

JON N. IKENAGA
PUBLIC DEFENDER

DEFENDER COUNCIL
1130 NORTH NIMITZ HIGHWAY
SUITE A-254
HONOLULU, HAWAII 96817

HONOLULU OFFICE
1130 NORTH NIMITZ HIGHWAY
SUITE A-254
HONOLULU, HAWAII 96817

APPELLATE DIVISION
TEL. NO. (808) 586-2080

DISTRICT COURT DIVISION
TEL. NO. (808) 586-2100

FAMILY COURT DIVISION
TEL. NO. (808) 586-2300

FELONY DIVISION
TEL. NO. (808) 586-2200

FACSIMILE
(808) 586-2222



STATE OF HAWAI'I
OFFICE OF THE PUBLIC DEFENDER

HAYLEY Y. C. CHENG
ASSISTANT PUBLIC DEFENDER

HILO OFFICE
275 PONAHAWAI STREET
SUITE 201
HILO, HAWAII 96720

LATE

FAX NO. (808) 327-4651

KAUAI OFFICE
3060 EIWA STREET
SUITE 206
LIHUE, HAWAII 96766
TEL. NO. (808) 241-7128
FAX NO. (808) 274-3422

MAUI OFFICE
81 N. MARKET STREET
WAILUKU, HAWAII 96793
TEL. NO. (808) 984-5018
FAX NO. (808) 984-5022

March 16, 2025

SB2919: RELATING TO THE OFFICE OF THE PUBLIC DEFENDER

Chair Rhoads, Vice-Chair Gabbard, and Members of the Committee on Judiciary:

The Office of the Public Defender (OPD) **strongly supports SB2919**. This measure seeks to add a Deputy Public Defender III position to the Office of the Public Defender, provided that the position be assigned as needed to provide counsel on constitutional and related legal matters.

The OPD is a statewide agency with branches on O'ahu, Maui (servicing Maui, Lana'i and Moloka'i), Kaua'i, and Hawai'i (Kona and Hilo). The mission of the OPD is to fulfill the State's obligation to provide legal counsel for indigent persons who are charged with a criminal offense or to other persons who have been statutorily afforded counsel. The representation provided by the OPD is required by the constitution, statute and rule to be zealous and effective. Last year the OPD's 102 attorneys handled 34,363 cases – this included parole matters, involuntary civil commitment cases, appeals, traffic cases, petty misdemeanor cases, misdemeanor cases, felony cases and murder cases, an average of 337 cases per attorney.¹ In order to provide constitutionally effective representation, attorneys must be apprised of all direct and collateral legal consequences of cases. For example, many charges may have convictions which have constitutional, civil or statutory ramifications in addition to the direct legal penalties. Other cases may have immigration consequences which must be taken into consideration when resolving the case. Despite the fact that the OPD is a statewide office, the OPD has no attorneys who

¹ The majority of cases handled by the OPD are traffic, petty misdemeanor and misdemeanor cases in the district courts. The 102 attorneys includes 9 supervisors and the Assistant Public Defender. Generally supervisors carry a lower case load due their administrative duties.

are assigned to provide assistance to attorneys statewide in constitutional and legal matters. All available attorney positions at the office are necessary to provide representation in trial and appellate matters.

The position allocated by SB2919 will be used to provide statewide advice and assistance on all legal and collateral issues that affect the clients of the OPD. The attorney filling this position will be required to keep themselves apprised of the rapidly changing legal landscape in issues that affect the clients of the OPD to ensure that attorneys statewide provide effective and competent representation.

The OPD strongly supports SB2919. Thank you for the opportunity to comment on this measure.

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

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Tuesday, February 10, 2026

9:15 AM

Room 016 and VIDEOCONFERENCE

STRONG SUPPORT FOR SB 2919 – APPROPRIATING FUNDS FOR THE OFFICE OF THE PUBLIC DEFENDER

Aloha Chair Rhoads, Vice Chair Gabbard 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 3,667 Hawai`i individuals living behind bars¹ and under the “care and custody” of the Department of Corrections and Rehabilitation on February 2, 2026. We are always mindful that 799 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.

We appreciate this opportunity to express our **STRONG SUPPORT FOR SB 2919** that appropriates funds to the Office of the Public Defender for one full-time equivalent (1.0 FTE) Deputy Public Defender III position.

¹ DCR Weekly Population Report, February 2, 2026

[PSD/Weekly Population Report](#)

The community NEEDS this office of dedicated attorneys who defend people in our community. Their caring for our community shines a light on the rights of all of our people who cannot afford an attorney. This is what democracy is all about.

We urge the Judiciary Committee to pass this important bill and we recommend that you pass it along to WAM with a strong recommendation for passage.

Mahalo for this opportunity to testify in strong support of Hawai'i's Office of the Public Defender and all the incredible and over-worked attorneys who are dedicated to our community!



www.hicir.org | Instagram @hicir
hicoalitionforimmigranrights@gmail.com

**Testimony of the Hawai'i Coalition for Immigrant Rights
In SUPPORT of SB2919
Relating to the Office of Public Defender
Hearing: Tuesday, February 10, 2026, 9:15 AM (JUD), Room 016 & Videoconference**

Aloha Chair, Vice Chair, and Members of the Committee,

My name is Liza Ryan Gill, testifying on behalf of the **Hawai'i Coalition for Immigrant Rights (HCIR)**, a coalition of immigrant-serving and immigrant-led organizations working statewide to advance policies that protect immigrant and migrant communities and strengthen our shared future. We respectfully submit testimony **in strong support of SB 2919**, a measure that appropriates funding for one full-time equivalent (1.0 FTE) **Deputy Public Defender III position** within the **Office of the Public Defender** for fiscal year 2026-2027.

The Office of the Public Defender plays a **critical role in our justice system** by ensuring that all individuals, regardless of income, have access to competent legal representation — a cornerstone of due process under both the United States and Hawaii State Constitutions. This representation is not just a statutory entitlement, but a fundamental civil right that upholds fairness and equality before the law. Adding a Deputy Public Defender III will strengthen the office's capacity to deliver high-quality constitutional and related legal counsel to indigent clients.

Currently, the office is significantly **understaffed relative to the caseload and complexity of cases** handled across Hawaii's judicial circuits. Public defenders are often stretched thin, which can lead to delays in case resolution, increased pressure on attorneys, and potential setbacks in effective representation. By funding this additional position, SB 2919 directly addresses these operational challenges and helps **ensure timely, effective defense services** for vulnerable clients.

Moreover, investing in the Office of the Public Defender enhances **overall judicial efficiency**, as adequately staffed defense counsel helps reduce continuances and backlogs, contributing to more orderly court proceedings.

For these reasons, the Hawai'i Coalition for Immigrant Rights respectfully urges the Committee to **PASS HB1825**.

Mahalo for the opportunity to provide testimony.

With gratitude,

Liza Ryan Gill
Hawai'i Coalition for Immigrant Rights (HCIR)



www.hicir.org | Instagram @hicir
hicoalitionforimmigranrights@gmail.com



**TESTIMONY IN SUPPORT OF SB2919
RELATING TO THE OFFICE OF THE PUBLIC DEFENDER**

LATE

Senate Committee on Judiciary

Sen. Karl Rhoads, Chair
Sen. Mike Gabbard, Vice Chair

February 9, 2026

Dear Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

The Legal Clinic (TLC) strongly supports SB2919, which appropriates funding to establish an additional Deputy Public Defender position within the Office of the Public Defender. TLC is a nonprofit organization that works to advance immigrant justice in Hawai'i through immigration legal services, community education, and policy advocacy. We are committed to ensuring due process and equitable access to justice for all in Hawai'i, particularly immigrant and migrant communities who often face language barriers, economic hardship, and unfamiliarity with the legal system.

SB2919 strengthens Hawai'i's public defense capacity by supporting counsel on constitutional and related legal matters, an essential safeguard for fairness and due process. Noncitizens who come into contact with the criminal legal system face unique and often severe immigration consequences, including detention, deportation, and family separation. These individuals have a constitutional right to be informed of their legal rights and options, including the potential immigration consequences of criminal proceedings. Access to qualified, timely counsel is critical to protecting constitutional rights and ensuring individuals can make informed decisions about their cases.

SB2919 strengthens the Office of the Public Defender's staffing capacity to provide timely and effective representation. This measure is an important investment in fairness, due process, and public confidence in Hawai'i's legal system, and we urge the Committee's support.

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

Christina Sablan
Community & Policy Advocate



Hawai‘i

LATE

Committee:

Senate Committee on Judiciary

Hearing Date/Time:

Tuesday, February 10, 2026, at 9:15 AM

Place:

Conference Room 016 & via Videoconference

Re:

**Testimony of the ACLU of Hawai‘i in SUPPORT of
SB2919 Relating to the Office of the Public Defender**

Dear Chair Rhoads, Vice Chair Gabbard and Members of the Committee:

The ACLU of Hawai‘i (ACLU-HI) is in **support of SB2919**, which appropriates funds for an additional full-time employee at the Office of the Public Defenders: specifically, the bill would fund a full-time attorney assigned to “provide counsel on constitutional and related legal matters.”

The ACLU of HI strongly supports SB2919 because it strengthens Hawai‘i’s public defense capacity by supporting counsel on constitutional and related legal matters, an essential safeguard for fairness and due process. In 2010, the United States Supreme Court held in *Padilla v. Kentucky* that criminal defense attorneys have a Sixth Amendment duty to advise noncitizen defendants about the immigration consequences of their criminal convictions. 559 U.S. 356 (2010). In doing so, the Supreme Court recognized that many criminal convictions—including misdemeanors and lesser offenses—are grounds for deportation and other severe consequences under federal immigration law.

Noncitizens who live in Hawai‘i and are accused of crimes therefore have the constitutional right to receive adequate counsel when navigating decisions throughout the pendency of their cases. Adding capacity to the Public Defenders’ Office helps to ensure that this constitutional right is fulfilled, and that noncitizens are informed of their legal rights and options, including the potential immigration consequences of criminal proceedings.

The ACLU-HI strongly supports the passage of SB2919 because it strengthens the Office of the Public Defender’s staffing capacity to provide timely and effective representation. This measure is an important investment in fairness, due process, and public confidence in Hawai‘i’s legal system, and we urge the Committee’s support.

Mahalo for the opportunity to testify.

Sincerely,

Leilani Stacy
Immigrants' Rights Staff Attorney

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.

February 09, 2026

Hawai'i State Legislature
Senate Committee on Judiciary ("JDC")

LATE

**RE: Testimony in Support with Comments for SB 2919, RELATING TO THE OFFICE OF THE
PUBLIC DEFENDER**

Dear Chair Rhoads, Vice-Chair Gabbard, and Members of the JDC Committee:

The William S. Richardson School of Law Refugee & Immigration Clinic ("RILC") submits testimony in support with a suggested amendment for SB 2919, which clarifies that the funded Deputy Public Defender III position within the Office of the Public Defender must provide expertise to noncitizen defendants regarding the immigration consequences of criminal plea decisions, thereby supporting constitutionally effective representation as established in Padilla v. Kentucky, 559 U.S. 356 (2010).

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 2919

We support SB 2919 because as immigration attorneys, we have observed a critical need for immigration expertise within public defense to address the complex and severe immigration consequences that arise from criminal proceedings involving noncitizen defendants, including deportability, detention, family separation, and removal. The U.S. Supreme Court has recognized that, although these immigration consequences are "collateral" consequences to a conviction, the Sixth Amendment requires competent counsel to advise noncitizen defendants about the immigration consequences of a plea. *Id.* Authorizing immigration expertise within the Office of the Public Defender would equip defense counsel with the specialized guidance necessary to advise clients effectively, support informed plea decisions, and help ensure constitutionally adequate representation where criminal and immigration law intersect.

Suggested Amendment on SB 2919

Our suggested amendment clarifies that the funded Deputy Public Defender III position will be assigned to provide expertise regarding the immigration consequences of criminal proceedings affecting noncitizen defendants. Criminal proceedings often carry severe immigration

consequences, including deportability, detention, and removal. The complexity of immigration law makes specialized expertise essential for defense counsel to meet their constitutional obligations. By expressly authorizing immigration expertise within the Office of the Public Defender, the amendment strengthens the office's ability to support defense attorneys advising noncitizen defendants, promotes informed decision-making in criminal proceedings, and helps ensure compliance with the Sixth Amendment right to effective and competent legal counsel.

We urge this committee to pass SB 2919. Thank you for the opportunity to testify on this measure.

Sincerely,



Danicole Ramos, Esq.

Proposed Suggested Amendment

SECTION 1. Act 2919, Session Laws of Hawaii 2026, is amended by amending section 1 to read as follows:

“SECTION 1. There is appropriated out of the general revenues of the State of Hawaii the sum of \$125,004 or so much thereof as may be necessary for fiscal year 2026-2027 for one full-time equivalent (1.0 FTE) deputy public defender III position within the office of the public defender (BUF151); provided that the deputy public defender III shall be assigned as needed to provide counsel on constitutional and related legal matters [–], including expertise regarding the immigration consequences of criminal proceedings affecting noncitizen defendants.”

SB-2919

Submitted on: 2/5/2026 7:14:27 PM
Testimony for JDC on 2/10/2026 9:15:00 AM

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

Comments:

SUPPORT this bill.

SB-2919

Submitted on: 2/7/2026 2:55:03 PM
Testimony for JDC on 2/10/2026 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Nancy D Moser	Individual	Support	Written Testimony Only

Comments:

Thank you

LATE

SB-2919

Submitted on: 2/9/2026 11:31:34 PM
Testimony for JDC on 2/10/2026 9:15:00 AM

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

Comments:

Aloha Chair, Vice Chair and Members,

I am writing in strong support of **SB2919 Relating to the Office of the Public Defenders**.

For years, the Office of the Public Defenders has been underfunded, understaffed and underpaid. Even when Public Defenders were finally appropriated salary increases, the State of Hawai'i withheld their paychecks for months. This is egregious - and would have never been tolerated by the Department of the Attorney General, Prosecuting Attorneys and other law enforcement staff.

It's time for our State to fully fund the Public Defenders' office, including staffing capacity to ensure that persons accused of crimes are afforded legal counsel protected under the federal and Hawai'i Constitutions.

Please pass SB2919.

Mahalo,

Carrie Ann Shirota, Esq.

Honolulu, Hawaii