

STAND. COM. REP. NO. **3659**

Honolulu, Hawaii

APR 09 2026

RE: H.B. No. 1516
H.D. 1
S.D. 1

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

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1516, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to require certain factors to be considered when determining a defendant's financial ability to afford bail.

Your Committee received testimony in support of this measure from the Office of the Public Defender, Office of Hawaiian Affairs, Hawaii Correctional System Oversight Commission, Community Alliance on Prisons, Imua Alliance, ACLU Hawai'i, and twelve individuals.

Your Committee received testimony in opposition to this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu, Office of the Prosecuting Attorney of the County of Hawaii, Hawai'i Police Department, State of Hawaii Organization of Police Officers, and one individual.

Your Committee finds that cash bail systems that do not adequately account for ability to pay can result in individuals being detained pretrial solely due to poverty rather than risk to the community or failure to appear at court. Even short periods



of pretrial detention are associated with increased likelihood of job loss, housing instability, and family disruption, which can in turn worsen long-term outcomes and increase justice system involvement. This measure promotes fairness and proportionality in the pretrial process while maintaining public safety and court appearance requirements by providing clearer guardrails so that bail is used to reasonably assure court appearance without becoming an unintended driver of wealth-based detention.

Your Committee has amended this measure by:

- (1) Specifying that when determining if the defendant's household income exceeds one hundred fifty percent of the federal poverty level for the State, the justice, judge, or officer named in section 804-5, Hawaii Revised Statutes (HRS), shall determine the federal poverty level for the State based on the most recently published annual federal poverty guidelines;
- (2) Requiring the justice, judge, or officer named in section 804-5, HRS, to consider the amount the defendant could reasonably pay within forty hours of the defendant's initial appearance, rather than within forty hours of the defendant's arrest; and
- (3) Inserting an effective date of March 22, 2075, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1516, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1516, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

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



KARL RHOADS, Chair



