



TESTIMONY IN SUPPORT OF HOUSE BILL 1516 HD1
RELATING TO PRETRIAL RELEASE

Ke Kōmike ‘Aha Kenekoa o ka Ho‘okolokolo
(Senate Committee on Judiciary)

Ke Kapitala ‘o Hawai‘i
(Hawai‘i State Capitol)

Malaki 17, 2026

9:55 AM

Lumi 016

Aloha e Chair Rhoads, Vice Chair Gabbard, and Members of Ke Kōmike ‘Aha Kenekoa o ka Ho‘okolokolo:

The Office of Hawaiian Affairs (OHA) **SUPPORTS HB1516 HD1** which clarifies the factors courts must consider when determining a defendant’s financial ability to afford bail and helps ensure that bail is set in a reasonable and equitable amount.

OHA supports policies that promote fairness and proportionality in the pretrial process while maintaining public safety and court appearance requirements. This measure strengthens existing law by directing courts to more accurately assess a person’s real ability to pay, including by excluding public benefits from income calculations and focusing on what a defendant can reasonably pay within a short period after arrest. Cash bail systems that do not adequately account for ability to pay can result in individuals being detained pretrial solely due to poverty rather than risk. Short periods of pretrial detention are associated with increased likelihood of job loss, housing instability, and family disruption, which can in turn worsen long-term outcomes and increase system involvement.

Native Hawaiians are disproportionately represented in Hawai‘i’s criminal legal system and are more likely to experience economic vulnerability, making ability-to-pay clarity especially important to avoid inequitable pretrial detention outcomes for OHA beneficiaries and their families. This bill does not eliminate judicial discretion or remove consideration of offense severity or public safety; rather, it provides clearer guardrails so that bail functions as intended: to reasonably assure court appearance, without becoming an unintended driver of wealth-based detention. For these reasons, the Office of Hawaiian Affairs respectfully urges this Committee to **PASS HB1516 HD1**.

Mahalo nui for the opportunity to provide testimony on this important measure.

JOSH GREEN, M.D.
GOVERNOR



STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION
E HUIKALA A MA'EMA'E NŌ
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MARTHA TORNEY

HON. MICHAEL A. TOWN (ret.)

TO: The Honorable Karl Rhoads, Chair
The Honorable Mike Gabbard, Vice Chair
Senate Committee on Judiciary

FROM: Mark Patterson, Chair
Hawai'i Correctional System Oversight Commission

SUBJECT: House Bill 1516, House Draft 1, Relating to Pretrial Release
Hearing: Tuesday, March 17, 2026; 9:55 a.m.
State Capitol, Room 016

Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

The Hawai'i Correctional System Oversight Commission (HCSOC) **supports** House Bill 1516, House Draft 1, relating to pretrial release which requires certain factors to be considered when determining a defendant's financial ability to afford bail.

This measure is an important step toward a fairer and more effective justice system. When bail is set without meaningful consideration of a person's ability to pay, individuals with limited financial resources may remain incarcerated solely because they cannot afford release, not because they pose a public safety risk or a flight risk. This practice undermines the presumption of innocence and creates unequal outcomes based on wealth rather than risk.

The consequences of unaffordable bail are not theoretical as they directly contribute to severe overcrowding in Hawai'i's jails, particularly at the Hawai'i Community Correctional Center (HCCC) where many individuals are confined not due to conviction, but due to financial hardship. Overcrowding at HCCC strains correctional staff, reduces access to rehabilitative programming, increases operational costs, and worsens health and safety conditions for both incarcerated individuals and employees. Reducing unnecessary pretrial detention is one of the most immediate and effective ways to alleviate jail overcrowding while maintaining community safety.

HB1516, HD 1, supports evidence-based pretrial decision-making, encourages more proportionate release conditions, and aligns with broader goals of system efficiency, fiscal responsibility, and justice equity. For these reasons, the Commission supports this bill.

Should you have additional questions, the Oversight Coordinator, Christin Johnson, can be reached at 808-849-3580 or at christin.m.johnson@hawaii.gov. Thank you for the opportunity to testify.

JON N. IKENAGA
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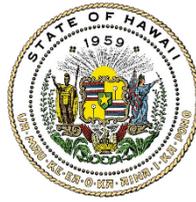
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March 16, 2026

HB 1516, HD 1: RELATING TO PRETRIAL RELEASE

Chair Rhoads, Vice-Chair Gabbard, and Members of the Committee on Judiciary:

The Office of the Public Defender (OPD) **supports HB 1516 HD1** which makes critical clarifying amendments to Hawai'i Revised Statutes §804-9 by requiring courts to meaningfully consider a defendant's actual financial ability to afford bail when setting bail amounts.

This measure addresses a long-standing and well-documented inequity in the pretrial system: the routine detention of low-income individuals solely because they cannot afford to pay bail, not because they pose a flight risk or danger to the community.

HB 1516 HD1 takes an important step toward ensuring that bail serves its intended function as a mechanism to ensure court appearance rather than as a punitive barrier that disproportionately impacts indigent defendants. Specifically, the bill clarifies that income derived from public benefits such as supplemental security income, social security disability insurance, and temporary assistance for needy families must be excluded from consideration when assessing a defendant's ability to pay. For the clients we represent, these benefits are often their sole means of subsistence and are not discretionary funds that can reasonably be used to secure release.

The bill further directs courts to consider whether a defendant's household income exceeds one hundred fifty percent of the federal poverty level for Hawai'i and what amount the defendant could reasonably pay within forty hours of arrest. This practical framework reflects the real-world circumstances of most pretrial

defendants and helps ensure that bail determinations are grounded in reality rather than assumption.

This measure preserves judicial discretion while providing clearer statutory guidance. It reinforces the principle, already reflected in existing law, that bail should not allow wealthier individuals to secure their freedom simply by paying a pecuniary penalty while rendering the right to bail meaningless for those without financial means.

From our daily experience representing indigent clients, we see firsthand how even short periods of unnecessary pretrial detention can destabilize employment, housing, family relationships, and access to medical or mental health care. These collateral consequences frequently occur before any adjudication of guilt and often increase the likelihood of deeper system involvement.

By promoting more individualized, fair, and equitable bail determinations, this measure advances both due process and public confidence in the justice system, without compromising public safety.

For these reasons, the OPD supports HB 1516 HD1.

Thank you for the opportunity to comment on this measure.

DEPARTMENT OF THE PROSECUTING ATTORNEY
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THE HONORABLE KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY
Thirty-Third State Legislature
Regular Session of 2026
State of Hawai`i

March 17, 2026

RE: H.B. 1516, H.D.1; RELATING PRETRIAL RELEASE.

Chair Rhoads, Vice Chair Gabbard, and members of the Senate Committee on Judiciary, the Department of the Prosecuting Attorney for the City and County of Honolulu submits the following testimony **opposing** H.B. 1516, H.D.1.

H.B. 1516, H.D.1 proposes to amend HRS § 804-9 by (1) excluding public benefits from consideration when evaluating a defendant's ability to afford bail, and (2) requiring that, where a defendant's household income exceeds 150% of the federal poverty level, the court consider the amount the defendant could reasonably pay within forty hours of arrest. (See page 1, lines 11–17; page 2, lines 1–3.)

While well-intentioned, this bill is unnecessary and risks undermining judicial discretion in pretrial decision-making.

1. Existing Law Already Provides Comprehensive Guidance.

Under HRS §§ 804-5 and 804-9, courts are already required to impose the least restrictive conditions necessary to ensure the defendant's appearance and protect the public, and to set bail in a reasonable amount based on *all available information*, including the alleged offense, potential punishment, and the defendant's financial ability. The statute further instructs that bail should not allow the wealthy to escape through payment nor render the privilege meaningless to the poor.

This framework is intentionally broad. It allows courts to evaluate the totality of circumstances in each case — including financial circumstances — without imposing rigid formulas. Judges routinely exercise this discretion by setting low bail, modifying bail, or releasing defendants on their own recognizance when appropriate.

There has been no showing that courts are failing to consider financial ability under the current statute.

2. The Bill Creates a Mechanical Overlay on a Discretionary System.

By directing courts to consider what a defendant can “reasonably pay within forty hours of arrest” if household income exceeds 150% of the federal poverty level, the bill introduces a quasi-mathematical overlay onto what is meant to be an individualized, fact-intensive determination.

Bail determinations are not accounting exercises. They require consideration of:

- The seriousness of the offense;
- The defendant’s criminal history;
- Risk of flight;
- Risk to victims and the community;
- Substance abuse or mental health issues;
- Prior compliance with court orders.

Reducing the inquiry to what can be gathered within a forty-hour window may incentivize incomplete financial presentations and shift focus away from public safety considerations.

3. Excluding Public Benefits May Produce Unintended Consequences.

The bill categorically excludes income derived from public benefits from consideration.

However, courts already weigh financial information in context. A blanket exclusion removes judicial flexibility and may create artificial distortions in assessing a defendant’s true financial picture. The better approach is to allow judges to consider all sources of income and determine appropriate weight, rather than mandating statutory exclusions.

4. The Bill Does Not Meaningfully Improve Equity but Risks Constraining Courts.

Hawaii’s existing statute already embodies the equity principle the bill seeks to reinforce — that bail must not advantage the wealthy or disadvantage the poor. The current language on page 2 expressly states this balancing principle.

The Department respectfully submits that adding additional prescriptive language does not meaningfully enhance fairness. Instead, it risks:

- Creating confusion in application;
- Encouraging formula-driven arguments at initial hearings;
- Increasing litigation over income calculations;
- Constraining judicial discretion in cases involving serious public safety concerns.

Pretrial release decisions are among the most consequential determinations a court makes. They must remain flexible, individualized, and guided by the full scope of relevant information — not narrowed by statutory formulas. Thank you for the opportunity to testify.

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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN OPPOSITION TO HOUSE BILL 1516 HD 1

A BILL FOR AN ACT
RELATING TO PRETRIAL RELEASE

COMMITTEE ON JUDICIARY
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

Tuesday, March 17, 2026 at 9:55 a.m.
Via Videoconference
State Capitol Conference Room 016
415 South Beretania Street

Honorable Chair Rhoads, Vice-Chair Gabbard and Members of the Committee on Judiciary: The County of Hawai'i, Office of the Prosecuting Attorney respectfully submits the following testimony **in opposition** to House Bill 1516, House Draft 1, with comments.

Under current law, judges and officers are already required to consider a criminal defendant's financial ability to post bail. HRS § 804-9 directs judges and officers to set bail, if any, "in a reasonable amount based upon all available information, including the offense alleged, the possible punishment upon conviction, and the defendant's financial ability to afford bail." Under current law, judges have discretion to consider an individual's circumstances and are directed to set bail so as "not to suffer the wealthy to escape by the payment of a pecuniary penalty, nor to render the privilege useless to the poor." HRS § 804-9.

HB 1516, HD 1 would modify HRS § 804-9 by putting two specific limitations on how judges and officers can use their discretion to set bail. First, judges would be prohibited from considering any income derived from public benefits. Second, judges would be directed to determine whether a defendant's household income, minus any public benefits, was greater than 150% of the federal poverty level for Hawai'i.¹ If a judge or officer were to find that a defendant's household income is greater than this threshold, then the judge would be required to take a second consideration into account, namely "the amount the defendant could reasonably pay within forty hours of arrest." No guidelines are given for determining the amount of money a person could raise within forty hours. In recognition that much of this information may not be available to a judge or officer, HB 1516, HD 1 limits the application of these considerations "to the extent known."

¹ Currently, 150% of the 2026 federal poverty level for Hawai'i would amount to \$2,295 per month for an individual or \$4,743.75 per month for a family of four. See <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines>.

Although we appreciate the intent of this legislation, we believe this bill is unnecessary. Current law already provides judges and officers with discretion to consider a criminal defendant's ability to afford bail, and gives them the duty to set bail at a reasonable amount so as not to let the wealthy escape nor to render bail useless to the poor.

We are concerned that the proposed amendments do not identify how a criminal defendant's household income or public benefits are to be determined, who will be responsible for verifying any information received, or how to determine how much money a defendant above 150% of the poverty line could reasonably raise within forty hours. Given the time restrictions involved in setting bail after arrest or upon first appearance in court, it is likely that much if not all of this information would come from self-reporting from memory by defendants in custody, who would have an incentive to underreport income. We are concerned about the practical benefits of requiring judges and officers to apply a mathematical formula to unverified self-reported financial information, as opposed to simply using their discretion and judgment.

To minimize these concerns, one suggestion would be to require a declaration by defense counsel attesting to the financial status of their client(s), and to require that defense counsel petition the court by motion for a bail hearing with notice and an opportunity to respond.

The County of Hawai'i, Office of the Prosecuting Attorney strongly believes that judges and officers should continue to use all available information to set a reasonable bail amount in each given case. If the Legislature intends to amend HRS § 804-9 to add specific requirements, we suggest setting forth additional specific considerations such as the defendant's criminal history; past performance on pretrial supervision, probation, or parole; the status of the victim(s) (i.e., minor, elderly, handicapped, incapacitated, household member, vulnerable person, etc.); and mental health history (i.e., previously diagnosed by a psychologist or psychiatrist as a danger to the person or property of oneself or others).

For the foregoing reasons, the County of Hawai'i, Office of the Prosecuting Attorney **opposes** the passage of House Bill 1516, House Draft 1. Thank you for the opportunity to testify on this matter.

C. Kimo Alameda, Ph.D.
Mayor



Reed K. Mahuna
Police Chief

William V. Brillhante Jr.
Managing Director

LATE

County of Hawai`i

POLICE DEPARTMENT

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March 16, 2026

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
And Members
Committee on Judiciary
State Capitol
415 South Beretania Street
Honolulu, HI 96813

Dear Senators Rhoads and Gabbard and Members:

RE: HOUSE BILL 1516 HD1 RELATING TO PRETRIAL RELEASE
DATE: MARCH 17, 2026
TIME: 09:55 A.M.
PLACE: CONFERENCE ROOM 325 & VIDEOCONFERENCE

The Hawai`i Police Department (HPD) respectfully submits testimony in opposition to HB1516 HD1, Relating to Pretrial Release. The measure proposes amendments to HRS §804-9 regarding the determination of bail amounts.

While we understand and appreciate the intent of the bill — to promote fairness in bail setting — the proposed requirements in the HD1 version continue to present significant operational and practical challenges for law enforcement. Our concerns from earlier testimony remain unchanged.

HB1516 HD1 requires that bail be set based on a defendant's financial ability to pay, including:

- consideration of household income,
- exclusion of public benefit income, and
- an assessment of what a defendant could "reasonably pay within forty hours of arrest."

These obligations would still require timely and accurate financial information for each arrestee. Obtaining and verifying this information — such as income sources, household composition, and benefits status — involves accessing sensitive financial records and coordinating with multiple state and federal agencies. These tasks fall outside current police responsibilities and would require new specialized personnel, training, and secure systems that HPD does not presently possess.

HOUSE BILL 1516 HD1 RELATING TO PRETRIAL RELEASE

DATE: MARCH 17, 2026

TIME: 09:55 A.M.

PLACE: CONFERENCE ROOM 325 & VIDEOCONFERENCE

Page 2

Implementing these requirements would also create significant resource and cost impacts, including:

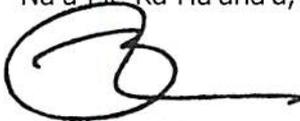
- additional staffing dedicated to financial review,
- secure data-sharing agreements, and
- technology upgrades to protect confidential financial information.

Without these resources, compliance would be impractical and could delay the timely processing of bail, potentially impacting constitutional rights related to prompt hearings.

Finally, diverting law enforcement resources toward financial investigations fundamentally detracts from our core mission of ensuring public safety and responding to crime. Rather than improving the criminal justice process, the bill could unintentionally slow pretrial procedures and increase administrative strain on departments already managing high call volume and limited staffing.

For these reasons, we respectfully oppose HB1516 HD1 as currently drafted. We appreciate the opportunity to offer testimony.

Na'u Me Ka Ha'aha'a,

A handwritten signature in black ink, consisting of a large, stylized 'R' followed by a horizontal line extending to the right.

REED K. MAHUNA
POLICE CHIEF



March 17, 2026

Senate Committee on Judiciary

Opposition to HB 1516, HD1, Relating to Pretrial Release

Aloha Chair Rhoads, Vice Chair Gabbards, and Members of the Committee:

The **State of Hawai'i Organization of Police Officers (SHOPO)** respectfully submits **testimony in opposition to HB 1516, HD1**, which requires certain factors to be considered when determining a defendant's financial ability to afford bail.

We recognize the bill's goal of promoting fairness in bail determinations, but we believe the legislation is unnecessary. Existing law already allows judges and law enforcement officers to consider a defendant's financial circumstances when setting bail, ensuring amounts are appropriate and balanced so that neither wealth nor lack of resources alone dictates pretrial release.

Our primary concern is how the bill would function in practice. The proposal does not clarify how a defendant's household income or public benefits would be verified, who would be responsible for that verification, or how to assess what a defendant above 150% of the poverty line could reasonably produce within forty hours. With the limited time available after arrest or first court appearance, much of this information would likely rely on self-reporting from defendants in custody, who may unintentionally or deliberately provide incomplete or inaccurate details.

Mandating that judges or officers apply a numerical formula to potentially unreliable information could slow decision-making, complicate the process, and create unintended challenges without clear evidence of improved fairness. For these reasons, SHOPO respectfully opposes this measure.

The more than 2,700 law enforcement officers who are members of SHOPO risk their lives every day to keep our islands safe. SHOPO is dedicated to protecting public safety. We strive to work in partnership with community members because, together, we can build stronger and safer neighborhoods. Thank you for the opportunity to provide testimony on this measure.

Respectfully submitted,

State of Hawai'i Organization of Police Officers (SHOPO)

COMMUNITY ALLIANCE ON PRISONS

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Today's Inmate; Tomorrow's Neighbor



COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Tuesday, March 17, 2026

9:55 AM

Room 016 and VIDEOCONFERENCE

STRONG SUPPORT for HB 1516 HD1 - PRETRIAL RELEASE

Aloha Chair Rhoads, Vice Chair Gabbard and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for almost three decades. This testimony is respectfully offered on behalf of the 3,646 Hawai'i individuals living behind bars¹ and under the "care and custody" of the Department of Corrections and Rehabilitation on March 2, 2026. We are always mindful that 797 of Hawai'i's imprisoned male population are serving their sentences abroad -- thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

Community Alliance on Prisons thanks the committee for hearing this important bill and this opportunity to express our **STRONG SUPPORT for HB 1516 HD1** that requires certain factors to be considered when determining a defendant's financial ability to afford bail. We appreciate that this bill that considers the circumstances of too many in our community who are struggling to stay afloat by excluding from consideration any income derived from public benefits that include supplemental security income, social security, disability insurance, and

¹ DCR Weekly Population Report, March 2, 2026

[Pop-Reports-Weekly-2026-03-02.pdf](#)

temporary assistance to families and if the defendant's household income, exclusive of any income derived from public benefits, and if the defendant household income exceeds one hundred fifty per cent of the federal poverty level for Hawai'i, the amount the defendant could reasonably pay within forty hours of arrest shall be considered.

The [2024 State of ALICE in Hawai'i Report](#)², published in January 2025, by Aloha United Way in partnership with the Bank of Hawai'i Foundation, provides an updated analysis of the financial challenges faced by Hawai'i households, particularly those classified as ALICE (Asset Limited, Income Constrained, Employed). These households earn above the Federal Poverty Level but still struggle to afford basic necessities like housing, food, and healthcare.

This year's report highlights the cost of living factors driving outmigration, signaling the need for systemic change so that Hawai'i families may remain in Hawai'i.

Key Findings from the Report:

1. The percentage of households below the poverty line decreased to 12% (from 14% in 2022). 29% of Hawai'i families remained in the ALICE category.
2. More than a third (37%) of Hawai'i households have considered leaving Hawai'i because of high living expenses.
3. 27% of Hawai'i households worry about being forced to move within the next year, increasing to 41% among ALICE families.
4. Almost half (46%) of ALICE households struggle to afford food, compared to 28% of all households in Hawai'i.
5. More than half (53%) of Hawai'i residents under 35 years old fall below the ALICE threshold.
6. The number of ALICE households in Maui County has increased by 9% since 2022, largely due to the impact of the August 2023 wildfires.

Over the years we have heard of instances where people were unable to pay anywhere from \$10 to \$50 bail. This is ridiculous at the current cost of incarcerated reported by DCR to be \$307 a day! We are keenly aware that some offenses stem from defendants desperation to feed, clothe, and provide shelter for the defendants and their families.

² [2024 State of ALICE in Hawai'i Report – Hawai'i Health Data Warehouse](#)

We hope that the committee supports this bill and supports the plight of those in our community who are struggling every day by passing HB 1516 HD1.

Mahalo for this opportunity to share our thoughts and experience with the committee.



MARCH 17, 2026

HOUSE BILL 1516 HD1

CURRENT REFERRAL: JDC

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Kris Coffield,
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Beatrice DeRego,
Director

Corey Rosenlee,
Director

Amy Zhao,
*Policy and Partnerships
Strategist*

POSITION: SUPPORT

Imua Alliance supports the intent of HB 1516 HD1, relating to pretrial release, which requires certain factors to be considered when determining a defendant's financial ability to afford bail.

Imua Alliance is a Hawai'i-based organization dedicated to ending sexual exploitation and gender violence. We support this proposal on behalf of survivors of sex trafficking and gender abuse who have been incarcerated for acts committed because of their trauma, often without the monetary means to defend themselves or secure their release. This measure would implement important reforms to Hawai'i's pretrial incarceration practices, reduce unnecessary detention, and strengthen community safety.

Pretrial incarceration is a statewide issue with significant human and economic costs. According to the Vera Institute of Justice, Hawai'i's pretrial incarceration rate has been consistently above the national average. Per recent nationwide data (2022–2023), Hawai'i jails held individuals pretrial at a rate exceeding 470 per 100,000 residents, compared to the overall U.S. average of approximately 180–200 per 100,000. Many people remain in jail not because they pose a public safety risk, but simply because they cannot afford bail or lack access to community supervision options. These disparities exacerbate racial and economic inequity and place undue burdens on families and communities.

Pretrial detention destabilizes lives and undermines fairness. National research shows that people jailed pretrial are more likely to lose employment, housing, and custody of children than those released pretrial, even when charges are similar and risk levels are low. According to the Pretrial Justice Institute, individuals incarcerated pretrial are more likely to plead guilty—regardless of actual guilt—because detention limits their ability to prepare a defense, meet with counsel, or participate

meaningfully in their case. This dynamic pressures innocent or low-risk people into pleas that can have lifelong consequences.

This proposal keeps communities safer by focusing detention on real risk, not financial status. This bill aligns with best practices endorsed by national public safety advocates. The National Institute of Justice and the Council of State Governments Justice Center have documented that risk-based pretrial systems—those that assess danger and flight risk rather than ability to pay—reduce unnecessary detention, lower jail populations, and do not increase crime. Jurisdictions that have implemented evidence-based pretrial reforms, such as Kentucky and Washington State, report significant reductions in pretrial jail populations (20–40% or more) without increases in new criminal activity or failures to appear in court.

The economic and racial justice case for reform is strong. A 2024 analysis of Hawai'i's criminal justice system found that pretrial incarceration disproportionately affects Native Hawaiian, Pacific Islander, and low-income communities. People unable to post bail spend weeks or months in jail—even for non-violent offenses—while wealthier defendants are released. This creates two systems of justice and exacerbates inequality. Thus, this bill takes an important step toward remedying this disparity by reducing reliance on cash conditions of release, promoting pretrial services, and expanding non-custodial supervision that supports compliance and community connections.

Public safety and public confidence are improved with sensible pretrial policy. Evidence from multiple states shows that reducing unnecessary pretrial detention leads to better outcomes: fewer jail bookings, reduced recidivism among low-risk populations, and more resources for monitoring higher-risk individuals. According to the Vera Institute, jurisdictions with pretrial reform strategies have seen declines in jail populations by 15–40%, improved court appearance rates, and increased use of community support services. Pretrial reform represents a data-driven approach to public safety that aligns with Hawai'i's values and its commitment to equitable access to justice for all residents.

With aloha,

Kris Coffield

President, Imua Alliance



Committee: Senate Committee on Judiciary
Hearing Date/Time: Tuesday, March 17, 2026, at 9:55am
Place: Conference Room 016 & Via Videoconference
Re: **Testimony of the ACLU of Hawai'i in SUPPORT of HB1516, HD1, Relating to Pretrial Release**

Dear Chair Rhoads, Vice Chair Gabbard and Committee Members:

The ACLU of Hawai'i **strongly supports HB1516, HD1**, which requires certain factors to be considered when determining a defendant's financial ability to afford bail.

This is an important step towards achieving a justice system that does not perpetuate wealth inequality.

In *U.S. v. Salerno*, 481 U.S. 739 (1987), the U.S. Supreme Court held that “in our society, liberty is the norm, and detention prior to trial or without trial is the carefully limited exception.”

Consider that currently over 54% of Hawai'i's jail population is pretrial¹. **69% of the people held at the OCCC jail are pretrial.**² These individuals have not been convicted of any crime but remain behind bars largely due to an outdated reliance on cash bail and a lack of alternative pretrial systems. Reducing the pretrial detention population also is a clear first step to address problems of overcrowding given that the total number of people incarcerated in Hawai'i is decreasing over time, but our pretrial population is increasing.

The evidence suggests that pretrial detention reforms do not have negative impacts on public safety and have little impact on court appearances.³ A study by the Prison Policy Initiative found that releasing individuals pretrial does not negatively affect public safety.⁴ The study considered pretrial reforms in New Jersey, New Mexico, Kentucky, and New York. It also considered local reforms in SF (CA), Washington (DC), Philadelphia (PA), Santa Clara (CA), Cook County (IL), Yakima County (Wash), New Orleans (LA), Harris County (TX), and

¹ Department of Corrections and Rehabilitation, End of Month Population Report, January 31, 2026. <https://dcr.hawaii.gov/wp-content/uploads/2026/02/Pop-Reports-EOM-2026-01-30.pdf>

² Ibid 1.

³ Insha Rahman, Undoing the Bail Myth: Pretrial Reforms to End Mass Incarceration, 46 Fordham Urb. L.J. 845 (2019). Available at: <https://ir.lawnet.fordham.edu/ulj/vol46/iss4/2>

⁴ Prison Policy Initiative, Releasing people pretrial doesn't harm public safety, July, 6 2023. <https://www.prisonpolicy.org/blog/2023/07/06/bail-reform/>

Jefferson County (CO). Re-offense or rearrest rates did not increase after pretrial reforms, and in some cases declined.

- Harris County, Texas: approximately tens of thousands of people charged with misdemeanors have avoided pretrial incarceration since the County ended cash bail (according to independent federal data).⁵
- New Jersey’s 2017 cash bail reform law “substantially reduced the pretrial population... without harming community safety.”⁶
- Cass County, Indiana: Prior to reform, the average jail population was nearly 50% over capacity, with approximately 70% of people pre-trial. In 2018 the county adopted several pre-trial diversion programs such as voluntary referrals to support services, decreased reliance on monetary bonds, and data transparency on pretrial outcomes. In 2022, the pretrial population had decreased by 80%, saving nearly \$1 million in detention costs.⁷

Holding people unnecessarily in pretrial detention **contributes to overcrowding, staffing issues, and worsening facility conditions.** Concerningly, it also has been found to have a criminogenic effect. One study from October 2024 found that pretrial detention increases the odds for someone to miss a court appearance or be arrested by roughly 50% and increases the odds of convictions by 36%.⁸

Other research has found that even a short period of pretrial detention can have “cascading effects” on an individual, including threatening employment, housing stability, child custody, and health care access. These may contribute to increased likelihood of further involvement with the criminal justice system.⁹

⁵ WBUR, Breaking the Bond: A look at bail reform in Harris County, Texas, September 16, 2024.

<https://www.wbur.org/hereandnow/2024/09/16/breaking-the-bond#>

⁶ Drexel News, New Jersey’s Cash Bail Reform Reduced Incarceration Without Increasing Gun Violence, May 30, 2024. <https://drexel.edu/news/archive/2024/May/New-Jersey-Cash-Bail-Reform-Reduced-Incarceration>

⁷ Advancing Pretrial Policy & Research, Small County. Big Results., October 24, 2023.

<https://www.advancingpretrial.org/story/small-county-big-results/>

⁸ DeMichele, Matthew and Silver, Ian and Labrecque, Ryan, Locked Up and Awaiting Trial: A Natural Experiment Testing the Criminogenic and Punitive Effects of Spending a Week or More in Pretrial Detention (June 2, 2023).

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4467619

⁹ See: Laura & John Arnold Foundation., *Pretrial Criminal Justice Research*

(2013), available at https://static.prisonpolicy.org/scans/ljaf/LJAF_Report_state-sentencing_FNL.pdf; Megan Stevenson, *Distortion of Justice: How the Inability to Pay Bail Affects Case Outcomes* 22 (Working Paper, 2016),

available at <https://www.law.upenn.edu/cf/faculty/mstevens/workingpapers/Distortion-of-Justice-April-2016.pdf>; Heaton et al., *The Downstream Consequences of Misdemeanor Pretrial Detention* 3 (July 2016), available

at <http://ssrn.com/abstract=2809840>;

<https://vera-institute.files.svdccdn.com/production/downloads/publications/Justice-Denied-Evidence-Brief.pdf>

Adopting HB1516, HD1 will help ensure that the freedom of individuals is not determined by their ability to afford bail.

Mahalo,



Mandy Fernandes

Policy Director

ACLU of Hawai'i

jfrost@acluhawaii.org

With more than 4,000 Hawaii-based members, the mission of the American Civil Liberties Union of Hawai'i is to protect the fundamental freedoms enshrined in the United States and Hawai'i State Constitutions through legislative, litigation, and public education work. The ACLU of Hawai'i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai'i has been serving our communities in Hawai'i for over 60 years.

HB-1516-HD-1

Submitted on: 3/14/2026 5:12:59 AM

Testimony for JDC on 3/17/2026 9:55:00 AM

Submitted By	Organization	Testifier Position	Testify
Ethan Chang	Individual	Support	Written Testimony Only

Comments:

Committee on Judiciary

Sen. Karl Rhoads, Chair

Sen. Mike Gabbard, Vice Chair

Saturday, March 14, 2026

Re: Support for HB1516 HD1 - Pretrial Release; Bail

Dear Chair, Vice Chair, and Members of the Committee,

Mahalo for the opportunity to testify in **strong support of HB1516 HD1**.

This bill improves fairness in bail determinations by requiring courts to consider a defendant’s actual financial ability to pay. Importantly, it excludes income from public benefits—such as Supplemental Security Income, Social Security, disability insurance, and Temporary Assistance for Needy Families—from being counted when assessing bail affordability.

These benefits provide basic support for individuals already struggling to meet essential needs. The 2024 ALICE Report shows many Hawai‘i households cannot afford the cost of living, and this bill acknowledges that reality.

HB1516 HD1 helps ensure that bail decisions are based on fairness rather than financial hardship.

Mahalo for your consideration. I respectfully urge the committee to pass **HB1516 HD1**.

Aloha,

Ethan Chang

O'ahu

HB-1516-HD-1

Submitted on: 3/14/2026 3:20:14 PM

Testimony for JDC on 3/17/2026 9:55:00 AM

Submitted By	Organization	Testifier Position	Testify
Isabella McRae	Individual	Support	Written Testimony Only

Comments:

My name is Isabella McRae, and I submit this testimony in strong support of HB1516 HD1, which strengthens considerations regarding ability to afford bail.

This bill is an important step toward a justice system that does not punish people for their lack of wealth. Today, more than 54 percent of Hawai'i's jail population consists of people who are being held pretrial. At the O'ahu Community Correctional Center, that figure rises to 69 percent. These individuals have not been convicted of any crime, yet they remain incarcerated largely due to the continued reliance on cash bail and limited use of alternative pretrial practices. Reducing the pretrial detention population also is a clear first step to address problems of overcrowding given that the total number of people incarcerated in Hawai'i is decreasing over time, but our pretrial population is increasing. Before designing a new superjail to replace OCCC, Hawai'i must enact policies to reduce its jail population.

Research shows that pretrial detention reforms do not compromise public safety and have little impact on court appearance rates. By contrast, unnecessary pretrial detention contributes to overcrowding, staffing issues, and worsening facility conditions. Studies have also found that pretrial detention itself can increase the likelihood of future criminal justice involvement. Even short periods of pretrial detention can have "cascading effects" on an individual, including threatening employment, housing stability, child custody, and health care access. These may contribute to increased likelihood of further involvement with the criminal justice system.

For the above reasons, I respectfully request that the committee PASS HB1516 HD1.

HB-1516-HD-1

Submitted on: 3/14/2026 8:40:26 PM

Testimony for JDC on 3/17/2026 9:55:00 AM

Submitted By	Organization	Testifier Position	Testify
Greg Puppione	Individual	Support	Written Testimony Only

Comments:

Dear Chair Rhoads, Vice Chair Gabbard, and Committee Members:

My name is Greg Puppione, and I submit this testimony in strong support of HB1516 HD1, which strengthens considerations regarding ability to afford bail.

This bill is an important step toward a justice system that does not punish people for their lack of wealth. Today, more than 54 percent of Hawai'i's jail population consists of people who are being held pretrial. At the O'ahu Community Correctional Center, that figure rises to 69 percent. These individuals have not been convicted of any crime, yet they remain incarcerated largely due to the continued reliance on cash bail and limited use of alternative pretrial practices. Reducing the pretrial detention population also is a clear first step to address problems of overcrowding given that the total number of people incarcerated in Hawai'i is decreasing over time, but our pretrial population is increasing. Before designing a new superjail to replace OCCC, Hawai'i must enact policies to reduce its jail population.

Research shows that pretrial detention reforms do not compromise public safety and have little impact on court appearance rates. By contrast, unnecessary pretrial detention contributes to overcrowding, staffing issues, and worsening facility conditions. Studies have also found that pretrial detention itself can increase the likelihood of future criminal justice involvement. Even short periods of pretrial detention can have "cascading effects" on an individual, including threatening employment, housing stability, child custody, and health care access. These may contribute to increased likelihood of further involvement with the criminal justice system.

For the above reasons, I respectfully request that the committee PASS HB1516 HD1. Mahalo!

HB-1516-HD-1

Submitted on: 3/14/2026 9:09:59 PM

Testimony for JDC on 3/17/2026 9:55:00 AM

Submitted By	Organization	Testifier Position	Testify
Cory Harden	Individual	Support	Written Testimony Only

Comments:

Aloha legislators,

Over half of the people jailed in Hawai'i are pretrial, and the numbers are rising. Pretrial detention puts people at risk of losing their jobs, homes, children, and access to health care. Pretrial detention reforms do not reduce public safety.

mahalo,
Cory Harden

HB-1516-HD-1

Submitted on: 3/14/2026 10:30:48 PM

Testimony for JDC on 3/17/2026 9:55:00 AM

Submitted By	Organization	Testifier Position	Testify
Gaye Chan	Individual	Support	Written Testimony Only

Comments:

Those charged with low-level offenses have not been convicted of any crime. They are incarcerated mostly because they cannot afford the cash bail. When how people are treated within the justice system depends on whether the accused has money, it is not justice. Our justice system should not punish people for simply being poor.

To: Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Committee on Judiciary

From: Veronica Moore, Individual Citizen

Date: March 15, 2026

RE: House Bill 1516 HD1
Measure Title: RELATING TO PRETRIAL RELEASE.
Report Title: Pretrial Release; Bail

To All Concerned,

My name is Veronica Moore and I support House Bill 1516 HD1. Thank you for your consideration.

Sincerely,

Veronica M. Moore

HB-1516-HD-1

Submitted on: 3/15/2026 9:51:08 AM

Testimony for JDC on 3/17/2026 9:55:00 AM

Submitted By	Organization	Testifier Position	Testify
Carla Allison	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and Committee Members:

My name is Carla Allison, and I am in **strong support of HB1516 HD1**, which strengthens considerations regarding ability to afford bail.

Hawaii needs to stop punishing people for their lack of wealth. Today, more than 54 percent of Hawai'i's jail population consists of people who are being held pretrial. At the O'ahu Community Correctional Center, that figure is 69 percent. These individuals have not been convicted of any crime, yet they remain incarcerated largely due to the continued reliance on cash bail and limited use of alternative pretrial practices.

We must reduce the pretrial detention population to address problems of overcrowding because while the total number of people incarcerated in Hawai'i is decreasing over time, our pretrial population is increasing. Hawai'i must enact policies to reduce its jail population before designing a new superjail to replace OCCC.

Research and experience show that pretrial detention reforms do not compromise public safety and have little impact on court appearance rates. By contrast, unnecessary pretrial detention contributes to overcrowding, staffing issues, and worsening facility conditions.

Studies have also found that pretrial detention itself can increase the likelihood of future criminal justice involvement. Even short periods of pretrial detention can have "cascading effects" on an individual, including threatening employment, housing stability, child custody, and health care access. These may contribute to increased likelihood of further involvement with the criminal justice system.

For the above reasons, I respectfully request that the committee support and pass HB1516 HD1.

Sincerely,

Carla Allison - Honolulu

HB-1516-HD-1

Submitted on: 3/15/2026 11:25:24 AM

Testimony for JDC on 3/17/2026 9:55:00 AM

Submitted By	Organization	Testifier Position	Testify
Nandita Sharma	Individual	Support	Written Testimony Only

Comments:

I am writing in strong support of HB 1516.

It is well past time to stop discriminating against people without a lot of monetary resources through the relentless and overused cash bail system. It is archaic and cruel, and for justice to be served, requires, at minimum, passing this Bill.

HB-1516-HD-1

Submitted on: 3/15/2026 2:01:14 PM

Testimony for JDC on 3/17/2026 9:55:00 AM

Submitted By	Organization	Testifier Position	Testify
Nathan Leo Braulick	Individual	Support	Written Testimony Only

Comments:

Mahalo,

Nathan Leo Braulick

WRITTEN TESTIMONY IN OPPOSITION

HB 1516 HD1 – Relating to Pretrial Release

HB 2413 HD1 – Relating to Pretrial Reform

HB 2494 – Relating to Criminal Justice Reform

Submitted by: William L. Wong, CPA, PFS, RIA
Certified Public Accountant • Registered Investment Adviser • Financial Planner
Real Estate Developer • Entrepreneur • Owner & Managing Member, KBXtreme LLC

Chair, Vice-Chair, and Members of the Committee:

My name is **William L. Wong, CPA, PFS, RIA**. I respectfully submit this testimony in **strong opposition** to House Bill 1516 HD1, House Bill 2413 HD1, and House Bill 2494.

I am a Certified Public Accountant, Registered Investment Adviser, financial planner, real estate developer, and entrepreneur. I am also the owner and managing member of **KBXtreme LLC**, a family entertainment center that serves thousands of residents and visitors each year. Our facility is frequented by many children, families, and community groups, and maintaining a safe environment for our patrons and employees is one of my highest priorities.

I was honored to be named the **National winner of the U.S. Small Business Administration's Accountant Advocate of the Year (1999)**. I have also served as **Taxation Chair of the Governor's Task Force on Regulatory Relief** and as a **member of the Taxation Working Group of the Economic Revitalization Task Force for the State of Hawaii**. Throughout my career I have advocated for small businesses and policies that strengthen communities and local economies.

As the owner of a public facility serving families and children, I see firsthand how closely community safety and economic vitality are connected. Families must feel confident bringing their children to public venues, employees must feel safe in their workplaces, and small businesses must be able to operate in communities where laws are enforced consistently and responsibly.

HB 1516 HD1 would replace judicial discretion in bail determinations with a rigid financial formula that may rely on unverified self-reported information. **HB 2413 HD1** would require release on recognizance for many offenses labeled "nonviolent," even where the facts of a case may present risks to public safety or to the integrity of the justice process. **HB 2494** would significantly limit the longstanding authority of police officers to make warrantless arrests based on probable cause, introducing vague standards that may create uncertainty and increased litigation.

Well-intended reforms should not inadvertently weaken the tools necessary to maintain public safety or undermine the effective functioning of the justice system. The safety of our communities often depends on the careful judgment and experience of judges and law enforcement professionals.

For these reasons, I respectfully urge the Committee to **defer these measures and carefully reconsider the potential impacts of HB 1516 HD1, HB 2413 HD1, and HB 2494**.

Mahalo for the opportunity to submit testimony.

Respectfully submitted,

William L. Wong, CPA, PFS, RIA
Owner and Managing Member, KBXtreme LLC
Kailua■Kona, Hawai■i

COMMITTEE ON JUDICIARY
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

HEARING:

Tuesday, March 17, 2026 at 9:55 am
Conference Room 016 & Videoconference

TESTIMONY IN SUPPORT OF HB 1516, HD1 - RELATING TO PRETRIAL RELEASE.

Aloha Chair Fukunaga, Vice Chair Lee, Senator Hashimoto for my district, and Members of the Committee,

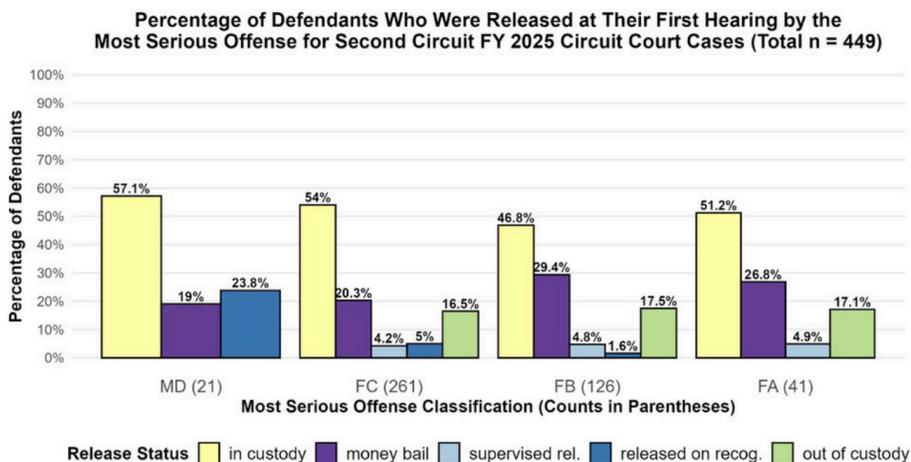
My name is Christine Andrews. I am a long-term resident of Wailuku, Maui and an attorney licensed in Hawaii for over 25 years. I write to you today in **strong support of HB 1516, HD1, Relating to Pretrial Release**, which requires certain factors to be considered when determining a defendant’s financial ability to afford bail.

As a Maui resident, I will focus on the impacts of the current pretrial system on Maui County. According to the Criminal Justice Research Institute Hawaii 2025 Annual Report, in the Second Circuit, Maui County, there were 3,941 arrests in Fiscal Year 2025. There were **an average of 328 arrests per month**. The most serious offense in an arrest was most frequently misdemeanors (37%), followed by class C felonies (29%), petty misdemeanors (22%), class B felonies (9%), and class A felonies (3%).¹

There were 1,984 criminal case filings in the Second Circuit, Maui County in Fiscal Year 2025. There were an average of 165 case filings per month. The most serious offense in a case was most frequently misdemeanors (30%), followed by class C felonies (29%), petty misdemeanors (27%), class B felonies (11%), and class A felonies (3%).²

For cases filed in the Circuit Court of the Second Circuit in Fiscal Year 2025, **52% of defendants were in custody at the conclusion of the first pretrial hearing**, 32% of defendants were released, and 16% were out of custody. For cases in which the most serious offense was a:

- **misdemeanor, 57.1% of defendants were in custody,**
- class C felony, 54.0% of defendants were in custody,
- class B felony, 46.8% of defendants were in custody,
- class A felony, 51.2% of defendants were in custody.³



I think that the above graph, from page 41 of the Report, is a really significant visual for the purposes of pretrial reform. **There were more people held in custody after their first hearing for misdemeanors (57.1%) than there were for any other offense.** What purpose does this serve other than to criminalize poverty without even a trial? Families torn

¹ Criminal Justice Research Institute Hawaii 2025 Annual Report, p 25. Available at: https://www.courts.state.hi.us/wp-content/uploads/2025/12/RPT-CJRI-Annual-Report-2025_FINAL.pdf#:~:text=The%202025%20annual%20report%20summarizes,data%20and%20research%20to%20criminal

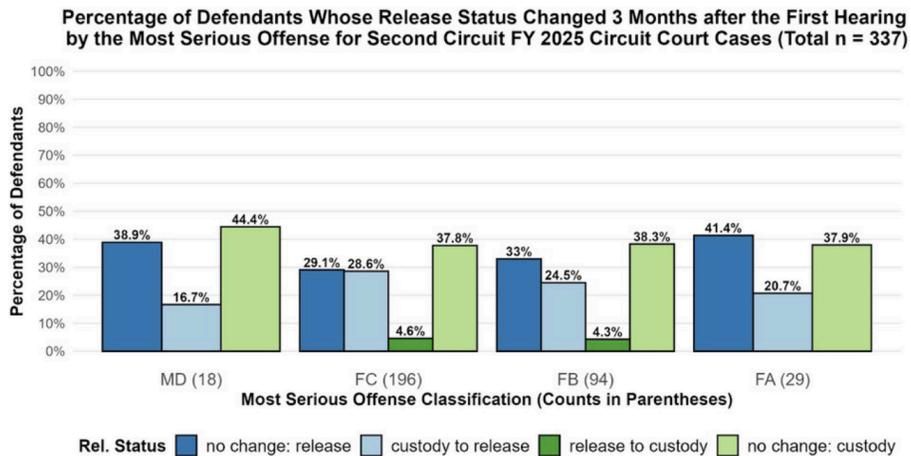
² Ibid at 33.

³ Ibid at 41.

apart, jobs lost, potentially irreversible economic harm that serves no public purpose and comes with significant incarceration costs.

For cases filed in the Circuit Court of the Second Circuit in Fiscal Year 2025, **38% of defendants remained in custody 90 days after their first pretrial hearing**, 32% remained on release, 26% went from custody to release, and 4% went from release to custody. For cases in which the most serious offense was a:

- **misdemeanor, 44.4% of defendants remained in custody**
- class C felony, 37.8% of defendants remained in custody
- class B felony, 38.3% of defendants remained in custody
- class A felony, 41.4% of defendants remained on release⁴



This image from page 54 of the Report helps visualize that, **in Maui County, three months, 90 days, after their first hearing, more people were held in custody with misdemeanors as their highest offense than any other offense type.**

These individuals have not been convicted of any crime, yet they remain incarcerated largely due to the continued reliance on cash bail and limited use of alternative pretrial practices. Reducing the pretrial detention population also is a clear first step to address problems of overcrowding given that the total number of people incarcerated in Hawai'i is decreasing over time, but our pretrial population is increasing.

Research shows that pretrial detention reforms do not compromise public safety and have little impact on court appearance rates. By contrast, **unnecessary pretrial detention contributes to overcrowding, staffing issues, and worsening facility conditions.** Studies have also found that pretrial detention itself can increase the likelihood of future criminal justice involvement. Even short periods of pretrial detention can have devastating impacts on an individual, including job loss, homelessness or housing instability, loss of child custody, and loss of health care access. These all may contribute to increased likelihood of further involvement with the criminal justice system.

The time for meaningful pretrial reform is now. I request your **vote in support of HB 1516, HD1** to bring justice to the criminal justice system.

Mahalo for your support,

Christine Andrews, JD
Wailuku, Maui

⁴ Ibid at 54.

HB-1516-HD-1

Submitted on: 3/15/2026 5:44:39 PM

Testimony for JDC on 3/17/2026 9:55:00 AM

Submitted By	Organization	Testifier Position	Testify
Toni Floerke	Individual	Support	Written Testimony Only

Comments:

Committee: Senate Committee on Judiciary

Hearing Date/Time: Tuesday, March 17, 2026, at 9:55am

Place: Conference Room 016 & Via Videoconference

Re: Testimony in SUPPORT of HB1516 HD1 Relating to Pretrial Release

Dear Chair Rhoads, Vice Chair Gabbard, and Committee Members:

My name is Toni Floerke, and I submit this testimony in strong support of HB1516 HD1, which strengthens considerations regarding ability to afford bail.

This bill is an important step toward a justice system that does not punish people for their lack of wealth. Today, more than 54 percent of Hawai'i's jail population consists of people who are being held pretrial. **At the O'ahu Community Correctional Center, that figure rises to 69 percent.** These individuals have not been convicted of any crime, yet they remain incarcerated largely due to the continued reliance on cash bail and limited use of alternative pretrial practices. Reducing the pretrial detention population also is a clear first step to address problems of overcrowding given that the total number of people incarcerated in Hawai'i is decreasing over time, but our pretrial population is increasing. **Before designing a new superjail to replace OCCC, Hawai'i must enact policies to reduce its jail population.**

Research shows that pretrial detention reforms do not compromise public safety and have little impact on court appearance rates. By contrast, unnecessary pretrial detention **contributes to overcrowding, staffing issues, and worsening facility conditions.** Studies have also found that pretrial detention itself can increase the likelihood of future criminal justice involvement. **Even short periods of pretrial detention can have "cascading effects" on an individual, including threatening employment, housing stability, child custody, and health care access.** These may contribute to increased likelihood of further involvement with the criminal justice system.

For the above reasons, I respectfully request that the committee PASS HB1516 HD1.

Sincerely,

Toni Floerke

Kapolei, HI

HB-1516-HD-1

Submitted on: 3/15/2026 9:22:31 PM

Testimony for JDC on 3/17/2026 9:55:00 AM

Submitted By	Organization	Testifier Position	Testify
Jesse Hutchison	Individual	Support	Written Testimony Only

Comments:

Thank you!