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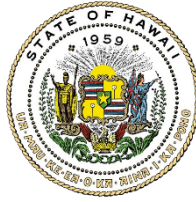
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March 16, 2026

SB 2731, SD1: RELATING TO SENTENCING

**Chair Tarnas, Vice-Chair Poepoe, and Members of the Committee on
Judiciary and Hawaiian Affairs:**

The Office of the Public Defender (OPD) **supports and offers comments** on SB 2731 SD1, which amends Chapter 706 of the Hawai'i Revised Statutes (HRS) to limit the maximum term of imprisonment for misdemeanors and offenses punishable by up to or not exceeding one year to three hundred sixty-four (364) days, and permits individuals previously sentenced to a one-year term to petition the court for modification.

Under federal immigration law, a sentence of 365 days may trigger severe immigration consequences, including classification of certain offenses as aggravated felonies or crimes involving mandatory detention. By contrast, a maximum sentence capped at 364 days often avoids those disproportionate federal consequences.

This measure:

- Does not change the elements of any offense;
- Does not eliminate accountability;
- Does not prevent courts from imposing substantial jail time; and
- Preserves full judicial discretion within the misdemeanor framework.

It simply ensures that a state-classified misdemeanor does not automatically result in immigration penalties far exceeding what the Legislature intended when designating the offense as a misdemeanor.

Misdemeanors are, by legislative classification, less serious than felonies. A 364-day cap preserves meaningful punishment while ensuring proportionality between the offense level and its collateral consequences.

This measure also appropriately allows individuals previously sentenced to one year to apply for modification. This provision promotes fairness and equal treatment between similarly situated individuals sentenced before and after the bill's enactment.

The Office of the Public Defender represents individuals who are often long-term residents, parents of U.S. citizen children, essential workers, and deeply rooted members of our community. For many, deportation is a punishment far more severe than the underlying misdemeanor sentence. Noncitizen defendants often face extraordinarily complex immigration consequences, particularly those who are indigent and lack access to immigration counsel. Criminal sentencing and immigration consequences are deeply intertwined. This structural reform reduces unnecessary and unintended harm while preserving judicial authority and community safety.

Hawai'i would not be acting alone in adopting this reform. Over the past decade, numerous jurisdictions have reduced misdemeanor maximum sentences from "one year" to 364 days to address unintended immigration consequences tied to the federal one-year threshold.

Some states accomplished this reform through express statutory amendments reducing the maximum term for misdemeanors to 364 days, including California, New York, Utah, and Connecticut. Other jurisdictions have long structured their misdemeanor sentencing schemes so that the maximum term is already 364 days, including Washington, Oregon, Illinois, and Nevada. Colorado likewise amended its sentencing statutes to reflect 364-day maximums for certain misdemeanor classifications.¹

These reforms preserve public safety and judicial discretion while ensuring that state-defined misdemeanors do not inadvertently trigger federal penalties that far exceed the punishment contemplated by state law.

¹ *California Penal Code* § 18.5(a); *New York Penal Law* § 70.15(1), (3); *Utah Code Ann.* § 76-3-204 (as amended by H.B. 244 (2019)); *Conn. Gen. Stat.* § 53a-36a; *Wash. Rev. Code* § 9A.20.020(2); *Or. Rev. Stat.* § 161.615(1); *730 Ill. Comp. Stat.* 5/5-4.5-55; *Nev. Rev. Stat.* § 193.140; and *Colo. Rev. Stat.* § 18-1.3-501.

Comments on Exclusion of “Crimes of Violence”

While the OPD supports the overall intent of this measure, we respectfully oppose the provision in SD1 that limits the 364-day sentencing cap to offenses that are not classified as “crimes of violence.”

This exclusion undermines the core purpose of the bill. The immigration consequences that this measure seeks to address are triggered primarily by the length of the sentence imposed not solely by the classification of the offense. As a result, individuals convicted of misdemeanor offenses that fall within the statutory definition of a “crime of violence” may still face severe and disproportionate immigration consequences if subject to a potential one-year sentence.

Importantly, the definition of “crime of violence” under HRS § 134-1 encompasses a broad range of conduct, including lower-level misdemeanor behavior that the Legislature has already determined does not rise to the level of a felony. Maintaining a one-year sentencing exposure for these offenses creates an arbitrary distinction that does not necessarily reflect the seriousness of the conduct, but instead results in dramatically different collateral consequences.

This limitation also diminishes fairness and uniformity. Two individuals convicted of comparable misdemeanor offenses may face vastly different outcomes, particularly in the immigration context, based solely on statutory classification rather than individualized judicial consideration. Such disparities are inconsistent with the bill’s goal of promoting proportionality in sentencing.

Further, extending the 364-day cap to all misdemeanor offenses would not compromise public safety. Courts would retain full discretion to impose significant custodial sentences where appropriate. The measure does not eliminate accountability, it simply ensures that misdemeanor-level offenses are treated consistently with their classification under Hawai‘i law and do not inadvertently trigger excessively harsh federal consequences.

For these reasons, the OPD respectfully recommends removing the exclusion for “crimes of violence” so that the 364-day cap applies uniformly to all misdemeanor offenses.

For these reasons, the OPD **supports with comments** SB 2731 SD1.

Thank you for the opportunity to comment.



TESTIMONY IN SUPPORT OF SENATE BILL 2731 SD1
RELATING TO SENTENCING

Ke Kōmike Hale o ka Ho‘okolokolo a me ke Kuleana Hawai‘i
(House Committee on Judiciary & Hawaiian Affairs)

Ke Kapitala ‘o Hawai‘i
(Hawai‘i State Capitol)

Malaki 18, 2026

2:00 PM

Lumi 325

Aloha e Chair Tarnas, Vice Chair Poepoe, a me Members of Ke Kōmike Hale o ka Ho‘okolokolo a me ke Kuleana Hawai‘i:

The Office of Hawaiian Affairs (OHA) **SUPPORTS SB2731 SD1** which limits the maximum term of imprisonment for nonviolent offenses punishable by up to one year to three hundred sixty-four days and allows individuals previously sentenced to one year for nonviolent offenses to seek sentence modification conforming to the new standard.

OHA supports community-centered approaches to accountability that protect public safety while reducing unintended long-term harms. The recent amendments appropriately narrow this measure by excluding crimes of violence from the revised sentencing cap. As amended, this bill preserves the existing one-year maximum for violent misdemeanors while providing targeted relief for nonviolent offenses, where a one-day difference in the statutory maximum can trigger disproportionate collateral consequences in housing, employment, professional licensing, and immigration status, even though the underlying conduct and court findings remain the same.

From a Native Hawaiian well-being perspective, effective justice policy should support pathways back to stability, dignity, and meaningful contribution to community. Well-being is strengthened through connection to ‘ohana, culture, place, and opportunity, and weakened by avoidable legal and economic consequences that extend far beyond the sentence itself. This bill reflects a balanced approach. It does not eliminate penalties, reduce offense classifications, or remove judicial discretion within the revised limit. Rather, it narrows the sentence structure for nonviolent offenses in a way that maintains accountability while reducing excessive downstream harm.

Native Hawaiians are disproportionately represented in Hawai‘i’s criminal legal system and are therefore more exposed to the compounding consequences tied to sentence-length thresholds. Allowing individuals previously sentenced to one year for nonviolent

offenses to petition for conforming modification promotes fairness and consistency across similarly situated cases and supports successful reentry and community reintegration. For these reasons, the Office of Hawaiian Affairs respectfully urges this Committee to **PASS SB2731 SD1**.

Mahalo nui for the opportunity to provide testimony on this important measure.



March 18, 2026

Hawai'i State Legislature
Senate Committee on Judiciary and Hawaiian Affairs ("JHA")

RE: Testimony in Support with Comments for SB 2731 SD 1, RELATING TO SENTENCING

Dear Chair Tarnas, Vice-Chair Poepoe, and Members of the JHA Committee:

The William S. Richardson School of Law Refugee & Immigration Clinic ("RILC") submits testimony in **support of SB 2731 SD1**, which would cap the maximum term of imprisonment for misdemeanors and offenses punishable by up to one year at 364 days and permit individuals previously sentenced to a one-year term to seek sentence modification. These impacts are significant where deportability and aggravated felony determinations turn on whether a conviction carries a potential sentence of one year or more.

About RILC

RILC offers law students an opportunity to work on immigration law cases under the supervision of a licensed immigration attorney. Immigration law is a dynamic area of law that intersects with many issues in contemporary culture and politics. With a Director, three Law Fellows, and 6-10 law students each semester, we provide specialized and high-quality immigration legal services to income-eligible noncitizens in Hawai'i. We focus our efforts on income-eligible clients seeking asylum, removal defense, and other forms of humanitarian relief because these clients often have the most difficulty finding and paying for legal representation.

Our Position on SB 2731

We support SB 2731 because, as immigration attorneys, we have observed how misdemeanor sentences of one year can trigger severe and disproportionate immigration consequences for noncitizen residents of Hawai'i. Under federal immigration law, a sentence of one year can transform a misdemeanor conviction into a deportable offense or aggravated felony, resulting in mandatory detention, removal, and permanent separation from family. See 8 U.S.C. §§ 1227(a)(2)(A), 1101(a)(43), 1229b(a)(3). By capping misdemeanor sentences at 364 days, SB 2731 would ensure that minor offenses do not automatically meet the federal one-year sentencing threshold that triggers these harsh consequences. This reform does not aim to excuse criminal conduct or alter federal law, but rather, it aligns Hawai'i's sentencing framework with the Legislature's intent to treat these offenses as misdemeanors while mitigating immigration consequences that exceed the severity of the conduct. SB 2731 would promote proportional sentencing while preserving judicial discretion, and help prevent unnecessary deportations.

We urge this committee to pass SB 2731. Thank you for the opportunity to testify on this measure.

Sincerely,

Danicole S. Ramos, Esq.

COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: [\(808\) 927-1214](tel:(808)927-1214) / kat.caphi@gmail.com

Today's Inmate; Tomorrow's Neighbor



COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Representative David Tarnas, Chair

Representative Mahina Poepoe, Vice Chair

Wednesday, March 18, 2026

2:00 PM

Room 325 and VIDEOCONFERENCE

STRONG SUPPORT FOR SB 2731 SD1 - SENTENCING

Aloha e Chair Tarnas, Vice Chair Poepoe, and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai`i for almost three decades. This testimony is respectfully offered on behalf of the 3,646 Hawai`i individuals living behind bars¹ and under the “care and custody” of the Department of Corrections and Rehabilitation on March 2, 2026. We are always mindful that 797 of Hawai`i’s imprisoned male population are serving their sentences abroad -- thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

Community Alliance on Prisons appreciates the opportunity to express our **STRONG SUPPORT for SB 2731 SD1** that limits the maximum term of imprisonment for misdemeanors that are not crimes of violence, or for offenses that are not crimes of violence punishable by up to or not exceeding one year, to three hundred sixty-four days. This bill allows individuals previously sentenced to a one-year term of imprisonment for an offense that is not a crime of violence to apply to the court for a sentence modification to conform to the new limit.

¹ DCR Weekly Population Report, March 2, 2026

[Pop-Reports-Weekly-2026-03-02.pdf](#)

In these perilous times, Hawai`i must be especially mindful of the impact of laws that could hurt our neighbors and cause life-long consequences. CAP supports proportional, community-centered approaches to accountability that protect public safety while reducing unintended long-term harm. A one-day difference in a statutory maximum sentence can trigger outsized collateral consequences in housing, employment, and licensing. SB 2731 SD1 preserves misdemeanor accountability while preventing disproportionate downstream penalties that do not improve safety outcomes.

This bill will protect our immigrant neighbors when a sentence for one years can have incredibly scary effects on their lives and their families.

*“Lower-level misdemeanors make up over 80 percent of all criminal cases, yet there is mounting evidence that prosecuting people for nonviolent misdemeanors substantially **increases** their chances of coming into the justice system again. **In other words, the conventional misdemeanor court process may be undermining public safety.**”²*

The states that have reduced the maximum misdemeanor sentence from 365 days to 364 days include; Utah, Colorado, California, Minnesota, Nevada, New York, Oregon. They follow **eleven other states** whose misdemeanor charges already carried a maximum sentence of less than one year.³

We respectfully ask the JHA Committee to pass SB 2731 SD1 to help our people. Mahalo nui for hearing this measure!

² **A Moment for Misdemeanor Policy Change, August 29, 2025**

Julian Adler, Daniel Ades – Center for Justice Innovation

<https://www.innovatingjustice.org/resources/misdemeanor-policy-change/>

³ **States Pass “364-Day” Misdemeanor Sentencing Laws to Protect Illegal Aliens from Deportation**

May 2, 2019

<https://www.fairus.org/legislation/states-pass-364-day-misdemeanor-sentencing-laws-protect-illegal-aliens-deportation>



COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair

Rep. Mahina Poepoe, Vice Chair

HEARING:

Wednesday, March 18, 2026 at 2:00 pm

Conference Room 325 and Via Videoconference

TESTIMONY IN SUPPORT OF SB 2731, SD1 - RELATING TO SENTENCING.

Aloha Chair Tarnas, Vice Chair Poepoe, Rep. Cochran of Maui, and Members of the Committee,

My name is Veronica Mendoza, Founding Executive Director of Roots Reborn and a founding coalition member of El Pueblo en Acción (EPA) Maui — *The People in Action Maui*. I am writing in **strong support of SB 2731, SD1**, Relating to Sentencing, which limits the maximum term of imprisonment for misdemeanors that are not crimes of violence, or for offenses that are not crimes of violence punishable by up to or not exceeding one year, to three hundred sixty-four days and allows individuals previously sentenced to a one-year term for an offense that is not a crime of violence to apply to the court for a sentence modification to conform to the new limit.

Roots Reborn provides community care navigation and immigration legal aid to Maui's immigrant and migrant communities through a fully bilingual and bicultural team. Our navigators help families access recovery resources, social services, and systems support, while our legal program — the first nonprofit immigration legal aid program on Maui — delivers direct representation, case assessment, and Know Your Rights education. The two programs work in tandem, ensuring that the people we serve receive holistic support without falling through the gaps between systems. Through this work, we directly serve COFA citizens from the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau.

Under current Hawai'i law (HRS 706-663), the maximum sentence for a misdemeanor is one year. That one-year threshold is the exact trigger under federal immigration law for an "aggravated felony" classification — grounds for virtually automatic deportation. A single extra day in a sentence can mean the difference between a fine and permanent family separation.

Hawai'i is home to the largest COFA community in any U.S. state — a community we know well through our daily work on Maui. COFA citizens have *fewer* legal protections against removal than green card holders; a single conviction of a crime of "moral turpitude" can trigger deportation. Prior to January 2025, COFA citizens with past misdemeanor convictions were rarely subjected to removal proceedings. That has changed. We are now witnessing COFA citizens being detained and deported — even for conviction that took place years ago. Even non-citizens whose sentences were stayed or who served jail time face deportation based on the statutory maximum alone.

As the law currently stands, there is nothing that can be done for people previously convicted of a misdemeanor who now face deportation. Communities lose far more from a deportation than from allowing someone to remain, contribute, and be accountable. We strongly support **SB 2731, SD1** as a compassionate, proportional measure to prevent unintended immigration consequences from tearing families apart in Hawai'i.

Sinceramente,

A handwritten signature in black ink, appearing to read 'Veronica Mendoza', written over a light blue horizontal line.

Veronica Mendoza

Maui Roots Reborn, *Founding Executive Director*

El Pueblo en Accion Maui, *Founding Coalition Member*



TESTIMONY IN SUPPORT OF SB2731, SD1 - RELATING TO SENTENCING

Committee on Judiciary and Hawaiian Affairs

Rep. David A. Tarnas, Chair

Rep. Mahina Poepoe, Vice Chair

Hearing Date: March 18, 2026 | Conference Room 325 | Letter Date: March 17, 2026

Dear Chair Tarnas, Vice Chair Poepoe, and Members of the Committee:

The Legal Clinic (TLC) supports the intent of SB2731, SD1 to reduce the maximum term of imprisonment for misdemeanors punishable by up to one year from 365 to 364 days, and to allow individuals previously sentenced to one year to seek sentence modification. TLC is a nonprofit organization dedicated to advancing immigrant justice in Hawai'i through immigration legal services, community education, and policy advocacy. Promoting fairness and due process within the legal system is at the heart of our work.

Under federal immigration law, a 365-day sentence can trigger harsh immigration consequences, including detention, removal, and bars to immigration relief. A modest one-day adjustment to a 364-day sentencing cap for low-level offenses helps prevent disproportionate collateral punishment that occurs outside of Hawai'i's criminal justice system and over which the state has little control.

We appreciate the Committee's continued work on this important reform. However, we respectfully urge reconsideration of the amendments in SD1 to create carve-outs for certain misdemeanor offenses. The purpose of this legislation is **not** to change criminal accountability. Rather, this reform is intended to ensure that misdemeanor sentencing does not unintentionally trigger extraordinarily severe immigration consequences that far exceed the intended punishment. Individuals will still be prosecuted, convicted, and sentenced under existing law and courts will still retain full discretion to impose jail time and other penalties.

Importantly, other states that have enacted 364-day misdemeanor sentencing reforms – including Washington, Nevada, California, Colorado, Utah, Illinois, Minnesota, and New York – have adopted uniform standards without such carveouts. Creating exceptions would make Hawai'i an outlier and risks undermining the clarity, fairness, and effectiveness of this reform.

A consistent statewide standard promotes proportionality, predictability, and due process without compromising public safety or judicial discretion. For these reasons, TLC respectfully requests the Committee restore the original language of SB2731 so that the reform applies uniformly to qualifying misdemeanor offenses.

Mahalo for the opportunity to testify on this important measure. We urge the Committee to pass this bill with the recommended amendments.

Respectfully submitted on behalf of The Legal Clinic
and Board President Amefil Agbayani,



Christina Sablan
Community & Policy Advocate



www.AlohaILHawaii.org

Mar 18, 2026

MISSION

Aloha Independent Living Hawaii (AILH) dedicated to providing independent living programs and services for persons with disabilities in Hawaii.

We work together with the community and consumers to improve the quality of life through individual choices and access to services.

EXECUTIVE DIRECTOR

Roxanne U. Bolden

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The Honorable David A. Tarnas, Chair
House Committee on Judiciary & Hawaiian Affairs
The Thirty-Third Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

SUBJECT: SB2731 SD1 – Relating to Sentencing

Chair and Members of the Committee:

Aloha Independent Living Hawaii (AILH) is a Center for Independent Living (CIL) serving people with all types of disabilities statewide. Our mission is to support people with disabilities to live self-directed lives in their own homes and communities, consistent with the Independent Living philosophy and the U.S. Supreme Court's Olmstead decision.

Thank you for the opportunity to **submit comments on SB2731 SD1**, which would limit the maximum term of imprisonment for misdemeanors that are not crimes of violence, and for other non-violent offenses currently punishable by up to or not exceeding one year, to three hundred sixty-four days, and allow individuals previously sentenced to a one-year term for a non-violent offense to apply for a sentence modification.

We appreciate the intent of SB2731 SD1 to reduce the collateral consequences that flow from a one-year sentence for non-violent offenses. The bill creates a new section of chapter 706 that reclassifies any non-violent offense currently punishable by "up to or not exceeding one year" so that the maximum term of imprisonment is three hundred sixty-four days. It also provides a pathway for people who previously received a one-year sentence for a non-violent offense to apply to the trial court to have their sentence modified to conform to the new limit. In addition, the bill amends section 706-663 so that misdemeanor sentences are capped at three hundred sixty-four days, while allowing up to one-year



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sentences only for misdemeanors that are “crimes of violence” as defined in section 134-1, and leaves petty misdemeanors at thirty days.

From an Independent Living and cross-disability perspective, this approach is important because people with disabilities are disproportionately represented in the criminal legal system and are often incarcerated for non-violent, low-level offenses. Shortening the maximum term for non-violent offenses can reduce certain immigration and federal collateral consequences tied to one-year sentences, lessen barriers to housing and employment, and support reentry and community integration for disabled people who already face systemic barriers. For individuals with mental health, substance use, developmental, and physical disabilities, even small reductions in custody time can make a significant difference in maintaining housing, benefits, relationships, and continuity of care.

We offer the following comments for consideration as the bill moves forward:

1. Implementation support and outreach:

We encourage the Legislature and Judiciary to ensure that people who are currently incarcerated or under supervision for eligible non-violent offenses receive clear information and assistance in applying for sentence modification under section 1, including accessible formats and language access, so that disabled people and those facing literacy or cognitive barriers can meaningfully exercise this option.

2. Data and equity monitoring:

We encourage collection and reporting of data on who benefits from the new three hundred sixty-four-day limit and sentence modification process, disaggregated by disability status (when known or self-reported), race and ethnicity, gender, and island, to help ensure that Native Hawaiians, people with disabilities, and other over-represented groups are not left behind.

3. Connection to reentry and community-based supports:



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Aligning this sentencing change with strengthened reentry supports—including housing navigation, benefits assistance, mental health and substance use services, and peer-driven supports—will maximize its impact. For many people with disabilities, shorter sentences only translate into better outcomes when they are paired with meaningful Independent Living supports in the community.

AILH appreciates the Legislature's efforts to reduce unnecessary incarceration for non-violent offenses and to mitigate the long-term harms that one-year sentences can create for individuals, families, and communities. We respectfully urge the Committee to advance SB2731 SD1 while ensuring that implementation is accessible, equitable, and connected to robust reentry and Independent Living supports.

Thank you for the opportunity to testify.

Aloha,

Roxanne Bolden

Executive Director



Committee: House Committee on Judiciary & Hawaiian Affairs
Hearing Date/Time: Wednesday, March 18, 2026, at 2:00 PM
Place: Conference Room 325 & via Videoconference
Re: Testimony of the ACLU of Hawai'i in SUPPORT of SB 2731, SD1, Relating to Sentencing

Dear Chair Tarnas, Vice Chair Poepoe, and members of the Committee,

The ACLU of Hawai'i (ACLU-HI) is in **support of SB 2731, SD1**, which limits the maximum term of imprisonment for misdemeanors (or offenses punishable by up to one year) to 364 days, and allows individuals previously sentenced to a one-year term to apply to the court for a sentence modification to conform to the new limit.

As a civil liberties organization, we know that the criminal legal system can have disproportionate impacts on marginalized communities, including immigrants. Under federal law, convictions that may be punishable by a year or more in prison can lead to detention, denial of necessary forms of immigration relief, and deportation for immigrants. Under Hawai'i's current sentencing laws, state residents who commit misdemeanors and are seeking lawful status will face unduly harsh consequences in their immigration proceedings, even after they have taken accountability for their actions.

SB 2731, SD1 makes sure that our community is safe, and also that individuals who commit a crime and serve the penalty still have a chance to turn their lives around. By changing the maximum sentence for misdemeanors by just one day, immigrants in Hawai'i will still be held accountable for crimes, without being subjected to disproportionate punishment that would destabilize families and communities by triggering negative immigration consequences.

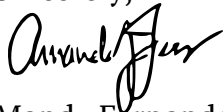
This measure promotes fairness by allowing people who were previously sentenced under the old one-year maximum to ask the court to align their sentence with the new policy. This creates consistency, supports rehabilitation and reintegration, and helps people maintain stability in employment, housing, and family life—factors that benefit community wellbeing and public safety. States like California, Colorado, New York,

Utah, and others, have already passed similar legislation—and it is long overdue for Hawai‘i to join them.

The ACLU of Hawai‘i therefore urges the Committee to **PASS** SB 2731, SD1.

Mahalo for the opportunity to submit this testimony.

Sincerely,



Mandy Fernandes
Policy Director
ACLU of Hawai‘i

With more than 4,000 Hawaii-based members, the mission of the American Civil Liberties Union of Hawai‘i is to protect the fundamental freedoms enshrined in the United States and Hawai‘i State Constitutions through legislative, litigation, and public education work. The ACLU of Hawai‘i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai‘i has been serving our communities in Hawai‘i for over 60 years.

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair

Rep. Mahina Poepoe, Vice Chair

HEARING:

Wednesday, March 18, 2026 at 2:00 pm

Conference Room 325 and Via Videoconference

TESTIMONY IN SUPPORT OF SB 2731, SD1 - Relating to Sentencing.

Aloha Chair Tarnas, Vice Chair Poepoe, Rep. Cochran of Maui, and Members of the Committee,

My name is Christine Andrews and I am a long-term resident of Wailuku, Maui. I am also an attorney licensed in the state of Hawaii for over 25 years and a founding coalition member of El Pueblo en Acción (EPA) Maui – The People in Action Maui. I am writing in strong support of SB 2731, SD1, Relating to Sentencing, which limits the maximum term of imprisonment for misdemeanors that are not crimes of violence, or for offenses that are not crimes of violence punishable by up to or not exceeding one year, to three hundred sixty-four days, and allows individuals previously sentenced to a one-year term of imprisonment to apply to the court for a sentence modification to conform to the new limit.

Since February, 2025, and as a result of witnessing the impacts of federal immigration policy changes under the current federal administration, I have volunteered as a Know Your Rights and constitutional observer trainer and educator. I have helped train teachers and students, business owners and union members, faith leaders and health care providers, parents and senior citizens on what their constitutional rights are, that these rights apply to all within the United States regardless of citizenship status, and how to ensure these rights are not violated. I have also trained community leaders on how to prepare themselves, their staff, and their places of work, their schools and community service locations for interactions with federal agents.

Before doing this work, I was not aware of the special status of our large community of COFA migrants here in Hawaii. Our COFA community members are citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau. They are able to legally live, work, and study in the U.S. indefinitely, without visas, under the Compacts of Free Association (COFA). Since COFA citizens are here legally, they are generally less at risk of deportation. Unfortunately, policy shifts since January, 2025 have changed that, and we are witnessing unprecedented numbers of COFA citizens being deported, even for gross misdemeanors that may have taken place years ago. This is creating fear and uncertainty, separating families, and causing COFA and other community members to be afraid to go to school or work. They are delaying medical care and are even frightened to go to church.

I was not aware that something as seemingly trivial as changing sentencing of gross misdemeanors by one day could have such life-changing consequences. I was not aware until recently that if a noncitizen is sentenced to one year of incarceration for a gross misdemeanor, they can then be charged federally with an “aggravated felony” subjecting them to virtually automatic deportation. It is hard to believe that a single extra day in a sentence can trigger mandatory detention or deportation. The reform proposed by SB 2731, SD1 promotes proportional sentencing and prevents unnecessary family separation and hardship.

The one-day change proposed by SB 2731, SD1 could be the difference between an immigrant or a COFA citizen in Hawaii paying a fine and serving a short jail sentence — or getting deported. It is shocking and cruel that even immigrants who have had their sentence stayed or do not serve jail time may be deported. As the law currently is, there is nothing to protect people convicted of a gross misdemeanor from deportation. It is devastating lives, separating families, and endangering the fabric of whole communities, impacting students at school, making it hard for people to go to work. I **strongly support SB 2731**, as an effective, just, and humane means to reduce the family separation and other unintended immigration and deportation consequences of a gross misdemeanor conviction.

Mahalo,

Christine Andrews, JD
Wailuku, Maui

To: Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair
Committee on Judiciary & Hawaiian Affairs

From: Veronica Moore, Individual Citizen

Date: March 16, 2026

RE: Senate Bill 2731 SD1
Measure Title: RELATING TO SENTENCING.
Report Title: Penal Code; Misdemeanors; Sentencing; Nonviolent Offenses

To All Concerned,

My name is Veronica Moore and I support Senate Bill 2731 SD1. Thank you for your consideration.

Sincerely,

Veronica M. Moore

SB-2731-SD-1

Submitted on: 3/17/2026 3:59:06 PM

Testimony for JHA on 3/18/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carla Allison	Individual	Support	Written Testimony Only

Comments:

My name is Carla Allison and I am a Hawai'i resident and voter, deeply concerned for the public safety and civil liberties of all the people of Hawai'i. **I strongly support SB2731 and ask you all to do the same.**

Thank you,
Carla Allison – Honolulu

SB-2731-SD-1

Submitted on: 3/17/2026 4:26:30 PM

Testimony for JHA on 3/18/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carrie Ann Shirota	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair and Committee Members:

I am writing in support of SB 2731 SD1 Relating to Sentencing.

However, I concur with the Office of the Public Defender, and respectfully oppose the provision in SD1 that limits the 364-day sentencing cap to offenses that are not classified as “crimes of violence.”

As noted by the OPD, this exclusion undermines the core purpose of the bill. The immigration consequences that this measure seeks to address are triggered primarily by the length of the sentence imposed not solely by the classification of the offense.

Consequently, individuals convicted of misdemeanor offenses that fall within the statutory definition of a “crime of violence” may still face severe and disproportionate immigration consequences if subject to a potential one-year sentence.

RS § 134-1's definition of "crime of violence" encompasses a broad range of conduct, including lower-level misdemeanor behavior that the Legislature has already determined does not rise to the level of a felony.

Maintaining a one-year sentencing exposure for these offenses creates an arbitrary distinction that does not necessarily reflect the seriousness of the conduct, but instead results in dramatically different collateral consequences.

This limitation also diminishes fairness and uniformity. Two individuals convicted of comparable misdemeanor offenses may face vastly different outcomes, particularly in the immigration context, based solely on statutory classification rather than individualized judicial consideration.

Finally, extending the 364-day cap to all misdemeanor offenses would not compromise public safety. Courts would retain full discretion to impose significant custodial sentences where appropriate. The measure does not eliminate accountability, it simply ensures that misdemeanor-level offenses are treated consistently with their classification under Hawai‘i law and do not inadvertently trigger excessively harsh federal consequences.

Mahalo,
Carrie Ann Shirota, Esq.