

STAND. COM. REP. NO. **3230**

Honolulu, Hawaii

**MAR 30 2026**

RE: H.B. No. 2413  
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 Public Safety and Military Affairs, to which was referred H.B. No. 2413, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

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

Your Committee received testimony in support of this measure from the Office of the Public Defender, Hawaii Correctional System Oversight Commission, Community Alliance on Prisons, Faith Action



for Community Equity, Share Your Mana, Green Party of Hawai'i, Hawai'i Friends of Restorative Justice, Imua Alliance, Hawai'i Organization for Progress and Equity, Ohana Ho'opakele, Hawai'i Community Safety Coalition, Drug Policy Forum of Hawai'i, Hawai'i Health & Harm Reduction Center, ACLU Hawai'i, Prison Policy Initiative, and sixty-nine individuals.

Your Committee received testimony in opposition to this measure from the Department of the Attorney General, Office of the Prosecuting Attorney of the County of Hawaii, Hawaii Police Department, Honolulu Police Department, Department of the Prosecuting Attorney of the City and County of Honolulu, Department of the Prosecuting Attorney of the County of Maui, Kohala Coast Resort Association, Fairmont Orchid, Universal Fire & Casualty Insurance Company, State of Hawaii Organization of Police Officers, Stolen Stuff Hawaii, and twenty-five individuals.

Your Committee received comments on this measure from the Judiciary and Kapi'olani Sex Abuse Treatment Center.

Your Committee finds that unnecessary incarceration and unaffordable bail contribute to severe overcrowding in the State's jails, especially when individuals who pose no public safety risk are confined only due to financial hardship and inability to afford bail. This overcrowding has significant direct and indirect consequences, including additional strain on correctional staff, reduced access to rehabilitative programming, increased operational costs, and worsened health and safety conditions for detainees and employees alike. Your Committee notes that one of the most effective ways to mitigate the costs and harms of overcrowding is to limit pretrial detention to individuals who pose a genuine safety or flight risk. By requiring certain defendants to be released instead of held in pretrial detention, this measure preserves public safety while ensuring the efficient use of correctional resources.

Your Committee has amended this measure by:

- (1) Exempting the following from eligibility for pretrial release:
  - (A) Defendants pending trial or sentencing at the time of arrest;



- (B) Defendants on probation, deferral, or conditional release at the time of arrest; and
  - (C) Defendants arrested, charged, or held on another offense arising from the same or a separate incident;
- (2) Deleting language that would have required that defendants unable to post bail receive a prompt hearing pursuant to section 804-7.5, Hawaii Revised Statutes;
  - (3) Clarifying the definition of "wilful flight"; and
  - (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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

Respectfully submitted on  
behalf of the members of the  
Committee on Public Safety and  
Military Affairs,




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CAROL FUKUNAGA, Chair



The Senate  
 Thirty-Third Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Public Safety and Military Affairs**  
**PSM**

Bill / Resolution No.:*	Committee Referral:	Date/		
HB 2413 HD1	PSM, JDC	3/20/2024		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
FUKUNAGA, Carol (C)	✓			✓
LEE, Chris (VC)				✓
HASHIMOTO, Troy N.	✓			✓
INOUE, Lorraine R.				✓
DECORTE, Samantha			✓	
<b>TOTAL</b>	<b>2</b>		<b>1</b>	<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink File with Committee Report     Committee     Drafting Agency				

\*Only one measure per Record of Votes