

Honolulu, Hawaii

MAR 25, 2026

RE: S.B. No. 2721
S.D. 1
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 S.B. No. 2721, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE ADMINISTRATION OF JUSTICE,"

begs leave to report as follows:

The purpose of this measure is to amend various chapters of the Hawaii Penal Code, and related statutes outside the Penal Code, pursuant to the recommendations of the 2025 Advisory Committee on Penal Code Review.

Your Committee received testimony in support of this measure from the Judiciary; Department of Health; Department of the Attorney General; Department of Corrections and Rehabilitation; Sex Abuse Treatment Center; Law Office of Georgette A. Yaindl, LLC; and numerous individuals. Your Committee received comments on this measure from the Crime Victim Compensation Commission; Office of the Public Defender; and Hawai'i Psychological Association.

Your Committee finds that the 2025 Advisory Committee on Penal Code Review convened pursuant to Act 245, Session Laws of Hawaii 2024, to promote a Hawaii Penal Code that is consistent and proportional across classes of offenses, aligned with national



best practices and evidence-based strategies, cost-effective in advancing penal interests and providing equal justice to all in our community, and responsive to offenders suffering from mental illness. Your Committee further finds that the Advisory Committee determined that the Penal Code remains an effective and durable framework for identifying and addressing antisocial conduct warranting criminal penalties, and that while the Penal Code should be reviewed and refined, significant changes are not necessary at this time. Instead, the Advisory Committee focused its work on broader policy issues currently facing the community rather than on the technical operation of individual Penal Code provisions. The Advisory Committee approved twenty-five legislative recommendations, which are reflected in this measure.

Your Committee has amended this measure by:

- (1) Clarifying provisions governing examinations of defendants for physical or mental disease, disorder, or defect excluding fitness to proceed, to specify that:
 - (A) Examinations requested to be conducted utilizing telehealth shall be at facilities operated by the Department of Health or Department of Corrections and Rehabilitation in which the defendants may be hospitalized or incarcerated;
 - (B) Public agencies shall make records available to an appointed examiner for inspection at locations where the defendant has been or is hospitalized or incarcerated; and
 - (C) Court-ordered access to records applies notwithstanding other state or federal statutes;
- (2) Providing that verbal or written orders to desist, without pursuing further consequences when unreasonable noise persists, shall not constitute a defense to a violation for allowing another person to make unreasonable noise on the premises;
- (3) Amending the offense of possessing a dangerous drug in the second degree to allow the court to require the defendant to participate in treatment at an appropriate level, as recommended by the substance abuse assessment;



- (4) Making conforming amendments to ensure that the amendments related to the terms of probation and the offense of abuse of family or household members take effect as intended and are not superseded by reversion clauses in existing Session Laws;
- (5) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (6) 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 S.B. No. 2721, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2721, S.D. 1, H.D. 1, and be referred to your Committee on Finance.

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



DAVID A. TARNAS, Chair



