

STAND. COM. REP. NO. 3081

Honolulu, Hawaii

MAR 06 2026

RE: S.B. No. 2479  
S.D. 2

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 S.B. No. 2479, S.D. 1, 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:

- (1) Allow 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) Allow 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) Allow the circuit court imposing a criminal sentence to correct or reduce the sentence and to suspend or probate all or any part of the sentence imposed; and
- (4) Allow 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 Hawaiian Affairs, one member of the Kaua'i County Council, and one individual.

Your Committee received testimony in opposition to this measure from the Department of the Attorney General, Department of the Prosecuting Attorney of the County of Maui, Office of the Prosecuting Attorney of the County of Hawaii, Maui Police Department, and Hawaiian Islands Republican Women.

Your Committee received comments on this measure from the Judiciary and Hawai'i Supreme Court Standing Committee on the Hawai'i Rules of Evidence.

Your Committee finds that research has demonstrated that the majority of incarcerated women have experienced domestic or sexual violence. Your Committee further finds that these types of violence, as well as other forms of physical and sexual abuse, trigger survival responses in victims that compel them to act out of desperation to protect themselves or their children. Additionally, coercion from abusive partners may force victims who fear for their lives to become a part of crimes committed by their abusers. This measure will update the State's criminal justice system to fully and fairly consider these dynamics and provide justice for survivors of family violence, dating violence, or child abuse.

Your Committee has amended this measure by:

- (1) Specifying that if the court makes certain findings, the court is required to:
  - (A) Sentence a person convicted of a crime punishable by life imprisonment to an indeterminate term of imprisonment of not less than ten years and not more than thirty years, and that the defendant may be eligible for parole in accordance with sections



706-669 and 706-670, Hawaii Revised Statutes (HRS);  
and

- (B) Sentence a person convicted of a felony other than a felony punishable by life imprisonment to an indeterminate term of imprisonment of not less than one year and not more than one-half the maximum period of time for which the defendant could have been sentenced, and that the defendant may be eligible for parole in accordance with sections 706-669 and 706-670, HRS;
- (2) Deleting language that would have established a procedure for the filing and determination of a petition for a person serving a sentence to request the court to be sentenced under the procedure for sentencing when subjected to acts of family violence, dating violence, or child abuse;
- (3) Requiring a petition filed by a person serving a sentence requesting the court to be sentenced under the procedure for sentencing when subjected to acts of family violence, dating violence, or child abuse be filed and determined in accordance with Rule 40 of the Hawaii Rules of Penal Procedure; 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2479, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2479, S.D. 2.

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



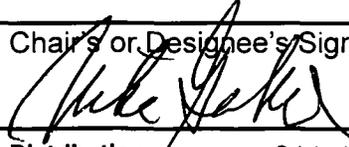
---

KARL RHOADS, Chair



The Senate  
Thirty-Third Legislature  
State of Hawai'i

Record of Votes  
Committee on Judiciary  
JDC

Bill / Resolution No.:* <b>SB 2479 SDI</b>	Committee Referral: <b>HHS, JDC</b>	Date: <b>3/3/26</b>		
<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
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
CHANG, Stanley				✓
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton			✓	
<b>TOTAL</b>	<b>3</b>	<b>—</b>	<b>1</b>	<b>1</b>
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