

JON N. IKENAGA  
PUBLIC DEFENDER

**DEFENDER COUNCIL**  
1130 NORTH NIMITZ HIGHWAY  
SUITE A-254  
HONOLULU, HAWAII 96817

**HONOLULU OFFICE**  
1130 NORTH NIMITZ HIGHWAY  
SUITE A-254  
HONOLULU, HAWAII 96817

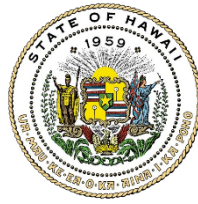
**APPELLATE DIVISION**  
TEL. NO. (808) 586-2080

**DISTRICT COURT DIVISION**  
TEL. NO. (808) 586-2100

**FAMILY COURT DIVISION**  
TEL. NO. (808) 586-2300

**FELONY DIVISION**  
TEL. NO. (808) 586-2200

**FACSIMILE**  
(808) 586-2222



STATE OF HAWAII  
**OFFICE OF THE PUBLIC DEFENDER**

HAYLEY Y. C. CHENG  
ASSISTANT PUBLIC DEFENDER

**HILO OFFICE**  
275 PONAHAHAWI STREET  
SUITE 201  
HILO, HAWAII 96720  
TEL. NO. (808) 974-4571  
FAX NO. (808) 974-4574

**KONA OFFICE**  
75-1000 HENRY STREET  
SUITE #209  
KAILUA-KONA HI 96740  
TEL. NO. (808) 327-4650  
FAX NO. (808) 327-4651

**KAUAI OFFICE**  
3060 EIWA STREET  
SUITE 206  
LIHUE, HAWAII 96766  
TEL. NO. (808) 241-7128  
FAX NO. (808) 274-3422

**MAUI OFFICE**  
81 N. MARKET STREET  
WAILUKU, HAWAII 96793  
TEL. NO. (808) 984-5018  
FAX NO. (808) 984-5022

**March 23, 2026**

**HB 1548, HD1: RELATING TO SENTENCING**

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

The Office of the Public Defender (OPD) **strongly supports** HB 1548 HD1 which amends Chapter 706 of the Hawai'i Revised Statutes (HRS), to limit the maximum term of imprisonment for misdemeanors and offenses punishable by up to or not exceeding one year to three hundred sixty-four (364) days, and permits individuals previously sentenced to a one-year term to petition the court for modification.

Under federal immigration law, a sentence of 365 days may trigger severe immigration consequences, including classification of certain offenses as aggravated felonies or crimes involving mandatory detention. By contrast, a maximum sentence capped at 364 days often avoids those disproportionate federal consequences.

This measure:

- Does not change the elements of any offense;
- Does not eliminate accountability;
- Does not prevent courts from imposing substantial jail time; and
- Preserves full judicial discretion within the misdemeanor framework.

It simply ensures that a state-classified misdemeanor does not automatically result in immigration penalties far exceeding what the Legislature intended when designating the offense as a misdemeanor.

Misdemeanors are, by legislative classification, less serious than felonies. A 364-day cap preserves meaningful punishment while ensuring proportionality between the offense level and its collateral consequences.

This measure also appropriately allows individuals previously sentenced to one year to apply for modification. This provision promotes fairness and equal treatment between similarly situated individuals sentenced before and after the bill's enactment.

Hawai'i would not be acting alone in adopting this reform. Over the past decade, numerous jurisdictions have reduced misdemeanor maximum sentences from "one year" to 364 days to address unintended immigration consequences tied to the federal one-year threshold.

Some states accomplished this reform through express statutory amendments reducing the maximum term for misdemeanors to 364 days, including California, New York, Utah, and Connecticut. Other jurisdictions have long structured their misdemeanor sentencing schemes so that the maximum term is already 364 days, including Washington, Oregon, Illinois, and Nevada. Colorado likewise amended its sentencing statutes to reflect 364-day maximums for certain misdemeanor classifications.<sup>1</sup>

These reforms preserve public safety and judicial discretion while ensuring that state-defined misdemeanors do not inadvertently trigger federal penalties that far exceed the punishment contemplated by state law.

The Office of the Public Defender represents individuals who are often long-term residents, parents of U.S. citizen children, essential workers, and deeply rooted members of our community. For many, deportation is a punishment far more severe than the underlying misdemeanor sentence.

Noncitizen defendants often face extraordinarily complex immigration consequences, particularly those who are indigent and lack access to immigration counsel. Criminal sentencing and immigration consequences are deeply intertwined. This structural reform reduces unnecessary and unintended harm while preserving judicial authority and community safety.

For these reasons, the OPD **supports** HB 1548.

Thank you for the opportunity to comment.

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<sup>1</sup> *California Penal Code* § 18.5(a); *New York Penal Law* § 70.15(1), (3); *Utah Code Ann.* § 76-3-204 (as amended by H.B. 244 (2019)); *Conn. Gen. Stat.* § 53a-36a; *Wash. Rev. Code* § 9A.20.020(2); *Or. Rev. Stat.* § 161.615(1); 730 *Ill. Comp. Stat.* 5/5-4.5-55; *Nev. Rev. Stat.* § 193.140; and *Colo. Rev. Stat.* § 18-1.3-501.



OFFICE OF HAWAIIAN AFFAIRS

‘Ōlelo Hō‘ike ‘Aha Kau Kānāwai

**TESTIMONY IN SUPPORT OF HOUSE BILL 1548 HD1**

RELATING TO SENTENCING

Ke Kōmike ‘Aha Kenekoa o ka Ho‘okolokolo

(Senate Committee on Judiciary)

Ke Kapitala ‘o Hawai‘i

(Hawai‘i State Capitol)

Malaki 24, 2026

9:45 AM

Lumi 016

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Aloha e Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary:

The Office of Hawaiian Affairs (OHA) **SUPPORTS HB1548 HD1** which limits the maximum term of imprisonment for misdemeanors and other offenses punishable by up to one year to three hundred sixty-four days and allows individuals previously sentenced to one year to seek conforming sentence modification. OHA supports proportional, community-centered approaches to accountability that protect public safety while reducing unintended long-term harm. A one-day difference in a statutory maximum sentence can trigger outsized collateral consequences in housing, employment, and licensing, even though the underlying conduct and court findings remain the same. This bill preserves misdemeanor accountability while preventing disproportionate downstream penalties that do not improve safety outcomes.

From a Native Hawaiian well-being perspective, effective justice policy should support pathways back to stability, dignity, and contribution to community. Research and practice in culturally grounded community health frameworks emphasize that well-being is strengthened through connection to ‘ohana, culture, place, and opportunity, and weakened by avoidable legal and economic barriers that follow people long after low-level convictions. This bill reflects a balanced approach: it does not eliminate penalties, reduce offense classifications, or restrict judicial discretion within the revised limit, but it does align sentencing structure with a growing number of jurisdictions that have adopted a three-hundred-sixty-four-day maximum to avoid unintended collateral damage.

Native Hawaiians are disproportionately represented in Hawai‘i’s criminal legal system and are therefore more exposed to the cascading secondary consequences tied to sentence-length thresholds. Narrowly tailoring the maximum term helps reduce those spillover harms while maintaining accountability and court oversight. Allowing pa‘ahao previously sentenced to one year to petition for conforming modification promotes fairness and consistency across similarly situated cases and supports successful reentry and community reintegration.

For these reasons, the Office of Hawaiian Affairs respectfully urges this Committee to **PASS HB1548**. Mahalo nui for the opportunity to provide testimony on this important measure.



www.hicir.org | Instagram @hicir  
hicoalitionforimmigrantrights@gmail.com

**Testimony of Liza Ryan-Gill  
In SUPPORT of HB1548 HD1**

**LATE**

**Committee on Judiciary**

**Senator Karl Rhoads, Chair  
Senator Mike Gabbard, Vice Chair**

**Hearing Date: March 24, 2026**

Dear Chair Karl Rhoads, Vice Chair Mike Gabbard, and members of the Committee on Judiciary,

My name is **Liza Ryan-Gill**, and I submit this testimony in support of **HB1548 HD1**, which limits the maximum term of imprisonment for non-violent misdemeanors and non-violent offenses punishable by up to one year to three hundred sixty-four days, and allows individuals previously sentenced to one year for a non-violent offense to apply for sentence modification.

I am the **Co-Director and Refounder of the Hawai‘i Coalition for Immigrant Rights (HCIR)**, and I am testifying on behalf of HCIR. HCIR is a coalition of more than 30 immigrant-serving and immigrant-led organizations across the pae ‘āina working to advance policies that protect immigrant and migrant communities and strengthen Hawai‘i as a place where all families can thrive. Our work includes supporting immigrant and mixed-status families who are deeply affected by the intersection of the criminal legal system and immigration law.

HB1548 HD1 is an important and practical fairness measure. One day should not determine whether someone is deported, permanently separated from their family, or barred from future immigration relief. But under federal immigration law, for certain offenses, a sentence of 365 days can trigger some of the harshest immigration consequences available, including classification as an “aggravated felony” even when the underlying offense is a misdemeanor under Hawai‘i law. That single extra day can mean mandatory detention, deportation, and the loss of nearly all avenues for relief, regardless of family ties, long-term residence, rehabilitation, or the actual severity of the conduct.

By capping the maximum sentence for covered non-violent offenses at 364 days, HB1548 HD1 prevents Hawai‘i’s sentencing laws from inadvertently imposing life-altering immigration penalties far beyond what state courts intend. This bill does not eliminate criminal penalties. It does not change what conduct is unlawful. It does not prevent courts from imposing probation, fines, restitution, treatment, or incarceration. Instead, it makes a modest and technical adjustment



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hicoalitionforimmigrantrights@gmail.com

that preserves accountability under state law while avoiding an arbitrary federal immigration trigger.

This reform also reduces coercive plea pressure on immigrant defendants. Too often, noncitizens accept unfavorable plea deals out of fear, confusion, or incomplete understanding of immigration consequences that can flow from a one-year sentence. A clear 364-day cap promotes more consistent and just outcomes by ensuring that sentencing reflects Hawai‘i’s policy choices rather than an accidental immigration trap. It also promotes judicial efficiency by reducing the need for defense counsel and prosecutors to negotiate around the 365-day threshold in inconsistent ways.

The retroactive sentence modification provision is also important. Many people have already suffered disproportionate immigration harm because of prior one-year sentences for non-violent offenses. Allowing those individuals to apply for sentence modification offers a meaningful pathway to seek relief and helps ensure that this reform is not only forward-looking, but restorative as well.

For immigrant communities in Hawai‘i, these consequences are not abstract. Many noncitizens here have lived in Hawai‘i for decades. They are parents of U.S. citizen children, caregivers, hotel workers, construction workers, health aides, and small business owners. When a misdemeanor sentence of 365 days triggers federal immigration consequences, families can lose breadwinners, children can lose parents, and communities can lose trusted neighbors. These outcomes do not make Hawai‘i safer. They simply impose punishment far beyond what a state misdemeanor sentence was ever meant to carry.

Other states have already adopted similar 364-day sentencing reforms to align their laws with fairness, proportionality, and common sense. Hawai‘i should join them. HB1548 HD1 reflects Hawai‘i’s longstanding values of family unity, proportional justice, and second chances.

For these reasons, I respectfully request that the Committee **PASS HB1548 HD1**.

Mahalo for the opportunity to provide testimony.

Liza Ryan Gill

Hawai‘i Coalition for Immigrant Rights

# COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: [\(808\) 927-1214](tel:(808)927-1214) / [kat.caphi@gmail.com](mailto:kat.caphi@gmail.com)

*Today's Inmate; Tomorrow's Neighbor*



## COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Tuesday March 24, 2026

9:45 AM

Room 016 and VIDEOCONFERENCE

## **STRONG SUPPORT for HB 1548 HD1 - LIMITS MAXIMUM MISDEMEANOR SENTENCING**

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 3,633 Hawai'i individuals living behind bars<sup>1</sup> and under the "care and custody" of the Department of Corrections and Rehabilitation on March 16, 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 appreciates this opportunity to express our **STRONG SUPPORT for HB 1548 HD1** that limits 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. Allows 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.

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<sup>1</sup> DCR Weekly Population Report, March 16, 2026

[Pop-Reports-Weekly-2026-03-16.pdf](#)

In these perilous times, Hawai`i must be especially mindful of the impact of laws that could hurt our neighbors and cause life-long consequences. CAP supports proportional, community-centered approaches to accountability that protect public safety while reducing unintended long-term harm. A one-day difference in a statutory maximum sentence can trigger outsized collateral consequences in housing, employment, and licensing. SB 2731 preserves misdemeanor accountability while preventing disproportionate downstream penalties that do not improve safety outcomes.

*“Lower-level misdemeanors make up over 80 percent of all criminal cases, yet there is mounting evidence that prosecuting people for nonviolent misdemeanors substantially **increases** their chances of coming into the justice system again. **In other words, the conventional misdemeanor court process may be undermining public safety.**”<sup>2</sup>*

The states that have reduced the maximum misdemeanor sentence from 365 days to 364 days include; Utah, Colorado, California, Minnesota, Nevada, New York, Oregon. They follow **eleven other states** whose misdemeanor charges already carried a maximum sentence of less than one year.<sup>3</sup>

**IMPLEMENTING FORWARD 4: Three Lessons for Making Misdemeanor Reforms Stick** There are no easy, off-the-rack solutions to misdemeanor crime, particularly when the people involved are facing substantial obstacles to stability such as unmet mental health treatment needs, unsafe substance use, prolonged housing instability, and a disconnection from vital community-based supports and services. Yet it is possible to increase public safety while decreasing court-involvement for most people.

There are at least three lessons that emerged from the national working session to help guide the way.

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<sup>2</sup> **A Moment for Misdemeanor Policy Change, August 29, 2025**

Julian Adler, Daniel Ades – Center for Justice Innovation

<https://www.innovatingjustice.org/resources/misdemeanor-policy-change/>

<sup>3</sup> **States Pass “364-Day” Misdemeanor Sentencing Laws to Protect Illegal Aliens from Deportation**

May 2, 2019

<https://www.fairus.org/legislation/states-pass-364-day-misdemeanor-sentencing-laws-protect-illegal-aliens-deportation>

<sup>4</sup> **Implementing Forward, Daniel Ades – [dades@innovatingjustice.org](mailto:dades@innovatingjustice.org)**

**First**, off-ramp most people early through strategies such as law-enforcement-led deflection, prosecutorial declination, and court-based diversion.

**Second**, avoid major disruptions to preexisting operating practices by incorporating these strategies into the status quo via smaller tweaks and adjustments – even more ambitious efforts will fare better if they hew as closely as possible to the existing infrastructure.

**Finally**, focus on implementation, bringing the same spirit and energy of innovation to the *how of practice* that is so often exhausted on the *what of policy*.

Community Alliance on Prisons respectfully asks the committee to pass HB 1548 HD1 to protect our neighbors who could face dire circumstances without this reform.

Mahalo for allowing us to share some research on this important matter.



MARCH 24, 2026

## HOUSE BILL 1548 HD1

CURRENT REFERRAL: JDC

808-679-7454  
kris@imuaalliance.org  
www.imuaalliance.org  
@imuaalliance

Kris Coffield,  
*President*

David Negaard,  
*Director*

Mireille Ellsworth,  
*Director*

Justin Salisbury,  
*Director*

Eileen Roco,  
*Director*

Beatrice DeRego,  
*Director*

Corey Rosenlee,  
*Director*

Amy Zhao,  
*Policy and Partnerships  
Strategist*

### POSITION: SUPPORT

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Imua Alliance supports HB 1548 HD1, relating to sentencing, which limits 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 allows 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.

Imua Alliance is a Hawai'i-based organization dedicated to ending sexual exploitation and gender violence. Many of the survivors with whom we have worked are migrants, who have been subjected to violence and unfathomable harm in our community.

This measure advances Hawai'i's commitment to due process, public safety, and community trust by ensuring that state resources and institutions are not used to facilitate federal immigration enforcement in ways that undermine civil rights or deter survivors from seeking help.

This concept which will protect immigrant residents from disproportionate immigration consequences tied to minor offenses. Under federal immigration law, a sentence of 365 days or more for certain misdemeanor offenses can trigger classification as an "aggravated felony" or otherwise make a person deportable or ineligible for relief, even when the underlying conduct is relatively minor. By adjusting maximum misdemeanor sentences to 364 days, we are taking a widely recognized step to prevent low-level convictions from automatically triggering severe immigration penalties.

Policy guidance from immigrant-rights and legal organizations show that this one-day change can be the difference between a person remaining with their family and being subject to mandatory detention and removal. This bill builds on this principle by ensuring that Hawai'i's sentencing rules do not inadvertently funnel residents into a federal enforcement system that

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imposes extreme consequences for minor offenses, reinforcing fairness, proportionality, and family stability in our justice system.

This approach is grounded in precedent. States like California have adopted similar policies to limit the use of state and local resources for federal immigration enforcement, including the California Values Act (SB 54), which restricts local law enforcement from detaining individuals for immigration purposes absent serious criminal convictions. Independent analysis found that this law did not increase violent or property crime, demonstrating that protecting immigrant communities can coexist with public safety.

More recently, California has enacted additional targeted protections to address the modern reality of aggressive federal enforcement. In 2025, California Governor Gavin Newsom signed a package of laws designed to protect residents from mass deportation efforts and ICE raids, including requirements that federal agents obtain judicial warrants to access sensitive spaces like schools and hospitals, and restrictions on tactics such as the use of masks to conceal identity during enforcement actions. These measures reflect a growing recognition that limits on state cooperation are essential safeguards against abuses of power.

This proposal is especially urgent given the dramatic escalation of federal immigration enforcement. Recent federal legislation increased Immigration and Customs Enforcement funding to over \$100 billion by 2029, with the capacity to deport up to one million people per year and significantly expand detention capacity. When federal enforcement expands at this scale, states must ensure that their own institutions are not used in ways that compromise constitutional protections, due process, or public trust.

By establishing clear boundaries between state functions and federal immigration enforcement, this measure helps ensure that survivors of violence—including victims of trafficking and gender-based violence—can seek help without fear, strengthening community safety for everyone.

Hawai'i has a long history of welcoming diverse communities and upholding fundamental rights. This measure continues that tradition by ensuring that state resources are used to protect residents, not to facilitate deportation in ways that erode trust and due process.

With aloha,

*Kris Coffield*

President, Imua Alliance

**Testimony of Megahn Chun and Alejandro Villarino  
In SUPPORT of HB1548 HD1**

Committee on Judiciary

Senator Karl Rhoads, Chair  
Senator Mike Gabbard, Vice Chair

Hearing Date: March 24, 2026

Dear Chair Karl Rhoads, Vice Chair Mike Gabbard, and members of the Committee on Judiciary,

Our names are Megahn Chun and Alejandro Villarino, and we submit this testimony in **support of HB1548 HD1**, which limits the maximum term of imprisonment for non-violent misdemeanors and non-violent offenses punishable by up to one year to three hundred sixty-four days, and allows individuals previously sentenced to one year for a non-violent offense to apply for sentence modification.

Mercado de la Raza is a community-driven Latin market in Hawai‘i that serves as a hub for Latino and immigrant entrepreneurs, families, and cultural exchange. Through small business support, community programming, and accessible resources, Mercado de la Raza works to uplift historically underserved communities and create pathways to economic stability, safety, and belonging. In our daily work, we are in direct relationship with immigrant families whose well-being is deeply impacted by state policies, and we are committed to advocating for initiatives like HB1548 HD1 that promote equity, protection, and opportunity for our community.

One day should not determine whether someone is deported. But under federal immigration law, it does. A conviction for which the sentence imposed is one year or longer can be classified as an “aggravated felony” — even for what Hawai‘i treats as a misdemeanor — triggering mandatory deportation, permanent bars to re-entry, and the elimination of nearly all immigration relief options. By capping the maximum sentence for non-violent misdemeanors at 364 days, this bill prevents Hawai‘i’s own sentencing law from inadvertently imposing life-altering immigration consequences that bear no relationship to the severity of the offense.

HB1548 HD1 also reduces coercive plea pressure on immigrant defendants, who may accept unfavorable plea deals out of fear of immigration consequences they don’t fully understand. The retroactive sentence modification provision gives those already affected a pathway to seek relief. More than 40 states have already enacted 364-day caps — Hawai‘i joining this standard is a practical, broadly supported step toward fair sentencing. The Senate Judiciary Committee is the right committee to advance this reform toward final passage.

For these reasons, we respectfully request that the Committee **PASS HB1548 HD1**. Mahalo for the opportunity to provide testimony.

Sincerely,  
Megahn Chun and Alejandro Villarino  
Mercado de la Raza  
808.593.2226



Committee on Judiciary  
Chair Karl Rhoads, Vice Chair Mike Gabbard

March 24, 2026 at 9:45 am, CR 016 & Videoconference  
HB1548 HD1 — Misdemeanors, Sentencing

### TESTIMONY

Stephen Munkelt, Legislative Committee, League of Women Voters of Hawaii

Chair Rhodes, Vice Chair Gabbard, and Committee Members:

### **The League of Women Voters of Hawaii supports BILL NUMBER HB1548 HD1**

This bill would amend Chapter 706 HRS to limit the maximum sentence for a misdemeanor offense to 364 days, rather than “one year.” The change will have no measurable impact on the consequences for misdemeanor crimes, but will have a large effect on immigration consequences for many non-citizens. Federal immigration law provides that many state crimes which can be punished by 365 days or more are treated as aggravated felonies in immigration proceedings, leading to deportation and/or exclusion of individuals who would otherwise be eligible to remain in the country. Many persons who would be effected by this change are long-time residents with jobs and family, and are valued members of the community. Protecting them from unduly harsh consequences for a minor crime benefits the community.

California and several other states have already defined their max term as 364 days, and have achieved the desired result in lessening immigration consequences in many cases. By changing the maximum sentence by just one day immigrants in Hawai'i will still be held accountable without being exposed to disproportionate immigration consequences.

The League of Women Voters supports immigration laws that provide an efficient system for legal entry into the United States. When non-citizens, both documented and undocumented, face immigration proceedings the League supports due process and fair treatment for those impacted. As it stands today, federal law treats some minor crimes as “aggravated felonies” based on a sentence of 365 days. That is not fair, and subjects those immigrants to deportation and exclusion.

For these reasons the League urges you to **pass HB1548 HD1.**

LEAGUE OF WOMEN VOTERS OF HAWAII  
P.O. Box 235026 ♦ Honolulu, HI 96823  
Voicemail 808.377.6727 ♦ [my.lwv.org/hawaii](http://my.lwv.org/hawaii) ♦ [voters@lwvhi.org](mailto:voters@lwvhi.org)

Thank you for the opportunity to submit testimony.

Stephen Munkelt  
Kailua-Kona, HI

**HB-1548-HD-1**

Submitted on: 3/23/2026 6:15:55 AM

Testimony for JDC on 3/24/2026 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Yvette Kay	Testifying for Kona Indivisible	Support	Written Testimony Only

Comments:

My name is Yvette Kay and I am a resident of Kailua Kona in Hawai'i County. I am on the leadership team for Kona Indivisible and run the protest arm of Kona Indivisible named, Matriarchy Rising. I support this bill.

1. One day is the difference between deportation and not: a 365-day sentence triggers “aggravated felony” status under federal law; 364 days does not. This bill closes that gap.
2. Prevents disproportionate consequences: a non-violent misdemeanor conviction should not carry mandatory deportation and permanent bars to re-entry as collateral consequences.
3. Retroactive relief: allows individuals previously sentenced to one year for a non-violent offense to apply for sentence modification — a pathway to correct unjust outcomes.
4. Reduces coercive plea pressure: when the aggravated felony consequence is removed, defendants are less likely to accept unfavorable plea deals out of fear.
5. Over 40 states have enacted 364-day caps — Hawai‘i joining is mainstream criminal justice and immigration reform.
6. Companion SB2731 SD1 also pending. This bill passed the House with strong support. Senate JDC can advance fair sentencing toward final passage.

yvettekay\_99@yahoo.com

96740

415-706-9638



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

HEARING:  
Tuesday, March 24, 2026 at 9:45 am  
Conference Room 016 & Videoconference

TESTIMONY IN SUPPORT OF HB 1548, HD1 - RELATING TO SENTENCING.

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

My name is Veronica Mendoza, Founding Executive Director of Roots Reborn and a founding coalition member of El Pueblo en Acción (EPA) Maui — *The People in Action Maui*. I am writing in **strong support of HB 1548, HD1**, Relating to Sentencing, which limits 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 allows individuals previously sentenced to a one-year term to apply to the court for a sentence modification to conform to the new limit.

Roots Reborn provides community care navigation and immigration legal aid to Maui's immigrant and migrant communities through a fully bilingual and bicultural team. Our navigators help families access recovery resources, social services, and systems support, while our legal program — the first nonprofit immigration legal aid program on Maui — delivers direct representation, case assessment, and Know Your Rights education. The two programs work in tandem, ensuring that the people we serve receive holistic support without falling through the gaps between systems. Through this work, we directly serve COFA citizens from the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau.

Under current Hawai'i law (HRS 706-663), the maximum sentence for a misdemeanor is one year. That one-year threshold, even if the criminal court judge sentences to less than one year, is the exact trigger under federal immigration law for an "aggravated felony" classification – grounds for virtually automatic deportation. A single extra day in a sentence can mean the difference between a time and permanent family separation.

Hawai'i is home to the largest COFA community in any U.S. state – a community we know well through our daily work on Maui. COFA citizens have *fewer* legal protections against removal than green card holders; a single conviction of a crime of "moral turpitude" can trigger deportation. Prior to January 2025, COFA citizens with past misdemeanor convictions were rarely subjected to removal proceedings. That has changed. We are now witnessing COFA citizens being detained and deported – even for conviction that took place years ago. Even non-citizens whose sentences were stayed or who served jail time face deportation based on the statutory maximum alone.

As the law currently stands, there is nothing that can be done for people previously convicted of a misdemeanor who now face deportation. Communities lose far more from a deportation than from allowing someone to remain, contribute, and be accountable. We **strongly support HB1548, HD1** as a compassionate, proportional measure to prevent unintended immigration consequences from tearing families apart in Hawai'i.

Sinceramente,

A handwritten signature in black ink, appearing to read 'Veronica Mendoza', written in a cursive style.

Veronica Mendoza

Maui Roots Reborn, *Founding Executive Director*  
El Pueblo en Accion Maui, *Founding Coalition Member*



**LATE**

Committee: Senate Committee on Judiciary  
Hearing Date/Time: Tuesday, March 24, 2026, at 9:45 AM  
Place: Conference Room 016 & via Videoconference  
Re: Testimony of the ACLU of Hawai'i in SUPPORT of HB 1548 HD 1 Relating to Sentencing

Dear Chair Rhoads, Vice Chair Gabbard, and members of the Committee,

The ACLU of Hawai'i (ACLU-HI) is in **strong support of HB 1548 HD1**, which limits the maximum term of imprisonment for misdemeanors (or offenses punishable by up to one year) to 364 days, and allows individuals previously sentenced to a one-year term to apply to the court for a sentence modification to conform to the new limit, and asks that this Committee pass without amendment.

As a civil liberties organization, we know that the criminal legal system can have 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 Hawai'i's current sentencing laws, state residents who commit misdemeanors and are seeking lawful status will face unduly harsh consequences in their immigration proceedings, even after they have taken accountability for their actions.

HB1548 HD1 makes sure that our community is safe, and also that individuals who commit a crime and serve the penalty still have a chance to turn their lives around. By changing the maximum sentence for misdemeanors by just one day, immigrants in Hawai'i will still be held accountable for crimes, without being subjected to disproportionate punishment that would destabilize families and communities by triggering negative immigration consequences.

HB1548 HD1 promotes fairness by allowing people who were previously sentenced under the old one-year maximum to ask the court to align their sentence with the new policy. This creates consistency, supports rehabilitation and reintegration, and helps people maintain stability in employment, housing, and family life—factors that benefit community wellbeing and public safety. States like California, Colorado, New York,

Utah, and others, have already passed similar legislation without any reservations or limits related to the type of crime—and it is long overdue for Hawai‘i to join them.

The ACLU of Hawai‘i therefore urges the Committee to **PASS** HB1548 HD1 without amendment.

Mahalo for the opportunity to submit this testimony.

Sincerely,

Leilani Stacy  
Immigrants’ Rights Staff Attorney

*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.*



## TESTIMONY IN SUPPORT OF HB1548, HD1 - RELATING TO SENTENCING

### Senate Committee on Judiciary

Sen. Karl Rhoads, Chair

Sen. Mike Gabbard, Vice Chair

**LATE**

Hearing Date: March 24, 2026 | Letter Date: March 23, 2026

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

The Legal Clinic (TLC) strongly supports HB1548, HD1, which limits the maximum term for misdemeanors punishable by up to one year from 365 to 364 days, and allows individuals previously sentenced to one year to apply for sentence modification. TLC is a nonprofit organization dedicated to advancing immigrant justice in Hawai'i through immigration legal services, community education, and policy advocacy. Promoting fairness and due process within the legal system is at the heart of our work.

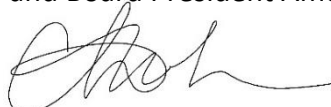
Under federal immigration law, a 365-day sentence can trigger harsh immigration consequences, including mandatory detention, removal, and bars to immigration relief. A modest one-day adjustment to a 364-day sentencing cap for low-level offenses can help prevent disproportionate collateral punishment that occurs outside of Hawai'i's criminal justice system and over which the state has little control.

We appreciate the Committee's continued work on this important legislation, and we respectfully urge the passage of this measure without the offense-based carveouts that were added in the Senate companion, SB2731, SD1. The purpose of this reform is not to change criminal accountability, but to ensure that misdemeanor sentencing does not unintentionally trigger devastating immigration consequences that far exceed the intended punishment. Individuals will still be prosecuted, convicted, and sentenced under existing Hawai'i law, and courts will still retain full discretion to impose jail time and other penalties.

Importantly, other states have that have enacted 364-day misdemeanor sentencing reforms – including Washington, Nevada, California, Colorado, Utah, Illinois, Minnesota, and New York – have adopted uniform standards without such carveouts. Creating exceptions would make Hawai'i an outlier and risks undermining the clarity, fairness, and effectiveness of this reform.

As written, HB1548, HD1 is a measured policy that promotes fairness and proportionality without compromising public safety or judicial discretion, and that mitigates the risk of harsh immigration consequences that can destabilize families and communities. We urge the Committee's support.

Respectfully submitted on behalf of The Legal Clinic  
and Board President Amefil Agbayani,



Christina Sablan  
Community & Policy Advocate

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

HEARING:

Tuesday, March 24, 2026 at 9:45 am  
Conference Room 016 & Videoconference

TESTIMONY IN **SUPPORT** OF HB 1548, HD1 - RELATING TO SENTENCING.

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

My name is Christine Andrews and I am a long-term resident of Wailuku, Maui. I am also an attorney licensed in the state of Hawaii for over 25 years and a founding coalition member of El Pueblo en Acción (EPA) Maui — The People in Action Maui. I am writing in **strong support of HB 1548, HD1**, Relating to Sentencing, which limits 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 allows 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.

Since February, 2025, and as a result of witnessing the impacts of federal immigration policy changes under the current federal administration, I have volunteered as a Know Your Rights and constitutional observer trainer and educator. I have helped train teachers and students, business owners and union members, faith leaders and health care providers, parents and senior citizens on what their constitutional rights are, that these rights apply to all within the United States regardless of citizenship status, and how to ensure these rights are not violated. I have also trained community leaders on how to prepare themselves, their staff, and their places of work, their schools and community service locations for interactions with federal agents.

Before doing this work, I was not aware of the special status of our large community of COFA migrants here in Hawaii. Our COFA community members are citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau. They are able to legally live, work, and study in the U.S. indefinitely, without visas, under the Compacts of Free Association (COFA). Since COFA citizens are here legally, they are generally less at risk of deportation. Unfortunately, policy shifts since January, 2025 have changed that, and we are witnessing unprecedented numbers of COFA citizens being deported, even for gross misdemeanors that may have taken place years ago. This is creating fear and uncertainty, separating families, and causing COFA and other community members to be afraid to go to school or work. They are delaying medical care and are even frightened to go to church.

I was not aware that something as seemingly trivial as changing sentencing of gross misdemeanors by one day could have such life-changing consequences. I was not aware until recently that even if a noncitizen is sentenced to less than one year of incarceration for a gross misdemeanor, they can then be charged federally with an “aggravated felony” subjecting them to virtually automatic deportation because the maximum possible term of an offense is one year or more in the state criminal code. Therefore, for the purposes of federal immigration law, this is something that **must be remedied through changes to the definition of maximum term of the offense, not something that can be remedied merely through discretion on the part of the criminal or family court judge.** It is hard to believe that a single extra day in the definition of the potential sentence for an offense can trigger mandatory detention or deportation for noncitizens, even if their sentence is actually for less than a year. The reform proposed by HB 1548, HD1 therefore remedies this situation where mandatory deportation is triggered, promotes proportional sentencing, prevents unnecessary family separation and hardship.

The one-day change proposed by HB 1548, HD1 could be the difference between an immigrant or a COFA citizen in Hawaii paying a fine and serving a short jail sentence — or getting deported. It is shocking and cruel that even immigrants who have had their sentence stayed, or do not serve jail time, may be deported. I have

heard of COFA citizens who have been detained upon return to the U.S. from visiting family in their home country, even though the charges against them had actually been dismissed years ago.

As the law currently is, there is nothing to protect people convicted of a gross misdemeanor from deportation. It is devastating lives, separating families, and endangering the fabric of whole communities, impacting students at school, making it hard for people to go to work. I **strongly support HB 1548, HD1** as an effective, just, and humane means to reduce the family separation and other unintended immigration and deportation consequences of a gross misdemeanor conviction.

Mahalo,

Christine Andrews, JD  
Wailuku, Maui

**HB-1548-HD-1**

Submitted on: 3/20/2026 3:24:12 PM

Testimony for JDC on 3/24/2026 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Marcia Kemble	Individual	Support	Written Testimony Only

Comments:

Greetings Committee Members,

I am writing in support of HB1548, which reduces certain misdemeanor maximum sentences from 365 days to 364 days and allows modification in appropriate cases. Under federal immigration law, a single extra day can trigger mandatory detention or deportation. This change promotes proportional sentencing while preventing technical thresholds from causing irreversible family separation over low-level offenses. Justice should be measured, not mechanical.

Mahalo for your attention.

Marcia Kemble

Makiki

**HB-1548-HD-1**

Submitted on: 3/22/2026 1:09:00 PM

Testimony for JDC on 3/24/2026 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Carrie Ann Shirota	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members:

I am writing in support of **HB1548 HD1 SD1 Relating to Sentencing**. However, I concur with the Office of the Public Defender, and respectfully oppose the provision in SD1 that limits the 364-day sentencing cap to offenses that are not classified as “crimes of violence.”

As noted by the OPD, this exclusion undermines the core purpose of the bill. The immigration consequences that this measure seeks to address are triggered primarily by the length of the sentence imposed not solely by the classification of the offense. Consequently, individuals convicted of misdemeanor offenses that fall within the statutory definition of a “crime of violence” may still face severe and disproportionate immigration consequences if subject to a potential one-year sentence.

RS § 134-1's definition of "crime of violence" encompasses a broad range of conduct, including lower-level misdemeanor behavior that the Legislature has already determined does not rise to the level of a felony. Maintaining a one-year sentencing exposure for these offenses creates an arbitrary distinction that does not necessarily reflect the seriousness of the conduct, but instead results in dramatically different collateral consequences.

This limitation also diminishes fairness and uniformity. Two individuals convicted of comparable misdemeanor offenses may face vastly different outcomes, particularly in the immigration context, based solely on statutory classification rather than individualized judicial consideration.

Finally, extending the 364-day cap to all misdemeanor offenses would not compromise public safety. Courts would retain full discretion to impose significant custodial sentences where appropriate. The measure does not eliminate accountability, it simply ensures that misdemeanor level offenses are treated consistently with their classification under Hawai‘i law and do not inadvertently trigger excessively harsh federal consequences.

I urge you to pass HB1548 HD1.

Mahalo,

Carrie Ann Shirota, Esq.

Honolulu, Hawaii

**HB-1548-HD-1**

Submitted on: 3/22/2026 1:51:23 PM

Testimony for JDC on 3/24/2026 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Nandita Sharma	Individual	Support	Written Testimony Only

Comments:

I am writing in strong support of HB1548.

It is crucial that the state of Hawaii reduce its imprisonment numbers, especially for misdemeanor offenses. It is widely known by those who study discrimination in law enforcement practices (from policing to the decisions of prosecutors, to judges) that certain, negatively racialized people are subject to much higher rates of policing and thus incarceration. All along the line, non-White people are treated more harshly.

This Bill will help to limit this to some extent and is the least you can do to diminish the effects of racist law enforcement and reduce high incarceration rates.

Limits 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. Allows 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. Effective 7/1/3000. (HD1)

**HB-1548-HD-1**

Submitted on: 3/22/2026 8:25:50 PM

Testimony for JDC on 3/24/2026 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Cory Harden	Individual	Support	Written Testimony Only

Comments:

Aloha legislators,

Please support HB1548 HD1 to limit the maximum term of imprisonment to 364 days, for non-violent misdemeanors and non-violent offenses normally punishable by up to one year. I personally know several immigrants, but with current politics, I do not feel safe giving details. As you know, a one-year sentence can be classified as an “aggravated felony” that triggers mandatory deportation, permanent bars to re-entry, and the elimination of nearly all immigration relief options. Fearing all this, immigrant defendants may accept unfavorable plea deals. More than 40 states have 364-day caps.

mahalo,  
Cory Harden

**HB-1548-HD-1**

Submitted on: 3/22/2026 3:54:54 PM

Testimony for JDC on 3/24/2026 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Cynthia J. Goto	Individual	Support	Written Testimony Only

Comments:

Support

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

From: Veronica Moore, Individual Citizen

Date: March 23, 2026

RE: House Bill 1548 HD1  
Measure Title: RELATING TO SENTENCING.  
Report Title: Penal Code; Misdemeanors; Sentencing

To All Concerned,

My name is Veronica Moore and I support House Bill 1548 HD1. Your consideration is appreciated. Thank you.

Sincerely,

Veronica M. Moore

**HB-1548-HD-1**

Submitted on: 3/23/2026 7:02:15 AM

Testimony for JDC on 3/24/2026 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Colleen Rost-Banik	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Rhodes, Vice Chair Gabbard, and Members of the Committee,

My name is Colleen Rost-Banik. I'm a resident of Waikiki and a Sociology Instructor at the University of Hawaii, Manoa. I also have taught courses at the Women's Community Correctional Center for 8 years. I write in strong support of HB1548 which would limit the maximum term of imprisonment for misdemeanors.

It takes approximately \$112,000 to incarcerate a person for a year in Hawaii. Locking people up for low-level misdemeanors is not only a misuse of taxpayer money but research also shows that imprisoning people for misdemeanors increases the likelihood of recidivism. Additionally, from those imprisoned at the Women's Community Correctional Center, I have learned from their stories just how much disruption to family and job stability is created through imprisonment. I want neighbors to be present in my community, not incarcerated.

I ask you to please support HB1548 HD1.

Mahalo for your consideration.  
Colleen Rost-Banik

**HB-1548-HD-1**

Submitted on: 3/23/2026 7:27:01 AM

Testimony for JDC on 3/24/2026 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Thaddeus Pham	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Karl Rhoads, Vice Chair Mike Gabbard, and members of the JDC Committee,

As a local resident concerned with public safety, I write in **support of HB1548 HD1**, which limits the maximum term of imprisonment for non-violent misdemeanors and non-violent offenses punishable by up to one year to three hundred sixty-four days, and allows individuals previously sentenced to one year for a non-violent offense to apply for sentence modification.

One day should not determine whether someone is deported. But under federal immigration law, it does. A conviction for which the sentence imposed is one year or longer can be classified as an “aggravated felony” — even for what Hawai‘i treats as a misdemeanor — triggering mandatory deportation, permanent bars to re-entry, and the elimination of nearly all immigration relief options. By capping the maximum sentence for non-violent misdemeanors at 364 days, this bill prevents Hawai‘i’s own sentencing law from inadvertently imposing life-altering immigration consequences that bear no relationship to the severity of the offense.

HB1548 HD1 also reduces coercive plea pressure on immigrant defendants, who may accept unfavorable plea deals out of fear of immigration consequences they don’t fully understand. The retroactive sentence modification provision gives those already affected a pathway to seek relief. More than 40 states have already enacted 364-day caps — Hawai‘i joining this standard is a practical, broadly supported step toward fair sentencing. The Senate Judiciary Committee is the right committee to advance this reform toward final passage.

For these reasons, I respectfully request that the Committee **PASS HB1548 HD1**. Mahalo for the opportunity to provide testimony.

Mahalo,

Thaddeus Pham

**HB-1548-HD-1**

Submitted on: 3/23/2026 9:12:27 AM

Testimony for JDC on 3/24/2026 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Barbara Polk	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads , Vice Chair Gabbard and members of the Committee on the Judiciary.

I strongly support HB 1548 to limit sentences to 364 days, rather than to the current one year, for non-violent misdemeanors or other low level crimes. A difference of one day means a great deal for the future of the person who is sentenced. A one year sentence impacts opportunities for housing, employment, and sometimes certain other benefits. This leads to the increased likelihood of recidivism, as people released from jail or prison have greater difficulty in finding legal ways to support themselves. Our prison and some jails are already filled to capacity, due to being jammed with people. Let's reduce that by removing barriers for people who might otherwise be productive citizens.

Please pass HB 1548 HD1.

**Testimony of Wendy Naomi Sodetani**  
**In SUPPORT of HB1548 HD1**

Committee on Judiciary

Senator Karl Rhoads, Chair  
Senator Mike Gabbard, Vice Chair

Hearing Date: March 24, 2026

Dear Chair Karl Rhoads, Vice Chair Mike Gabbard, and members of the Committee on Judiciary,

My name is **Wendy Naomi Sodetani**, and I submit this testimony in **support of HB1548 HD1**, which limits the maximum term of imprisonment for non-violent misdemeanors and non-violent offenses punishable by up to one year to three hundred sixty-four days, and allows individuals previously sentenced to one year for a non-violent offense to apply for sentence modification.

I am testifying as an individual born and raised in Hawai'i and an active member of the Indivisible Hawai'i Statewide Network (IHSN). I recently retired from, and now volunteer at, a community health center in Kalihi caring for vulnerable underserved populations, primarily low-income, new immigrant and Pacific island migrant families. We provide wraparound social as well as clinical services for community youth and elders, coordinating closely with local schools.

Many of our new immigrant and migrant patients live in fear of deportation and being torn from their families here. This strains their relationship with our local law enforcement efforts striving to build community trust and cooperation, and to protect and serve all community members regardless of residency or immigration status.

One day should not determine whether someone is deported. But under federal immigration law, it does. A conviction for which the sentence imposed is one year or longer can be classified as an "aggravated felony" — even for what Hawai'i treats as a misdemeanor — triggering mandatory deportation, permanent bars to re-entry, and the elimination of nearly all immigration relief options. By capping the maximum sentence for non-violent misdemeanors at 364 days, this bill prevents Hawai'i's own sentencing law from inadvertently imposing life-altering immigration consequences that bear no relationship to the severity of the offense.

HB1548 HD1 also reduces coercive plea pressure on immigrant defendants, who may accept unfavorable plea deals out of fear of immigration consequences they don't fully understand. The retroactive sentence modification provision gives those already affected a pathway to seek relief. More than 40 states have already enacted 364-day caps — Hawai'i joining this standard is a practical, broadly supported step toward fair sentencing. The Senate Judiciary Committee is the right committee to advance this reform toward final passage.

For these reasons, I respectfully request that the Committee **PASS HB1548 HD1**.Mahalo for the opportunity to provide testimony.

Sincerely,

Wendy Naomi Sodetani

Member of Indivisible Hawai'i Statewide Network (IHSN)

[naomisodetani@gmail.com](mailto:naomisodetani@gmail.com)

(808) 741-0555

**LATE**

**HB-1548-HD-1**

Submitted on: 3/23/2026 9:52:55 AM

Testimony for JDC on 3/24/2026 9:45:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Carolyn Eaton	Individual	Support	Written Testimony Only

Comments:

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

My name is Carolyn Eaton. I am a resident of Honolulu and I strongly support this bill. As other states have realized already, Hawai'i can join the action to safeguard this group of individuals in Hawai'i targeted for deportation by the federal immigration enforcement squadrons.

Without avenues for redress, individuals are finding themselves deported, far from family members, for having been convicted of a misdemeanor for which the sentence may be a year or more of incarceration. The remedy envisioned in this measure will forestall such drastic consequences, shortening the maximum sentence to 364 days.

Mahalo for your attention and hard work.