

STAND. COM. REP. NO. 2813

Honolulu, Hawaii

MAR 05 2026

RE: S.B. No. 2731
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 Judiciary, to which was referred S.B. No. 2731 entitled:

"A BILL FOR AN ACT RELATING TO SENTENCING,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Limit the maximum term of imprisonment for misdemeanors, or for offenses 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 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 the Public Defender; Office of Hawaiian Affairs; ACLU Hawai'i; Community Alliance on Prisons; Hawai'i Coalition for Immigrant Rights; The Legal Clinic; Roots Reborn; William S. Richardson School of Law Refugee and Immigration Law Clinic; Imua Alliance; Fujiwara and Rosenbaum, LLC; and six individuals.

Your Committee finds that the criminal legal system has disproportionate impacts on marginalized communities, including immigrants. Under federal law, convictions that may be punishable



by a year or more in prison can lead to detention, denial of necessary forms of immigration relief, and deportation for immigrants. Under the State's existing sentencing laws, residents who commit misdemeanors and are seeking lawful status face unduly harsh consequences in their immigration proceedings, even after taking accountability for their actions. This measure will ensure that immigrants in the State will still be held accountable for crimes without being subjected to disproportionate punishment that could destabilize families and communities by triggering negative immigration consequences.

Your Committee has amended this measure by:

- (1) Excluding crimes of violence from the limit to the maximum term of imprisonment for misdemeanors, or for offenses punishable by up to or not exceeding one year, of three hundred sixty-four days;
- (2) Specifying that individuals previously sentenced to a one-year term of imprisonment may apply to the court for a sentence modification to conform to the new limit only if they were sentenced for a crime that was not a crime of violence; 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2731, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2731, S.D. 1, and be placed on the calendar for Third Reading.

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



KARL RHOADS, Chair



