

Honolulu, Hawaii

APR 09 , 2026

RE: S.B. No. 2730
S.D. 2
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. 2730, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO CRIMINAL JUSTICE REFORM,"

begs leave to report as follows:

The purpose of this measure is to reduce unnecessary arrests in criminal cases by:

- (1) Amending the factors under which officers may arrest and detain persons without a warrant for petty misdemeanors and violations, and requiring officers to document the justification for those arrests;
- (2) Amending the circumstances under which officers may issue citations in lieu of arrest;
- (3) Requiring officers to issue citations in lieu of arrest for certain petty misdemeanors and violations;
- (4) Improving court appearance rates by requiring the Judiciary to promulgate a redesigned citation form and updating the required information contained in citations; and



- (5) Requiring citations issued in lieu of arrest to be visible on an offender's criminal record.

Your Committee received testimony in support of this measure from the Office of the Public Defender; Libertarian Party of Hawaii; Policing Project at NYU School of Law; ACLU Hawai'i; Law Office of Georgette A. Yaindl, LLC; 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 City and County of Honolulu; Department of the Prosecuting Attorney of the County of Maui; Office of the Prosecuting Attorney of the County of Hawai'i; Kaua'i Police Department; Honolulu Police Department; Hawai'i Police Department; Maui Police Department; Retail Merchants of Hawai'i; State of Hawai'i Organization of Police Officers; and one individual. Your Committee received comments on this measure from the Judiciary and Office of Hawaiian Affairs.

Your Committee finds that unnecessary arrests for minor offenses place significant strain on law enforcement resources, contribute to pretrial detention and jail overcrowding, and impose avoidable economic and personal hardships on individuals and their families. Your Committee further finds that expanding the use of citations in lieu of arrest for low-level offenses, improving documentation of arrest decisions, and redesigning citation forms to enhance court appearance rates will promote fairer and more efficient criminal justice practices. This measure advances the State's ongoing efforts to reduce unnecessary pretrial detention and improve outcomes for the public and justice system.

Your Committee further finds that H.B. No. 2494, H.D. 1 (Regular Session of 2026), a substantially similar measure, was previously passed by the House.

Your Committee has amended this measure by:

- (1) Deleting its contents and inserting the contents of H.B. No. 2494, H.D. 1, a measure that:
 - (A) Amends the factors under which officers may arrest and detain persons without a warrant for petty misdemeanors and violations, and requires officers to document the justification for the arrests;



- (B) Amends the circumstances under which officers may issue citations in lieu of arrest;
 - (C) Requires officers to issue citations in lieu of arrest for certain petty misdemeanors and violations, unless public safety or flight risks are present or the alleged offense involves operating a vehicle under the influence of an intoxicant or the abuse of family or household members;
 - (D) Improves court appearance rates by requiring the Judiciary to promulgate a redesigned citation form and updating the required information contained in citations; and
 - (E) Requires the Criminal Justice Research Institute to submit reports on the use of criminal citations;
- (2) Deleting language that would have required the citation to include available options for citation resolution and options for persons unable to afford any fines or costs imposed; and
 - (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee recognizes the Judiciary's testimony acknowledging that police departments are increasingly moving toward digital citation systems and that electronic citation tools may offer a more modern alternative to traditional paper citation forms.

Your Committee respectfully requests that, if the measure is considered in conference, the Committee on Conference insert an effective date of January 1, 2028.

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. 2730, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2730, S.D. 2, 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,

A handwritten signature in black ink that reads "David Tarnas". The signature is written in a cursive, flowing style.

DAVID A. TARNAS, Chair



