hawai‘i

Testimony to the Thirty-Third Legislature, 2026 Regular Session

Senate Committee on Public Safety and Military Affairs
Senator Carol Fukunaga, Chair
Senator Chris Lee, Vice Chair

Wednesday, February 4, 2026 at 3:02 p.m.
State Capitol, Conference Room 016 & Videoconference

By

Michelle D. Acosta
Deputy Chief Court Administrator
District Court of the First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 2730, Relating to Criminal Justice Reform.

Purpose: 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.

Judiciary's Position:

The Judiciary takes no position on the intent of the proposed legislation and provides the following comments with respect to the impact of the bill on Judiciary operations.

The proposed legislation requires the Judiciary to disseminate a newly redesigned citation form for use by police no later than July 1, 2027. The legislative changes to the form of the citation will require time to research, design, and implement a new citation for effective data sharing between law enforcement agencies, the Criminal Justice Research Institute, and the court reminder system, as well as changes to the Judiciary Information Management System (“JIMS”). The Judiciary would also need to dispose of existing criminal citations and procure revised



citations. In light of the significant changes and additions required by the legislation, the Judiciary respectfully requests that the firm implementation date be delayed to no earlier than January 1, 2028.

Additionally, given the intent to require citations in most violation and petty misdemeanor cases and to encourage citations in misdemeanor cases, consideration should be given to whether a number of the proposed revisions to section 803-6 of the Hawai'i Revised Statutes (H.R.S.) in the newly numbered subsection (e) may have some unintended consequences. Operationally, the removal of the last four digits of the offender's social security number will likely result in the inability of the Judiciary to match offenders in JIMS resulting in cases not being linked to the same offender. Further, the requirement that the citation set forth available options for resolution and options for persons unable to afford fines and fees at the top of the citation may make the citation form misleading for offenders. Unlike parking and traffic infractions, petty misdemeanors and misdemeanors are criminal in nature. As there is a presumption of innocence in criminal cases, fines and penalties for petty misdemeanor and misdemeanors are not printed on the citations. No options exist for resolution of petty misdemeanors and misdemeanors prior to arraignment and plea.

Finally, in Section 2 on page 2, line 13, under the new subsection (b) of H.R.S. §803-5, which sets forth the instances wherein it is permissible for a law enforcement officer to arrest an individual without a warrant for a petty misdemeanor or violation, the Judiciary suggests inserting the language from the similar House Bill 2494, at page 4, lines 9-10, and lines 20-21 to page 5, lines 1-2. This additional language would be necessary to make a warrantless arrest lawful in those instances as contemplated by Section 3. Specifically, it would make it explicitly lawful for an officer to arrest and detain an individual without a warrant on a petty misdemeanor or violation where the officer is reasonably satisfied that the person either "[h]as not offered satisfactory evidence of the person's identity" or has committed the offense of operating a vehicle under the influence of an intoxicant or of abuse of family or household member.¹ This would mirror the language already set forth in Section 3, page 5, lines 9-10, and page 6, lines 6-9 of the bill.

Thank you for the opportunity to testify on this measure.

¹ This language is necessary to permit a warrantless arrest in the potential scenario in which an individual refuses a lawful order from a law enforcement officer to provide their identification (or name and address) or was being detained for a petty misdemeanor under H.R.S. §§ 291E-61 or 709-906. In those instances, despite the language of Section 3, law enforcement officers would be prohibited from arresting the individual (unless an additional condition set forth on page 3, lines 13-21 existed), and would be required to issue a citation as there is no provision in H.R.S. § 803-5(b) that would make such a warrantless arrest lawful. Indeed, a citation issued to a "Doe Defendant" would be problematic for the courts. Should that defendant fail to appear at the date and time noted in the citation, there would be no way to determine who "Doe Defendant" is, nor could the court issue a bench warrant for their failure to appear as there would be no information for the warrant.

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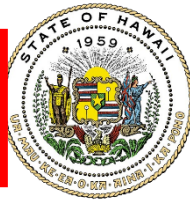
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February 3, 2026

SB2730: RELATING TO CRIMINAL JUSTICE REFORM

Chair Fukunaga, Vice Chair Lee and Members of the Committee on Public Safety and Military Affairs

The Office of the Public Defender (OPD) **supports SB2730**. This measure seeks to conserve the limited resources of understaffed police departments, decrease costs to the State by decreasing the number of people who are unnecessarily held in custody prior to trial and decrease overcrowding in correctional facilities by allowing officers to have the flexibility of issuing citations in lieu of arrest for certain petty misdemeanor offenses and violations.

SB2730 amends Hawai'i Revised Statutes (HRS) § 803-5 to create a presumption that officers issue a citation in lieu of warrantless arrest for petty misdemeanors or violations. When an officer decides to effect a warrantless arrest for a petty misdemeanor or violation, the statute delineates factors that justify the arrest and requires the officer to record which of the factors justified the arrest. SB2370 also amends HRS § 803-6 to clarify that even for these more minor offenses, that warrantless arrests may be appropriate if (1) the person has not offered satisfactory evidence of the person's identity or, (2) the person will not appear in court at the time designated or, (3) the person has an outstanding arrest warrant that would justify the person's detention or give an indication that the person might fail to appear in court or, (4) the offense is of such a nature that there will be further police contact. Thus, officers may still arrest someone who they reasonably poses a risk to public safety or who is unlikely to show up to court on their own.

The use of citation in lieu of arrest is the norm rather than the exception among other states¹ due to the imbalance between the costs and benefits of arrest for low-level offenses. Any perceived benefits from arrests for low level offenses is far outweighed by the benefits of allowing citations in lieu of arrest for such offenses.

An arrest can have significant consequences for the arrestee. The most obvious consequence is the loss of liberty until the person has an opportunity to either post bail or appear in court to ask for release. As most persons charged with low level offenses are not sentenced to jail terms, any period of pretrial incarceration is unnecessarily detrimental to the person. Even short periods of incarceration can cause persons to lose their jobs or valuable earnings. For lower-income clients, like those serviced by the OPD, even a loss of a few hours of earnings can create a significant financial burden. If the arrestee is a parent their arrest can also create childcare issues, especially for parents with no support network.

Law enforcement agencies currently face significant staffing shortages. Effecting an arrest requires that multiple officers spend hours at the scene and at the station processing the arrestee and preparing paperwork. This means that fewer officers are available in the community. The diversion of officers to process an arrest for a low-level offense takes officers off patrol and out of the community, thereby compromising public safety.

The needless arrest of persons for low-level offenses also affects correctional facilities. Correctional centers in Hawai‘i are overcrowded and keeping low level offenders who do not present any danger to the community is a waste of space. There is also a significant financial burden to the State associated with the costs of incarceration. Holding persons in correctional facilities who do not present a danger to the community is a waste of money.

SB2730 will bring Hawai‘i in line with the majority of states that have recognized that allowing the issuance of citations in lieu of arrest for low level offenses does not compromise public safety and encourages efficiency in the criminal justice system. Thank you for the opportunity to comment on this measure.

¹ All states allow issuance of citations in lieu of arrest for misdemeanor or petty offenses. Eight states permit citations for some felonies. Seven states allow citations for crimes or offenses without specifying the offense level. Over half the states have a presumption of issuing citations rather than arrest for certain crimes under certain circumstances. “Citation in Lieu of Arrest,” National Conference of State Legislatures (updated March 18, 2019). <https://www.ncsl.org/civil-and-criminal-justice/citation-in-lieu-of-arrest>

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Keola Siu
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The Honorable Carol Fukunaga, Chair
Senate Committee on Public Safety and Military Affairs
Thirty-third State Legislature
Regular session of 2026
State of Hawai'i
February 2, 2026

RE: SB 2730. Relating to Criminal Justice Reform

Dear Chair Fukunaga and Members of the Senate Committee on Public Safety and Military Affairs:

Thank you for the opportunity to provide testimony **OPPOSING** this bill, which would require officers to issue citations in lieu of arrest for certain offenses. While the goal of reducing unnecessary arrests is noble, this bill goes too far by mandating citations in lieu of arrest for petty misdemeanors and violations and by imposing additional, rigid factors officers must satisfy before making an arrest. In doing so, it unduly burdens law enforcement, curtails officer discretion, and risks undermining public safety.

First, the bill assumes that arrests for petty misdemeanor offenses "contribute to overcrowding in correctional facilities." That assumption does not reflect reality. Our jails are not filled with individuals arrested solely for petty misdemeanors. This legislation therefore addresses a problem that does not meaningfully exist, while creating new risks in day-to-day policing.

Second, the bill significantly restricts officer discretion by requiring officers to affirmatively evaluate and justify arrest decisions based on a limited set of prescribed factors. Those factors do not capture the full range of circumstances officers routinely encounter in the field, including rapidly evolving situations, crimes in progress, or behavior that is escalating toward violence. Police intervention – including arrest – is often necessary to immediately halt unlawful conduct, protect victims, or prevent further harm.

Third, three of the required considerations – whether or not a person will appear in court at a designated time, whether the person committed an offense that will result in further police contact on that date or in the immediate future, and whether the person must be detained to prevent bodily injury to themselves or another person – are inherently difficult, and sometimes impossible, to predict at the time of contact. Officers must make real-time decisions based on limited information. This bill sets them up for second-guessing based on hindsight, rather than supporting sound judgment based on training and experience.

Fourth, the bill raises serious concerns about implementation and liability. It is unclear what process exists to review allegedly unlawful arrests under this framework. The bill also creates ambiguity as to whether officers could face liability or discipline for perceived inconsistency in arrest decisions – particularly when different officers respond to similar but not identical situations. This uncertainty will discourage lawful arrests even when public safety requires them.

Finally, while citations can be an appropriate tool in many cases, mandating their use removes flexibility from officers who must tailor responses to individual circumstances. Justice and public safety are not one-size-fits-all mandates. For these reasons, our Office **OPPOSES** this bill. Thank you for the opportunity to testify.

**DEPARTMENT OF THE PROSECUTING ATTORNEY
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**THE HONORABLE CAROL FUKUNAGA, CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS
Thirty-Third State Legislature
Regular Session of 2026
State of Hawai'i**

February 3, 2026

RE: S.B. 2730; RELATING TO CRIMINAL JUSTICE REFORM.

Chair Fukunaga, Vice Chair Lee, and members of the Senate Committee on Public Safety and Military Affairs, the Department of the Prosecuting Attorney for the City and County of Honolulu submits the following testimony in **opposition** to S.B. 2730.

This bill permits warrantless arrests for a petty misdemeanor or violation only in four enumerated cases. It also requires the officer to record which factor justified the arrest.

S.B. 2730 creates loopholes for criminals, burdensome paperwork for the police, and danger to the public.¹

HRS § 803-6 currently authorizes officers to issue citations in lieu of arrest for non-felony offenses. It first requires officers to account for the risk of non-appearance, any outstanding arrest warrants, the likelihood of resumed police contact, and the danger to others.

S.B. 2730 is unlikely to change the proportion of citations and arrests. At present, all warrantless arrests must be reviewed by a judge for probable cause within forty-eight hours. Officers already attach a written declaration outlining the specific facts supporting probable cause. The reason for an arrest—rather than a citation—is almost always apparent from the factual circumstances recited in the declaration.

If this bill seeks express incantation of its statutory factors, then it simply adds an administrative burdens on officers with no corresponding gain in the quality of policing. For example, drunk-driving is a petty misdemeanor. It is an offense likely to produce further police

¹ See Daniel Hugo, *ACLU Hawai'i Misinformed on Warrantless Arrest Bill*, Honolulu Civil Beat (Community Voice) (Apr. 10, 2025), available at <https://www.civilbeat.org/2025/04/aclu-hawai%CA%BBi-misinformed-on-warrantless-arrests-bill/> (discussing similar bill introduced last session).

contact in the immediate future. And it requires detention because of the hazard to other motorists. So in every drunk-driving case, officers will recite the same two factors inherent to the offense. In a world governed by opportunity costs, that means less time devoted to investigating and gathering the specific factual evidence needed to prove the charge.

Thank you for the opportunity to testify.



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February 3, 2026

Honorable Senator Carol Fukunaga, Chair
Honorable Senator Chris Lee, Vice Chair and Members
Committee on Public Safety and Military Affairs
415 South Beretania Street
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SUBJECT: Testimony in support of S.B. 2730, Relating to Criminal Justice Reform

Dear Chair Fukunaga, Vice-Chair Lee, and Committee Members:

I am writing in support of SB 2730, which seeks to standardize the use of citations in lieu of arrest for petty misdemeanors and violations in Hawaii. While I support the overall intent of the bill, I wish to provide testimony focused on strengthening the language within Section 803-5 (as amended by this bill) regarding the criteria for authorized arrests, specifically concerning the subjective nature of sections (2) and (4).

Re: Section (2) – “Will not appear in court at the time designated” - This particular standard is subjective as it asks an officer to essentially guess whether an individual will show up to court in the future. The officer is rendering a kind of judgment that may be influenced by bias, appearance, or temporary life circumstances such as the person being unsheltered, rather than facts.

Instead of asking officers to guess whether someone will show up to court, the bill should focus on facts. Even then, things like past missed court dates can be hard for officers in the field to check in the moment. A court reminder system is a simpler and fairer way to help people get to court than relying on an officer's judgment.

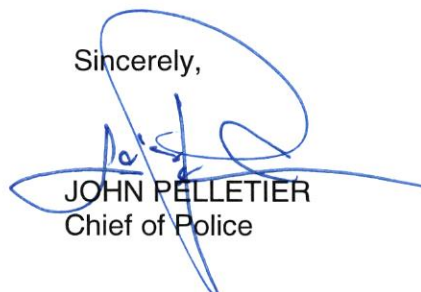
Re: Section (4) - "Committed an offense of such nature that there will be further police contact on or about the date in question, or in the immediate future" - Again, this language is broad and subjective. Tying the “nature of the offense” to a prediction of “further police contact” risks encouraging profiling and preemptive detention, rather than responding to a specific act that has already occurred. It is also unclear how “immediate future” can be defined or applied consistently.

Allowing a narrowing of the provision to rely on clear, objective, and observable conduct that has already occurred, where the person is actively engaged in conduct that is causing immediate and demonstrable harm to others or property, and an arrest is necessary to stop the harm.

SB 2730 is a proactive approach to criminal justice reform that aligns with national best practices. By narrowing the subjective language in sections (2) and (4), we can ensure that law enforcement retains the necessary tools for public safety while upholding the constitutional rights of individuals and reducing unnecessary pretrial detention.

Thank you for the opportunity to testify.

Sincerely,



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TESTIMONY IN OPPOSITION OF SENATE BILL 2730

A BILL FOR AN ACT
RELATING TO CRIMINAL JUSTICE REFORM

LATE

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Senator Carol Fukunaga, Chair

Senator Chris Lee, Vice Chair

Monday, February 4, 2026 at 3:02 p.m.

Via Videoconference

State Capitol Conference Room 016

415 South Beretania Street

Honorable Chair Fukunaga, Vice-Chair Lee and Members of the Committee on Public Safety and Military Affairs. The County of Hawai‘i, Office of the Prosecuting Attorney submits the following testimony **in opposition** of Senate Bill 2730.

S.B. 2730 was drafted with the intent to establish factors under which police officers may arrest individuals without a warrant for petty misdemeanors and requires officers to document the justification for the arrests.

S.B. 2730 would amend Section 803-5, Hawai‘i Revised Statutes, to limit the longstanding power of police officers to make a warrantless arrest when an officer has probable cause to believe that a suspect has committed an offense against the laws of the State of Hawai‘i. This police power to make a warrantless arrest based on probable cause has been available to law enforcement officers in Hawai‘i relatively unchanged for over a century—it is a rule of law that is older than statehood itself.

The power to make a warrantless arrest under Section 803-5 is a limited exception to the general rule that a person may not be arrested without a warrant issued by a magistrate, and is already subject to significant limitations on its use. In particular, the Hawai‘i Supreme Court has held that there is a “temporal restriction” on the police power to make a warrantless arrest. *State v. Keawe*, 107 Hawai‘i 1, 108 P.3d 304 (2005).

This bill would directly affect the ability of police and prosecutors to enforce laws covering offenses against persons, property, and public order which have significant community impact, including but not limited to theft, shoplifting, criminal property damage, disorderly conduct, harassment, indecent exposure, and open lewdness.

S.B. 2730 would make it illegal for a police officer to arrest based upon probable cause alone for a petty misdemeanor or violation, and would instead require that the officer choose and identify one or more additional qualifying factors that the officer is “reasonably satisfied” apply, including that the person has not offered satisfactory evidence of the person’s identity, that the person will not appear in court, that the person has an outstanding arrest warrant, that there will be further police contact, that the person must be detained to prevent bodily injury to self or others, or committed the offenses of operating a vehicle under the influence of an intoxicant or abuse of family or household member. This is not feasible. This requirement will create a substantial and undue additional burden upon our police officers.

There would also be significant uncertainty as to how the judiciary would interpret and apply the text of S.B. 2730. The existence of probable cause to make a warrantless arrest under Section 803-5 is determined by an objective legal test, which is defined in law under subsection (b). Judges have extensive experience in applying the test for probable cause, and extensive case law ensures consistency in how the test is applied. Under S.B. 2730, however, legality of some arrests would no longer turn on whether there was probable cause, but instead on whether the arresting officer was “reasonably satisfied” at the time of arrest that the suspect would not appear in court, that there would be a likelihood of further police contact, or that an arrest was necessary to prevent bodily injury, etc. S.B. 2730 provides little guidance to courts in how to determine if an officer was “reasonably satisfied” of any of these factors.

One of the primary reasons that an arrest is the default method of initiating a criminal action is because of the fundamental need to positively identify the person who is being charged with a crime and brought before a court. Obtaining positive identification is especially important where individuals repeatedly commit petty crimes, triggering the possibility of repeat offender enhancements such as for habitual property offenders. For these enhancements to be available, it must be possible to prove the suspect’s identity beyond a reasonable doubt in conjunction with every offense and every conviction. The process of arrest and booking allows police to use biometric identifiers to ensure the identity of a suspect and is the only way to consistently hold repeat offenders accountable.

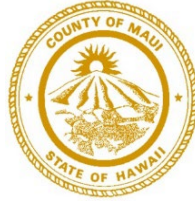
Police officers already have the authority to initiate a criminal case by issuing a citation. Although we appreciate the legislative intent of S.B. 2730, this legislation simply is not necessary.

The County of Hawai‘i, Office of the Prosecuting Attorney remains committed to pursuing justice with integrity and commitment. For the foregoing reasons, the County of Hawai‘i, Office of the Prosecuting Attorney respectfully opposes the passage of S.B. 2730. Thank you for the opportunity to testify on this matter.

RICHARD T. BISSEN, JR.
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TESTIMONY ON
S.B. 2730
RELATING TO CRIMINAL JUSTICE REFORM

February 3, 2026

The Honorable Carol Fukunaga
Chair
The Honorable Chris Lee
Vice Chair
and Members of the Committee on Public Safety and Military Affairs

Chair Fukunaga, Vice Chair Lee, and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui respectfully submits the following comments **in opposition to S.B. 2730, Relating to Criminal Justice Reform**, and requests that the measure be deferred. This measure: 1) prevents police officers from making a warrantless arrest of a person for a petty misdemeanor or violation offense unless the officer is “reasonably satisfied” that the person meets one of seven specific criteria, and 2) requires that a person be cited instead of arrested for any petty misdemeanor or violation offense except Operating a Vehicle Under the Influence of an Intoxicant or Abuse of Family or Household Member.

We oppose this measure for a number of reasons. First, the mandatory citation requirement for petty misdemeanor and violation offenses does not contemplate scenarios where an arrest is necessary for public safety. Offenses such as Simple Trespass, Disorderly Conduct, Criminal Trespass in the Second Degree, Indecent Exposure and Theft in the Fourth Degree are all “non-violent” petty misdemeanor or violation offenses where, similar to the warning citations issued in Abuse of Family or Household Member cases, even the temporary removal of an offender from the scene of an incident via the arrest process reduces the likelihood of retaliation, confrontation and other after-the-fact incidents. Moreover, public confidence in law enforcement and the criminal justice system is increased when citizens can see that offenders are removed from the scene of the crime rather than issued a citation and immediately released.

Second, we are concerned that adding an additional statutory analysis requirement to a potential arrest/citation scenario would result in additional pre-trial challenges requiring additional prosecution and judicial resources to litigate without any significant benefit. For example, every petty misdemeanor or violation arrest would potentially involve an evidentiary defense motion to suppress evidence on the grounds that the arresting officer lacked a sufficient statutory basis to arrest the defendant.

Third, the seven criteria authorizing a warrantless arrest are not flexible enough to handle scenarios that may not meet the proposed arrest criteria but would still require a person's arrest as a matter of public safety. Again, such non-violent offenses as Simple Trespass, Disorderly Conduct, Criminal Trespass in the Second Degree, Indecent Exposure and Theft in the Fourth Degree may have no explicit indication that an offender will fail to show up at court or continue to violate the law if cited and not arrested. However, even the temporary removal of an offender from the scene of an incident via the arrest process reduces the likelihood of retaliation, confrontation and other after-the-fact incidents.

For these reasons, the Department of the Prosecuting Attorney, County of Maui **opposes the passage of S.B. 2730 and requests that the measure be deferred.** Please feel free to contact our office at (808) 270-7777 if you have any questions or inquiries.

Thank you very much for the opportunity to provide testimony on this bill.

C. Kimo Alameda, Ph.D.
Mayor



Reed K. Mahuna
Interim Police Chief

William V. Brilhante Jr.
Managing Director

County of Hawai`i

POLICE DEPARTMENT

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LATE

February 4, 2026

Senator Carol Fukunaga, Chair
Senator Chris Lee, Vice Chair
And Members
Committee on Public Safety and Military Affairs
State Capitol
415 South Beretania Street
Honolulu, HI 96813

Dear Senators Fukunaga and Lee:

RE: SENATE BILL 2730 RELATING TO CRIMINAL JUSTICE REFORM
DATE: FEBRUARY 4, 2026
TIME: 3:02 P.M.
PLACE: CONFERENCE ROOM 016 & VIDEOCONFERENCE

The Hawaii Police Department (HPD) respectfully submits testimony in **opposition** to Senate Bill 2730, Relating to Criminal Justice Reform.

While we understand the intent to reduce unnecessary arrests, this measure imposes significant restrictions that will negatively impact law enforcement's ability to preserve public safety and uphold the integrity of the justice system. Under current law, officers may arrest based on probable cause. SB2730 introduces additional criteria beyond probable cause for warrantless arrests of petty misdemeanors and violations. Although arrests remain permissible under certain conditions, these added hurdles will delay enforcement actions and reduce officer discretion in situations where immediate intervention is necessary to protect the community.

Arrest remains a critical tool for accurately confirming the identity of individuals being charged. This is especially important when dealing with repeat offenders committing minor crimes, where enhanced penalties—such as those for habitual property offenders—may apply. To pursue those enhancements, the defendant's identity must be proven beyond a reasonable doubt for each offense and conviction. The arrest and booking process allows law enforcement to collect biometric data, ensuring reliable identification. Citations do not provide any mechanism for accomplishing this objective, which undermines efforts to hold repeat offenders accountable.

SENATE BILL 2730 RELATING TO CRIMINAL JUSTICE REFORM

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Public safety is also a concern. A crime requires three key elements: a victim, an offender, and an opportunity. Law enforcement is most empowered to disrupt this cycle by removing the offender from the equation—a goal most effectively achieved through physical arrest. While citations may reduce pretrial detention numbers, they do not prioritize public safety. Limiting arrest authority increases the likelihood that offenders remain in the community, creating opportunities for additional harm.

The bill also introduces an administrative burden by requiring officers to document justification for every petty misdemeanor or violation arrest. This added step will increase workload and reduce officer availability for other critical duties, further straining already limited resources. Additionally, the proposed amended language requiring officers to show the arrest warrant is impractical given the dynamics of physically arresting someone who may be uncooperative or combative.

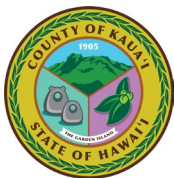
Finally, while SB2730 includes provisions for redesigned citation forms and reminder systems to improve court appearance rates, these measures do not fully address the risk of nonappearance. Without the ability to ensure compliance through arrest when necessary, the effectiveness of these reforms remains uncertain.

For these reasons, HPD respectfully opposes Senate Bill 2730. Thank you for the opportunity to provide testimony.

Respectfully,

A handwritten signature in black ink, appearing to be 'Reed K. Mahuna', with a long horizontal flourish extending to the right.

REED K. MAHUNA
INTERIM POLICE CHIEF



DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

POLICE DEPARTMENT COUNTY OF KAUA'I



ELLIOTT K. KE, CHIEF OF POLICE
MARK T. OZAKI, DEPUTY CHIEF OF POLICE

LATE

February 4, 2026

The Honorable Senator Carol Fukunaga, Chair
And Honorable Members of the Committee on Public Safety and Military Affairs
Hawai'i State Capitol
415 South Beretania Street
Honolulu, HI 96813

RE: Testimony in Opposition of SB 2730, Relating to Criminal Justice Reform

Chair Fukunaga, Vice Chair Lee, and Members of the Committee:

On behalf of the Kaua'i Police Department, I am submitting testimony **OPPOSING** SB 2730, which would require officers to issue citations in lieu of arrest for certain offenses. While the intent of the bill is to reduce unnecessary arrests, it does so by imposing rigid conditions on arrest decisions which unduly restricts officer discretion, creates operational and liability concerns, and jeopardizes public safety.

SB 2730 is based on the mistaken assumption that petty misdemeanor and violation arrests significantly contribute to jail overcrowding. Correctional facilities primarily detain individuals for more serious offenses or repeated noncompliance with court orders, making this measure unnecessary while introducing new risks to everyday policing.

Additionally, the bill overly limits officer discretion by requiring them to evaluate and justify arrest decisions based on a narrow set of statutory factors. These factors do not adequately account for the dynamic and often unpredictable circumstances officers face in the field, including rapidly evolving situations, crimes in progress, escalating behavior, or the need to immediately separate involved parties. Police intervention, which includes arrest, is often the most effective and appropriate tool to stop unlawful conduct, protect victims, and prevent further harm.

Several of the mandated considerations—such as whether an individual will appear in court, whether the individual is likely to engage in further unlawful conduct in the immediate future, or whether detention is necessary to prevent bodily injury—are inherently speculative. Officers must make real-time decisions based on limited information. SB 2730 dangerously invites second-guessing of those decisions, rather than deferring to officers' training, experience, and on-scene judgment.

SB 2730 also raises significant implementation and liability concerns. The bill does not clearly define how arrest decisions will be reviewed or what standards will be applied. It also creates uncertainty regarding potential discipline or liability for officers who make arrest decisions that are later deemed inconsistent with the statute. This ambiguity may discourage lawful and necessary arrests, even when public safety clearly warrants detention.

Chair Fukunaga
February 4, 2026
Re: Opposition of SB 2730
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Lastly, while citations are an important and appropriate tool in many circumstances, mandating their use removes essential flexibility from law enforcement officers who must tailor responses to the specific facts before them. Public safety and justice are not one-size-fits-all, and effective policing depends on the ability to exercise sound discretion.

For these reasons, I respectfully urge the Committee to **OPPOSE SB 2730**. Thank you for the opportunity to provide testimony.

Respectfully submitted,



Elliott K. Ke
Chief of Police
Kaua'i Police Department



TESTIMONY OF DAVE ERDMAN, PRESIDENT & CEO
RETAIL MERCHANTS OF HAWAII
FEBRUARY 2, 2026
IN OPPOSITION OF SB 2730 – RELATING TO CRIMINAL JUSTICE REFORM

Aloha Chair Fukunaga, Vice Lee, and Members of the Committee:

My name is Dave Erdman, and I am the Interim President and CEO of Retail Merchants of Hawai'i, a statewide nonprofit trade association representing retailers, shopping centers, restaurants in retail establishments and in member shopping centers, and allied businesses across Hawai'i.

Retail Merchants of Hawai'i respectfully submits testimony in **opposition to SB 2730**. This bill is substantially similar to measures considered in 2025 that RMH opposed due to concerns about public safety, retail theft, and the growing impact of repeat low-level offenses on businesses and workers.

Crime, particularly theft and trespassing, continues to affect retailers across the state. Limiting law enforcement's ability to take immediate and appropriate action will further embolden offenders and increase risk to employees, customers, and the community.

Retailers experience daily incidents involving shoplifting, trespassing, and disruptive behavior. Many offenders are repeat actors who understand that consequences are limited. Requiring citations in lieu of arrest for certain petty misdemeanors and violations reduces deterrence and leaves officers with fewer effective tools to address ongoing criminal behavior in real time.

Retail employees are not trained to manage criminal activity or confront aggressive individuals. When law enforcement response is constrained, the burden shifts to frontline workers and small business owners, increasing safety risks and financial losses. In some cases, customers and employees have been placed in harm's way while waiting for assistance or attempting to manage situations that should be handled by law enforcement.

RMH is also concerned that additional documentation requirements and narrow arrest standards will discourage intervention, delay response times, and create inconsistent enforcement. These outcomes undermine confidence in public safety and disproportionately affect retail corridors, shopping centers, and visitor-facing areas that are critical to Hawai'i's economy.

Retail Merchants of Hawai'i supports balanced criminal justice policies that promote fairness while also ensuring accountability and public safety. SB 2730, as drafted, shifts

too far away from effective enforcement and would have unintended negative consequences for retailers, employees, and the public.
For these reasons, Retail Merchants of Hawai'i respectfully opposes SB 2730.
Mahalo for the opportunity to provide testimony.

Respectfully submitted,
Dave Erdman
Interim President and CEO
Retail Merchants of Hawai'i



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HAWAI'I SENATE COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

HEARING:

Public Hearing on SB 2730, Feb. 4, 2026

DATE OF TESTIMONY:

Feb. 2, 2026

TESTIMONY OF THE POLICING PROJECT AT NYU SCHOOL OF LAW IN SUPPORT OF SB 2730

Dear Chair Fukunaga, Vice Chair Lee, and Members of the Senate Committee on Public Safety and Military Affairs:

The decision whether to arrest a given member of the community is one of the most important ones routinely made by law enforcement officers. It not only affects the liberty and wellbeing of the person arrested, but also expends law enforcement's limited resources. Moreover, officers' decisions about who to arrest and why can support or harm the crucial relationship between a community and its police department. Although arrests are necessary in some instances to preserve public safety or ensure that an individual appears in court, a growing body of evidence indicates that arrests are also overused.¹ Particularly in relatively minor cases, such as those involving only a petty misdemeanor or violation, a citation in lieu of an arrest is an effective alternative that creates less disruption for the potential arrestee and reduces the burden on law enforcement. Despite this evidence, Hawai'i grants officers the ability to arrest someone without a warrant in more situations than most other states in the nation.

SB 2730 enacts reasonable restrictions, similar to those already found in many other states, that would ensure that officers do not spend resources arresting people for low-level offenses unless there is an articulable public safety reason to believe an arrest is needed. The bill also takes steps to ensure citations are maximally effective by including research-backed changes to the citation form designed to guarantee more people show up to their court hearings. These changes represent a step toward more effective and fairer policing. We applaud this measure and urge its passage.

¹ See, e.g., Rachel A. Harmon, *Why Arrest?*, 115 Mich. L. Rev. 307 (2016), available at <https://repository.law.umich.edu/mlr/vol115/iss3/1/>; The American Law Institute, Principles of Policing, § 4.05 Minimizing the Intrusiveness of Stops and Arrests, available at <https://web.archive.org/web/20250419135411/https://www.policingprinciples.org/chapter-4/4-05-minimizing-intrusiveness-of-stops-and-arrests/>.

States Have Prevented Unnecessary Arrests Through Requirements to Issue Citations for Low-Level Offenses

Regardless of the offense charged or the circumstances involved, the immediate costs and consequences of an arrest are the same. An individual loses their liberty for, at a minimum, hours or days while they are booked, processed, and waiting for potential pretrial release. In addition, the arrest itself can negatively affect everything from an individual's employment to their psychological well-being. It can also cause harm to any minor children or others in the community that rely on or care for the person being arrested. For the law enforcement officer or officers involved, the arrest can take hours of their valuable time—hours in which they are not otherwise able to patrol, respond to calls, or investigate more serious offenses. Detaining these arrestees also can inflate jail costs and exacerbate jail overcrowding. Although such costs are well worth incurring when arresting people for serious offenses or involving dangerous situations, they are frequently disproportionate to the stakes involved in many low-level offenses.

Fortunately, an arrest is not the only option for officers responding to low-level offenses and minor disturbances. The disparity between the costs associated with an arrest and the public safety implications of low-level offenses has led every single state to permit law enforcement officers to issue a citation in lieu of an arrest for at least some offenses.² This includes Hawai'i, which authorizes law enforcement officers to issue a citation in some situations involving a misdemeanor, petty misdemeanor, or violation. These citations begin the criminal process just like an arrest does, but through a written order to appear in court at a designated period of time, rather than the time-consuming and resource-depleting process of arresting and potentially holding that person until their court date.

Many states have further addressed the imbalance between the costs and benefits of arrests for cases involving only low-level offenses by creating presumptions that officers will issue citations for these offenses, rather than conduct a warrantless arrest. These states may authorize warrantless arrests only in cases involving felonies or more serious misdemeanor offenses, situations involving an immediate threat of harm, or individuals presenting articulable flight risks.³ Other states authorize an arrest for lower-level offenses, but direct officers to use their discretion to issue citations unless one or more factors relating to safety or flight risks are present.⁴

Hawai'i, however, provides no similar statutory guidance to officers on when they should issue citations instead of making warrantless arrests. Instead, with the exception of minor traffic violations, law enforcement officers are authorized by law to conduct a warrantless arrest for any offense, no matter how minor, whether the offense was committed in the officer's presence or not.

² See, "Citation in Lieu of Arrest," National Conference of State Legislatures, available at <https://www.ncsl.org/civil-and-criminal-justice/citation-in-lieu-of-arrest>.

³ See, e.g., Massachusetts [M.G.L. 276 § 28](#) (providing a list of misdemeanors for which a warrantless arrest is permitted); Montana [M.C.A. § 46-6-311](#) (authorizing warrantless arrests only where conduct is ongoing or there are existing circumstances requiring immediate arrest); and Pennsylvania [42 Pa. Code 8902](#) (authorizing arrest for low level misdemeanors only if there is ongoing conduct that endangers people or property).

⁴ See, e.g., Minnesota [R. Crim. P. 6.01](#) (requiring a citation in lieu of arrest in misdemeanor cases unless there are safety or flight risks); Ohio [O.R.S. 2935.26](#) (prohibiting arrests for minor misdemeanors unless there are safety or flight risks); and Virginia [Va. Code Ann. 19.2-74](#) (requiring immediate release on a citation of anyone arrested for low level offenses unless there are safety or flight risks).

This is one of the most expansive statutory grants of discretion to make warrantless arrests in the nation. States as varied as Florida, Vermont, Georgia, and Washington State, have all rejected this approach and, in the process, shown that providing stricter parameters for when officers can use their warrantless arrest authority (and when they should instead issue citations) is consistent with public safety and support for law enforcement.⁵

SB 2730 Prioritizes Public Safety and Flight Risks During Arrest Decisions

SB 2730 reflects the national consensus that using police to arrest people for a subset of low-level offenses is an unnecessary, costly response. Notably, SB 2730 leaves untouched law enforcement officers' authority to conduct warrantless arrests in all cases involving a felony or misdemeanor offense. Likewise, the bill explicitly excludes petty misdemeanors involving drunk driving or domestic violence from its citation requirements, addressing the concerns that law enforcement raised last legislative session. In all of these more serious cases, officers retain blanket authority to conduct warrantless arrests.

SB 2730 instead focuses on situations involving, at worst, only a nonexempt petty misdemeanor—offenses that frequently result in no jail time and have penalties capped at 30 days in jail. Even for these more minor offenses, SB 2730 directs officers that warrantless arrests may be appropriate if the person has failed to offer satisfactory evidence of their identity, will not appear in court, has outstanding warrants, is likely to have continuing contact with the police, *or* presents a risk of injury to themselves or others. In other words, officers can still arrest anyone who poses a risk to public safety or who is unlikely to show up for court on their own. But where those risks are not present and the case is likely to be resolved without ever needing to place someone in custody (or for only a short period of time), the law provides needed guidance to officers about when to use a more efficient citation instead. The interests of justice are still served, but without the additional costs and consequences of an arrest – and with much greater clarity for law enforcement.

For those situations in which an arrest still occurs for a petty misdemeanor or violation, SB 2730 further requires the officer involved to select their justification. This not only ensures that officers are carefully considering the necessity of an arrest in each of these instances, but provides valuable data too. This information will allow the community to better understand why officers are arresting individuals for these offenses and potentially identify arrest trends or other information useful for policymakers working to further improve policing in Hawai'i.

The collection of this information will not burden law enforcement. An arrest and booking typically take over an hour to complete; selecting an arrest justification from among a few available options adds only seconds to this process, a negligible addition. While many officers already include this kind of information in their police reports, the new requirement in SB 2730 is nevertheless essential because it creates a uniform system of data recording, a necessary step for policymakers to see the big picture on arrests, not just the facts of a particular case.

⁵ See, Florida [Fla. Stat. 901.15](#); Georgia [Ga. Code 17-4-20](#); Vermont [Vt. R. Crim. P. 3](#); and Washington State [R.C.W. 10.31.100](#).

SB 2730 Will Make Citations More Effective, Improving Court Appearance Rates

A successful citation policy does not just dictate which offenses or circumstances result in a citation in lieu of an arrest, but makes citations themselves more effective. The type and placement of information on the citation form itself can have a remarkable impact on how frequently the form gets its recipients to appear for initial court dates. Research has shown that relatively simple redesigns of court forms can boost court appearance rates significantly. For example, in New York, a redesign of the ticket form for violations and low-level misdemeanors resulted in a 13% reduction in the rate of missed court appearances.⁶ SB 2730 follows this research by requiring that Hawai'i's citation form include information demonstrated to get more citation recipients to court more reliably, such as a person's phone number and email address (which can be entered into a court reminder system). In addition, the citation itself is required to be redesigned in an evidence-based manner that further improves court appearance rates. These changes will reduce the number of individuals who miss their required court dates, improving outcomes for them, court efficiency, and public safety more generally.

SB 2730 transforms Hawai'i's uniquely broad statutory discretion to make warrantless arrests into a more tailored approach. By creating a presumption of citations, rather than arrests, for a subset of petty misdemeanors and violations, this bill prioritizes effective law enforcement responses that create only a fraction of the disruption or costs of an arrest. It bolsters this policy change by requiring research-backed improvements to the citation form that will further increase court appearance rates and citation effectiveness. We thank the Committee for their consideration of this important piece of legislation and urge you to recommend passage of this bill.

⁶ Cooke, Brice, et al. Using Behavioral Science to Improve Criminal Justice Outcomes: Preventing Failures to Appear in Court, ideas 42 & University of Chicago Crime Lab (2018), available at <https://www.ideas42.org/wp-content/uploads/2018/03/Using-Behavioral-Science-to-Improve-Criminal-Justice-Outcomes.pdf>.

February 2, 2026

Senator Carol Fukunaga
Chair, Committee on Public Safety and Military Affairs
415 South Beretania St.,
Honolulu, HI 96813

Re: In Support of SB2730 (Rhoads): Relating to Criminal Justice Reform

Dear Chairwoman Fukunaga and Members of the Committee,

ideas42 is pleased to support SB2730 regarding the use of citation in lieu of arrest and specific changes to the citation form to increase court appearance rates. Our research and experience working with state and local jurisdictions demonstrates that **simple improvements to the design of the citation form will improve compliance, to the benefit of everyone involved.**

ideas42 is a non-profit with deep expertise in human behavior. Through our (Un)warranted initiative, we help state and local jurisdictions around the country test and implement new practices specifically to improve court appearance rates. We work with policymakers to codify practices proven to significantly decrease missed court dates.

By improving the citation form, Hawai'i can reduce avoidable court backlogs, warrants, arrests, and incarceration that result when people accidentally miss court. Increasing citation compliance relieves needless pressures on courts, law enforcement, jails, budgets, taxpayers, individuals, families, and employers.

1. Research Supporting Simple Improvements to Citation Forms

A key finding of (Un)warranted's work is that simple, common sense **improvements to court date forms can reduce missed appearances by 13%**, as detailed in this *Science* [article](#).

These changes increase compliance because people do not always understand the requirements. Common reasons for missing court include [not being aware of the court date](#), or [being confused by the information provided](#). When court date information is buried below administrative data, people have trouble finding it. Improved citation forms, where key information is listed at the top, are shown to directly [increase people's ability to find and remember their court date](#).

Increased compliance is itself significantly impactful for all citations issued across the state. An additional benefit of improving citation forms in Hawai'i is that by including a field for collecting cell phone numbers and email addresses, **these forms can also help fuel court reminders that have proven to [reduce nonappearance by 20-40%](#).**

The Hawai'i State Judiciary offers [Court Date eReminders](#) via text or email. This legislation will support future expansion of its reach by increasing phone number collection across the state. This will allow more court reminders to be sent, further reducing missed court and avoiding the unnecessary burdens that preventable absences create for Hawai'ians and the government at all levels.

2. Improved Citation Forms Save Money, Reduce Workloads, and Improve Outcomes

This bill delivers concrete value for Hawai'i governments. (Un)warranted conservatively estimates that a [single missed court date costs](#) \$1,496 in government resources when a warrant is issued. For individuals who unintentionally miss court, the estimated loss is \$1,354 from missed wages, fines, benefits, and other impacts. Even when missing court doesn't result in arrest or incarceration—but instead delayed fine payments or driver's license suspensions—the costs of preventable missed court dates create serious problems for everyone involved.

By making requirements, instructions, and consequences as clear as possible, Hawai'i can help people avoid misunderstanding the citation and missing the deadline—and prevent the unnecessary escalation to higher fines, driver's license suspensions, arrests, or incarceration.

When these problems are avoided, everyone benefits. Individuals are better able to provide for themselves and their families, while Hawai'i will see fewer additional violations of the law, faster case resolution, and significant savings of taxpayer resources.

3. The Specific Value of Proposed Citation Form Changes

The following explains the relevance of specific proposed amendments in SB2730, Section 3:

(d)(1) Facilitate data collection and sharing, including between law enforcement agencies, the criminal justice research institute, and any court reminder system managed by the judiciary:

Among other benefits, this will allow the contact information collected on the form to be used for reminders, further improving appearance rates.

(d)(2) Maximize the rate at which persons appear in court in response to the citation, by adhering to research and best practices on form design to improve court appearance rates:

Our research provides the models proven to reduce missed court dates. The three most important citation practices include: placing all court date information at the top, stating the consequences of not appearing in court or resolving the citation beforehand, and providing key information in plain language to help people follow up. ideas42 would be pleased to provide models to Hawai'i, along with pro bono expert guidance, to help streamline the improvement process and ensure the changes deliver real, measurable impact in practice.

(e)(3) The offender's cell phone number and electronic mail address, if available:

ideas42 recommends that law enforcement officers proactively request—rather than require—contact information. Agencies have seen clear benefits, including fewer warrant-based arrests,

of collecting phone numbers, and simple prompts can make the request easier. We would be happy to share additional details.

(e)(7) A notice of the time [and], date, and location for court appearance:

Including the location, and all court date information at the top of the form, will make it clearer and easier for people to appear in court.

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

People are more likely to understand and resolve their cases when options are clearly provided, rather than requiring them to take additional steps to seek information on their own. In practice, citation notices that include options for those unable to afford imposed fines have led to [higher response rates by the deadline](#).

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

Behavioral science research consistently proves that by reducing steps and making it easier for people to get the information they need, they are more likely to follow through and do so.

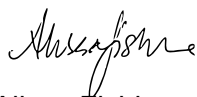
(e) To the extent practicable, the citation shall place information described in paragraphs (7), (11), (12), and (13) at the top of the citation, before other administrative fields.

Placing key information and consequences at the top of a citation has been shown to increase court appearance rates. When information is prominently positioned, people are more likely to notice, remember, and comply. Research shows that readers focus first on the top of a document. They often stop reading once they encounter administrative details, assuming those sections are intended for government use rather than containing instructions for them.

In summary, ideas42 strongly supports SB2730 (Rhoads) because improving the citation form alone will deliver substantial benefits to Hawai'i. By also collecting contact information that can be used to expand Hawai'i's Court Date eReminder program, those benefits will be multiplied—preventing even more missed court dates.

Please do not hesitate to contact me at alissa@ideas42.org with any questions, or for models or guidance on court date notification forms and reminders. We would be honored to be a resource at any time.

Sincerely,

A handwritten signature in black ink, appearing to read "Alissa Fishbane".

Alissa Fishbane
Managing Director, ideas42

LATE

SB-2730

Submitted on: 2/3/2026 5:02:04 PM

Testimony for PSM on 2/4/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Cacique J Melendez	Testifying for SHOPO HAWAII	Oppose	In Person

Comments:

This legislation needs to be strongly opposed as it will overload police departments and the court systems with additional paperwork generated from issuing citations for criminal acts. If the suspects disregard the citation, a warrant will be generated instead of them having to show up to court after arrest. Additionally, this is a terrible injustice to victims of crimes, regardless of the level. Victims deserve to be protected from all crime from small infractions to large felonies. This bill will benefit criminals and not protect or give justice to law abiding citizens who are traumatized by crime, even at the petty misdemeanor level.

SB-2730

Submitted on: 1/30/2026 6:11:05 PM

Testimony for PSM on 2/4/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
John Deutzman	Individual	Oppose	Written Testimony Only

Comments:

Aloha Senators Fukunaga, Lee, and members of the Hawaii Senate Committee on Public Safety, Intergovernmental and Military Affairs Committee,

I'm strongly opposed to SB2730 as it's another attempt to tilt the scales against the safety of the community for a naive perception that too many people are being arrested.

I've been studying in excess of 3,500 arrests in my portion of Waikiki during a five year period and can assure you that:

-Police are extremely compassionate in using their discretion to arrest, and only do so when necessary.

-In my 24-month study of cases in which defendants were released on their own recognizance, there was a 74 percent failure to appear rate. Criminal reform advocates never seem to study or reveal this behavior. When someone fails to appear, a warrant is generated, and police need to arrest the person again.

-The failure to appear rate for citations is much higher, and multiple investigations by Civil Beat indicate that most citations are dropped, so no consequences are faced.

-Taking away officer discretion and requiring them to write a citation instead of an arrest will likely backfire and create more arrests, as most people have horrific criminal records, failure to appear rates, and other criteria that will mandate an arrest instead of a citation.

-There is a misconception that petty misdemeanors are "minor crimes," but when committed often in a geographic area by the same group of people, they become "a death by a thousand cuts" for a community.

-Unlike arrests, citations do not require fingerprinting and will nullify the ability for prosecutors to charge people for habitual offenses like habitual property crime. For example, if a person commits shoplifting 30 times and is given 30 citations instead of arrests, prosecutors cannot count ANY of those cases in considering habitual charges because the person was not fingerprinted.

John Deutzman Waikiki

SB-2730

Submitted on: 2/1/2026 1:10:14 PM

Testimony for PSM on 2/4/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Victor K. Ramos	Individual	Oppose	Written Testimony Only

Comments:

OPPOSE this bill. This bill WILL away an effective option for a police officer to arrest an individual that should be detained and arrested following a criminal investigation. This bill if passed will be bad for the police officers, as explained and it will be bad for the community that consistently ask for law enforcement to clean up their business districts and/or respective neighborhoods.

LATE

TESTIMONY IN SUPPORT OF SB 2730

Senate Committee on Public Safety and Military Affairs

Aloha Chair Fukunaga, Vice Chair Lee, and members of the Public Safety and Military Affairs Committee:

I have worked in the field of public safety for more than 15 years, and strongly support SB 2730, which improves how arrest decisions are made in Hawai'i by focusing police resources where they are most needed.

Arrests are sometimes necessary, especially when there is a serious offense or safety risk. But extensive research and data unambiguously show that for most low-level offenses, arrests carry high costs with little public safety benefit.

Even brief arrests can:

- Disrupt employment and family stability
- Increase jail costs and overcrowding
- Take officers off the street for hours

Most states address this by directing officers to issue citations for minor offenses unless there is a clear safety or flight risk. Hawai'i currently gives officers unusually broad authority to arrest for even very minor conduct. According to DCR Intake Services Centers data for 2024 and 2025, at least 37% of people in jail in Hawai'i are homeless and incarcerated for non-violent offenses.

SB 2730 takes a measured approach:

- It preserves full arrest authority for serious offenses
- It excludes DUI and domestic violence
- It creates a presumption of citation only for limited low-level offenses, while allowing arrest when real risks are present.

SB 2730 promotes efficient, fair, and safety-focused policing. I respectfully urge your support.

Mahalo,

Liam Chinn

Public Safety and Police Reform Consultant, Honolulu