

Honolulu, Hawaii

APR 09 , 2026

RE: S.B. No. 2731
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. 2731, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SENTENCING,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Limit the maximum term of imprisonment for misdemeanors that are not crimes of violence, or for offenses that are not crimes of violence punishable by up to or not exceeding one year, to three hundred sixty-four days; and
- (2) Allow individuals previously sentenced to a one-year term of imprisonment for an offense that is not a crime of violence to apply to the court for a sentence modification to conform to the new limit.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs; Office of the Public Defender; William S. Richardson School of Law Refugee & Immigration Clinic; Community Alliance on Prisons; Roots Reborn; The Legal Clinic; ACLU Hawai'i; and four individuals. Your



Committee received comments on this measure from Aloha Independent Living Hawaii.

Your Committee finds that a one-year maximum misdemeanor sentence can trigger severe and unintended federal immigration consequences, including mandatory detention, deportation, and permanent family separation, even when the underlying conduct is minor. These disproportionate outcomes destabilize families, undermine community safety, and create barriers to housing, employment, licensing, and successful reintegration for individuals who have already taken accountability for their actions. This measure promotes proportional sentencing and strengthens community stability by ensuring that misdemeanor-level conduct does not automatically result in penalties far exceeding what state law intends.

Your Committee has amended this measure by:

- (1) Deleting language relating to crimes of violence, including language that would have:
 - (A) Limited the maximum term of imprisonment for misdemeanors or offenses that are not crimes of violence; and
 - (B) Allowed individuals previously sentenced to a one-year term of imprisonment for an offense that is not a crime of violence to apply for a sentence modification;
- (2) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (3) 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. 2731, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2731, S.D. 1, 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,

David Tarnas

DAVID A. TARNAS, Chair



