

Honolulu, Hawaii
, 2026

MAR 05

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

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2026
State of Hawaii

Madame:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 2413 entitled:

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

begs leave to report as follows:

The purpose of this measure is to:

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

Your Committee received testimony in support of this measure from the Judiciary; Office of the Public Defender; Hawai'i Correctional System Oversight Commission; Community Alliance on



Prisons; Imua Alliance; R Street Institute; Prison Policy Initiative; The Bail Project; ACLU of Hawai'i; Drug Policy Forum of Hawai'i; and four individuals. Your Committee received testimony in opposition to this measure from the Department of the Attorney General; Maui Police Department; Office of the Prosecuting Attorney of the County of Hawai'i; Department of the Prosecuting Attorney of the County of Maui; Department of the Prosecuting Attorney of the City and County of Honolulu; Honolulu Police Department; Waikiki Neighborhood Board; and three individuals. Your Committee received comments on this measure from one individual.

Your Committee finds that in 2019, the Legislature, guided by the recommendations of the Judiciary's Criminal Pretrial Task Force, passed Act 179, Session Laws of Hawaii 2019 (Act 179), to make significant changes to the State's pretrial laws. However, despite passing Act 179, there has been little, if any, change to the number of low-level, nonviolent defendants held pretrial. This measure will help limit the number of defendants being held pretrial by prioritizing release on recognizance for eligible nonviolent offenses while also ensuring public safety and victim notification.

Your Committee has amended this measure by:

- (1) Clarifying that pretrial release shall not apply in cases where:
 - (A) The offense involved stalking;
 - (B) The defendant was on parole at the time of arrest;
 - (C) The defendant was charged with a petty misdemeanor and is awaiting a hearing to determine fitness to proceed; or
 - (D) The defendant or their counsel requests monetary bail to be set;
- (2) Clarifying that the court shall consider whether continued detention is necessary to ensure a defendant's appearance in court, rather than to prevent willful flight;



- (3) Clarifying that a prosecuting attorney or pretrial officer is not prohibited from filing a verified application that the defendant has violated the conditions of release or imposing sanctions or financial conditions if the defendant is found to have intentionally violated the conditions of release;
- (4) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2413, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2413, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



