

STAND. COM. REP. NO. 2365

Honolulu, Hawaii

FEB 18 2026

RE: S.B. No. 2749
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 Public Safety and Military Affairs, to which was referred S.B. No. 2749 entitled:

"A BILL FOR AN ACT RELATING TO SENTENCING,"

begs leave to report as follows:

The purpose and intent of this measure is to amend repeat offender sentencing provisions to allow sentencing courts, under certain circumstances, to sentence defendants in class C felony cases to probation with appropriate terms and conditions.

Your Committee received testimony in support of this measure from the Hawaii Correctional System Oversight Commission, Office of the Public Defender, and Community Alliance on Prisons.

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, and two individuals.

Your Committee finds that section 706-606.5, Hawaii Revised Statutes, was designed to prevent individuals sentenced to probation from being given a second sentence of probation when they have committed another crime while serving their original term of probation. At the time the law was established, less information was available on the role substance abuse addiction, mental health treatment, and prior trauma played in crime



recidivism. However, it is now clear that each defendant is a product of unique circumstances, and a degree of judicial discretion is necessary to ensure a just sentencing system. This measure expands the limited number of options available to a judge when sentencing a defendant by allowing a narrow exception to mandatory sentencing.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2749, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2749, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety and
Military Affairs,

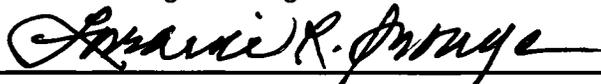


CAROL FUKUNAGA, Chair



The Senate
 Thirty-Third Legislature
 State of Hawai'i

Record of Votes
Committee on Public Safety and Military Affairs
PSM

Bill / Resolution No.:* SB2749	Committee Referral: PSM, JDC	Date: 2-11-2026		
<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
FUKUNAGA, Carol (C)	✓			
LEE, Chris (VC)				✓
HASHIMOTO, Troy N.	✓			
INOUYE, Lorraine R.	✓			
DECORTE, Samantha				✓
TOTAL	3			2
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