

Honolulu, Hawaii

FEB 18 2026

RE: S.B. No. 2479
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 Health and Human Services, to which was referred S.B. No. 2479 entitled:

"A BILL FOR AN ACT RELATING TO CRIMINAL PROCEDURE,"

begs leave to report as follows:

The purpose and intent of this measure is to allow:

- (1) A defendant to introduce certain evidence to receive a reduced sentence for certain offenses if the defendant can show that they were subjected to acts of family violence, dating violence, or child abuse, and that the acts were a significant contributing factor for the offense for which the defendant is being sentenced;
- (2) A defendant to introduce certain relevant evidence when raising the justification defenses of self defense or defense of others to show that the defendant was subjected to acts of family violence, dating violence, or child abuse by the alleged victim;
- (3) The circuit court imposing a criminal sentence to correct or reduce the sentence and suspend or probate all or any part of the sentence imposed; and
- (4) A person previously sentenced by a circuit court to petition the court to be re-sentenced to a reduced



sentence if the defendant can show that they were subjected to acts of family violence, dating violence, or child abuse, and that the acts were a significant contributing factor for the offense for which the defendant was sentenced.

Your Committee received testimony in support of this measure from the Office of the Public Defender.

Your Committee received testimony in opposition to this measure from the Department of the Prosecuting Attorney of the County of Maui and one individual.

Your Committee received comments on this measure from the Judiciary and one individual.

Your Committee finds that any type of mitigating evidence or evidence offered to give insight into a defendant's past trauma can have relevance at any sentencing or trial. Your Committee further finds that the life experiences of criminal defendants who were subjected to family violence, dating violence, or child abuse are significant contributing factors to be considered by a court. This measure ensures fair sentencing outcomes that account for a defendant's experience of family violence, dating violence, or child abuse.

Your Committee acknowledges the concerns raised in testimony that rule 1101(d)(3) of the Hawaii Rules of Evidence already exempts sentencing hearings from the rules of evidence, and thus, there would be no need to have the Hawaii Rules of Evidence govern sentencing hearings as proposed in this measure. Furthermore, there should be no concern that the Hawaii Rules of Evidence would preclude the introduction of mitigating evidence outlined in this measure because the proposed changes to sections 703-304 and 703-305, Hawaii Revised Statutes, would ensure that a trial court consider this evidence when appropriate to any case. Trial courts are already required to allow for the introduction of any relevant evidence regarding any applicable defense and must then instruct a jury on said defense for which there is a scintilla of evidence in support. Therefore, amendments to this measure are necessary to address this concern.



Your Committee has amended this measure by:

- (1) Deleting language that would have required the Hawaii Rules of Evidence to apply to the presentation of evidence of family violence, dating violence, or child abuse in a sentencing hearing;
- (2) Deleting language that would have required a person petitioning the court to be sentenced under the procedures for sentencing when subjected to acts of family violence, dating violence, or child abuse, to have committed the offense before July 1, 2026; and
- (3) 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 Health and Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2479, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2479, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Health and Human
Services,

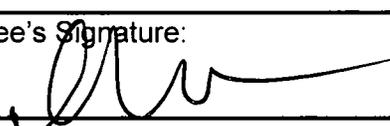


JOY A. SAN BUENAVENTURA, Chair



The Senate
 Thirty-Third Legislature
 State of Hawai'i

Record of Votes
Committee on Health and Human Services
HHS

Bill / Resolution No.:* SB 2479	Committee Referral: HHS, JDC	Date: 2/6/2026		
<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
SAN BUENAVENTURA, Joy A. (C)	✓			
MCKELVEY, Angus L.K. (VC)	✓			
KANUHA, Dru Mamo				✓
KEOHOKALOLE, Jarrett	✓			
FEVELLA, Kurt	✓			
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink File with Committee Report Committee Drafting Agency				

*Only one measure per Record of Votes