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February 11, 2026

HB 1548: RELATING TO SENTENCING

**Chair Tarnas, Vice-Chair Poepoe, and Members of the Committee on
Judiciary and Hawaiian Affairs:**

The Office of the Public Defender (OPD) **strongly supports** HB 1548 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.¹

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.

¹ *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

TESTIMONY IN SUPPORT OF HOUSE BILL 1548
RELATING TO THE SENTENCING
Ke Kōmike Hale o ka Ho‘okolokolo a me ke Kuleana
Hawai‘i
Hawai‘i State Capitol

Pepeluali 13, 2026

2:00 PM

Lumi 325

Aloha e Chair Tarnas, Vice Chair Poepoe, a me Members of Ke Kōmike Hale o ka Ho‘okolokolo a me ke Kuleana Hawai‘i:

The Office of Hawaiian Affairs (OHA) **SUPPORTS HB1548** 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. HB1548 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. HB1548 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.



COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair

Rep. Mahina Poepoe, Vice Chair

HEARING: Friday, February 13, 2026 at 2 pm

VIA VIDEOCONFERENCE and Conference Room 325, State Capitol

TESTIMONY IN SUPPORT: HB 1548, RELATING TO SENTENCING.

Aloha Chair Tarnas, Vice Chair Poepoe, Rep. Cochran of Maui, 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**, Relating to Sentencing, which limits the maximum term of imprisonment for misdemeanors to three hundred sixty-four days (364) and allows individuals previously sentenced to a one-year term to apply for a sentence modification.

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 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 fine 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** 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*

HB-1548

Submitted on: 2/12/2026 11:24:27 AM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kat Brady	COMMUNITY ALLIANCE ON PRISONS	Support	Written Testimony Only

Comments:

COMMUNITY ALLIANCE ON PRISONS supports HB 1548 that limits the maximum terms of imprisonment for misdemeanors, or for offenses punishable by up to or not exceeding 1 year and allows those sentenced to 1 year to apply to the court for a sentence modification to conform with this new limit.



Committee: House Committee on Judiciary & Hawaiian Affairs
Hearing Date/Time: Friday, February 13, 2026, at 2:00 PM
Place: Conference Room 325 & via Videoconference
Re: Testimony of the ACLU of Hawai'i in SUPPORT of HB 1548
Relating to Sentencing

Dear Chair David A. Tarnas, Vice Chair Mahina Poepoe, and members of the Committee on Judiciary & Hawaiian Affairs,

The ACLU of Hawai'i (ACLU-HI) is in **support of HB 1548**, 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.

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 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 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—and it is long overdue for Hawai‘i to join them.

The ACLU of Hawai‘i therefore urges the Committee to **PASS** HB1548.

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.

American Civil Liberties Union of Hawai‘i
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TESTIMONY IN SUPPORT OF HB1548 - RELATING TO SENTENCING

Committee on Judiciary & Hawaiian Affairs

Rep. David A. Tarnas, Chair

Rep. Mahina Poepoe, Vice Chair

February 12, 2026

Dear Chair Tarnas, Vice Chair Poepoe, and Members of the Committee:

The Legal Clinic (TLC) strongly supports HB1548, which limits the maximum term of imprisonment 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 severe immigration consequences, including 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 and devastating immigration penalties. This targeted sentencing reform has already been adopted in multiple states, including California, Washington, Nevada, Utah, Colorado, Minnesota, and New York.

HB1548 is a measured reform that promotes fairness and proportionality without compromising public safety or accountability, and mitigates the risk of harsh immigration consequences that can destabilize families and communities. TLC urges the Committee to pass this important measure.

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

Christina Sablan
Community & Policy Advocate



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

**Testimony of the Hawai'i Coalition for Immigrant Rights
In SUPPORT of HB1548 RELATING TO SENTENCING**

Representative Tarnas, Chair
Representative Poepoe, Vice Chair

Hearing Date: Feb 13th, 2026, 2pm Room 325

Dear Chair Tarnas, Vice Chair Poepoe, and members of the Committee,

My name is **Aparna Patrie**, testifying on behalf of the **Hawai'i Coalition for Immigrant Rights (HCIR)**. HCIR is a coalition of **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.

HCIR strongly supports HB1548, which would reduce certain 365-day misdemeanor sentences to 364 days in order to prevent disproportionate and unintended immigration consequences.

Under federal immigration law, a sentence of 365 days—exactly one year—can trigger some of the harshest penalties available under the Immigration and Nationality Act (INA). In many cases, a one-year sentence converts a relatively minor state offense into an “aggravated felony” for immigration purposes, even when the underlying conduct is neither aggravated nor a felony under Hawai'i law.

This single extra day can mean mandatory detention, permanent deportation, and a lifetime bar from returning to the United States—without consideration of family ties, long-term residence, or rehabilitation. By contrast, a 364-day sentence avoids this automatic federal trigger while preserving the full range of accountability and judicial discretion under state law.

HB1548 does not eliminate criminal penalties. It does not change what conduct is illegal. It does not prevent courts from imposing probation, fines, restitution, treatment, or incarceration. Instead, it makes a modest and technical adjustment—one day—that prevents state misdemeanor sentences from automatically resulting in exile.

The difference between 365 and 364 days has nothing to do with public safety. It is a quirk of federal immigration law. For a U.S. citizen, the difference between these sentences is functionally negligible. For a lawful permanent resident or other noncitizen with deep roots in Hawai'i, that one day can determine whether they remain with their spouse and children or are permanently separated from them.

Many immigrants in Hawai'i have lived here for decades. They are small business owners, caregivers, construction workers, hotel employees, and parents of U.S. citizen children. When a



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

misdemeanor conviction carries a 365-day sentence, even if suspended, it can trigger detention by immigration authorities and removal proceedings with little or no opportunity for relief. Families lose breadwinners. Children lose parents. Employers lose trusted workers. Communities lose neighbors.

Other states—including California, New York, Washington, Nevada, Colorado, and others—have enacted similar 364-day reforms to align state sentencing structures with fairness and proportionality. Hawai‘i should join this growing number of jurisdictions that have taken pragmatic steps to avoid imposing unintended immigration penalties far beyond what our state courts intend.

This bill also promotes judicial efficiency and fairness. When defense counsel and prosecutors are forced to negotiate around immigration traps created by the 365-day threshold, the process becomes more complex and inconsistent. A uniform 364-day cap for misdemeanors provides clarity and ensures that sentencing outcomes reflect Hawai‘i’s policy choices—not inadvertent federal consequences.

Hawai‘i has long valued family unity, second chances, and proportional justice. HB1548 is consistent with those values. It ensures that misdemeanor offenses remain misdemeanors in practice—not gateways to permanent banishment.

For these reasons, HCIR respectfully urges this Committee to pass HB1548.

Mahalo for the opportunity to testify.

Aparna Patrie

Legal Advisor and Private Immigration Attorney

Hawai‘i Coalition for Immigrant Rights

HB-1548

Submitted on: 2/12/2026 3:34:19 PM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Matthew B. Johnson	Pacific Gateway Center	Support	Written Testimony Only

Comments:

Testimony of Pacific Gateway Center

In SUPPORT of HB1548

Committee on Judiciary & Hawaiian Affairs

Representative David A. Tarnas, Chair

Representative Mahina Poepoe, Vice Chair

Hearing Date: Feb 13, 2026

Dear Chair David A. Tarnas, Vice Chair Mahina Poepoe, and members of the Committee on Judiciary & Hawaiian Affairs,

My name is Matthew Johnson, Executive Director of Pacific Gateway Center, and I submit this testimony in support of HB1548, 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.

As Executive Director of Pacific Gateway Center, I lead strategic efforts to empower immigrants and refugees across Hawai‘i through workforce development, small business support, and immigration legal services. Our organization provides holistic programs that create pathways to economic self-sufficiency while strengthening the social and economic fabric of our islands.

HB1548 is a commonsense proportionality measure. A one-day difference in the maximum sentence—365 days versus 364 days—can trigger outsized, life-altering collateral consequences that go far beyond what a misdemeanor sentence is intended to accomplish. A 364-day maximum preserves meaningful accountability for misdemeanor-level conduct while reducing unnecessary long-term harm to individuals and families.

Importantly, HB1548 also 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.

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

Mahalo for the opportunity to provide testimony.

Sincerely,

Matthew B. Johnson

Pacific Gateway Center



February 11, 2026

Hawai'i State Legislature
House Committee on Judiciary & Hawaiian Affairs ("JHA")

RE: Testimony in Support with Comments for HB 1548, RELATING TO SENTENCING

Dear Chair Tarnas, Vice-Chair Poepoe, and Members of the JHA Committee:

The William S. Richardson School of Law Refugee & Immigration Clinic ("RILC") submits testimony in **support of HB 1548**, which would cap the maximum term of imprisonment for misdemeanors and offenses punishable by up to one year at 364 days and permit individuals previously sentenced to a one-year term to seek sentence modification. These impacts are significant where deportability and aggravated felony determinations turn on whether a conviction carries a potential sentence of one year or more.

About RILC

RILC offers law students an opportunity to work on immigration law cases under the supervision of a licensed immigration attorney. Immigration law is a dynamic area of law that intersects with many issues in contemporary culture and politics. With a Director, three Law Fellows, and 6-10 law students each semester, we provide specialized and high-quality immigration legal services to income-eligible noncitizens in Hawai'i. We focus our efforts on income-eligible clients seeking asylum, removal defense, and other forms of humanitarian relief because these clients often have the most difficulty finding and paying for legal representation.

Our Position on HB 1548

We support HB 1548 because, as immigration attorneys, we have observed how misdemeanor sentences of one year can trigger severe and disproportionate immigration consequences for noncitizen residents of Hawai'i. Under federal immigration law, a sentence of one year can transform a misdemeanor conviction into a deportable offense or aggravated felony, resulting in mandatory detention, removal, and permanent separation from family. See 8 U.S.C. §§ 1227(a)(2)(A), 1101(a)(43), 1229b(a)(3). By capping misdemeanor sentences at 364 days, HB 1548 would ensure that minor offenses do not automatically meet the federal one-year sentencing threshold that triggers these harsh consequences. This reform does not aim to excuse criminal conduct or alter federal law, but rather, it aligns Hawai'i's sentencing framework with the Legislature's intent to treat these offenses as misdemeanors while mitigating immigration consequences that exceed the severity of the conduct. HB 1548 would promote proportional sentencing while preserving judicial discretion, and help prevent unnecessary deportations.

We urge this committee to pass HB 1548. Thank you for the opportunity to testify on this measure.

Sincerely,

Danicole Ramos, Esq.

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair

Rep. Mahina Poepoe, Vice Chair

HEARING: Friday, February 13, 2026 at 2 pm

VIA VIDEOCONFERENCE and Conference Room 325, State Capitol

TESTIMONY IN SUPPORT: HB 1548, RELATING TO SENTENCING.

Aloha Chair Rhoads, Vice Chair Gabbard, Rep. Cochran of Maui, 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, 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. 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 if a noncitizen is sentenced to one year of incarceration for a gross misdemeanor, they can then be charged federally with an “aggravated felony” subjecting them to virtually automatic deportation. It is hard to believe that a single extra day in a sentence can trigger mandatory detention or deportation. The reform proposed by HB 1548 promotes proportional sentencing and prevents unnecessary family separation and hardship.

The one-day change proposed by HB 1548 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. 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** 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

Submitted on: 2/11/2026 9:53:12 PM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Deanna Espinas	Individual	Support	Written Testimony Only

Comments:

This measure allows for sentence modification, which is so important.

HB-1548

Submitted on: 2/11/2026 11:50:45 PM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kanani Kai	Individual	Support	Written Testimony Only

Comments:

I STRONGLY SUPPORT Bill 1548!

Mahalo,

Kanani Kai

Member Indivisible Hawaii

HB-1548

Submitted on: 2/12/2026 5:59:48 AM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gerald Tariao Montano	Individual	Support	Written Testimony Only

Comments:

Testimony of Gerald Montano

In SUPPORT of HB1548

Committee on Judiciary & Hawaiian Affairs

Representative David A. Tarnas, Chair

Representative Mahina Poepoe, Vice Chair

Hearing Date: Feb 13, 2026

Dear Chair David A. Tarnas, Vice Chair Mahina Poepoe, and members of the Committee on Judiciary & Hawaiian Affairs,

My name is Gerald Montano, and I submit this testimony in support of HB1548, 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.

I am a pediatrician Maui. I am testifying as an individual.

HB1548 is a commonsense proportionality measure. A one-day difference in the maximum sentence—365 days versus 364 days—can trigger outsized, life-altering collateral consequences that go far beyond what a misdemeanor sentence is intended to accomplish. A 364-day maximum preserves meaningful accountability for misdemeanor-level conduct while reducing unnecessary long-term harm to individuals and families.

Importantly, HB1548 also 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.

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

Mahalo for the opportunity to provide testimony.

Sincerely,

Gerald Montano, DO

HB-1548

Submitted on: 2/12/2026 8:06:27 AM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dr. Kahala Johnson	Individual	Support	Written Testimony Only

Comments:

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

I write in strong support of HB1548.

HB1548 promotes proportional sentencing by capping misdemeanor sentences at 364 days and allowing certain individuals previously sentenced to one year to seek conforming modifications. This change reduces unnecessary incarceration for low-level offenses while maintaining accountability.

The bill also helps address jail overcrowding, lowers associated public costs, and supports rehabilitation, family stability, and workforce participation. These outcomes strengthen communities and improve long-term public safety.

HB1548 is a practical and humane reform. I urge the Committee to pass this measure.

HB-1548

Submitted on: 2/12/2026 8:40:30 AM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Judith Mura	Individual	Support	Written Testimony Only

Comments:

I, Judith Mura. Strongly Support HB1548

HB-1548

Submitted on: 2/12/2026 9:12:21 AM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Yvette Kay	Individual	Support	Written Testimony Only

Comments:

My name is Yvette Kay and I am a resident of Kailua Kona, HI and I support HB1548.

I support this bill because:

- Promotes proportional sentencing and reduces unnecessary incarceration for low-level offenses.
- Helps reduce jail overcrowding and associated costs.
- Supports rehabilitation, family stability, and workforce participation.

HB-1548

Submitted on: 2/12/2026 9:34:54 AM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Joie Yonamine	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am submitting testimony in strong support of HB1548 as an individual.

HB1548 would reduce the maximum sentence for misdemeanors from one year to 364 days and allows people previously sentenced to a full year to ask the court to lower their sentence to match the new limit.

By reducing sentences from 365 to 364 days (one day), this bill will help to prevent automatic deportation triggers and will allow some immigrants a chance to correct past sentences that could separate them from their families.

Mahalo for the opportunity to testify,

Joie Yonamine, Manoa Valley

Testimony of Patrick Switzer
In SUPPORT of HB1548

Committee on Judiciary and Hawaiian Affairs

Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair

Hearing Date Feb 13, 2026

Dear Chair David A. Tarnas, Vice Chair Mahina Poepoe, and members of the Committee on Judiciary and Hawaiian Affairs,

My name is Patrick Switzer and I submit this testimony in support of HB 1548 which limits the maximum term of imprisonment for misdemeanors to 364 days, and allows people previously sentenced to a one-year term to apply to the court for a sentence modification to conform to the new limit.

I am a Registered Nurse working in Honolulu and I am testifying as an individual to advocate for policy that will help protect the vulnerable members of our community that I serve.

I support HB1548 because it will ensure that people who are convicted of misdemeanor-level conduct will be sentenced to appropriate prison terms, instead of subjecting them to outsized and disproportionate consequences that could be triggered by a 365 day sentence under immigration law. We shouldn't be bloating our prison population or wasting money by subjecting minor offenders to unfair punishments that are harmful to the community as a whole and wasteful of our resources.

I respectfully request that the Committee pass HB1548.

Sincerely,
Patrick Switzer, R.N.
pastronaut@hotmail.com (808) 294-1594

HB-1548

Submitted on: 2/12/2026 10:49:39 AM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alexis Muller	Individual	Support	Written Testimony Only

Comments:

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

I submit testimony in support of this measure relating to sentencing. This bill makes a targeted and important adjustment by limiting misdemeanor sentences to a maximum of three hundred sixty-four days, rather than one year, and allowing individuals previously sentenced to seek a modification consistent with this change.

This is a common-sense reform that promotes fairness and proportionality in sentencing while reducing unnecessary and unintended collateral consequences. A one-day difference can have significant impacts on individuals and families, including long-term legal and social consequences that extend far beyond the original sentence and do not advance public safety.

By aligning Hawai‘i’s sentencing framework with modern best practices, this measure supports rehabilitation, judicial efficiency, and equitable outcomes while preserving judicial discretion.

For these reasons, I respectfully urge your support.

Mahalo for the opportunity to provide testimony.

HB-1548

Submitted on: 2/12/2026 11:34:45 AM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marie Iding	Individual	Support	Written Testimony Only

Comments:

Dear Legislature,

An extended prison sentence (over a year) for a misdemeanor is not proportional to the crime. Furthermore, it is COSTLY in terms of paying for imprisonment and also for families and the community who do not have the benefit of individuals' participation in the workforce.

Thank you,

Marie Iding

Committee on Judiciary and Hawaiian Affairs
Chair David Tarnas, Vice Chair Mahina Poepoe

February 13, 2026 @ 2:00 pm, 325 via Videoconference
HB1548 – Penal Code; Misdemeanors; Sentencing

Chair Tarnas, Vice Chair Poepoe, and Committee Members:

SUPPORT FOR HB1548

I write in **strong support of HB1548**, personally and as a member of Indivisible Hawaii State Network (IHSN). This bill would define a “year” of imprisonment under the HRS as no more than 364 days, rather than 365.

This is a simple but effective way to reduce the consequences of conviction for minor offenses for those non-citizens in immigration proceedings. Federal immigration law treats state crimes with a sentence of 365 days or more as felonies, and such a conviction may result in deportation or exclusion. This elevation of state-level misdemeanor conduct to felony status is irrational and adversely affects immigrants and their families and communities.

California adopted this strategy several years ago, benefiting hundreds of individuals who continue to live and work in the United States. Hawaii should follow that example and pass HB1548

Stephen Munkelt

HB-1548

Submitted on: 2/12/2026 11:55:34 AM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Aaron Ruddick	Individual	Support	Written Testimony Only

Comments:

I strongly support HB1548

HB-1548

Submitted on: 2/12/2026 12:42:51 PM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ellen Caringer, Ph.D.	Individual	Support	Written Testimony Only

Comments:

Testimony of Ellen R. Caringer, Ph.D.

In SUPPORT of HB1548

Committee on Judiciary & Hawaiian Affairs

Representative David A. Tarnas, Chair

Representative Mahina Poepoe, Vice Chair

Hearing Date: Feb 13, 2026

Dear Chair David A. Tarnas, Vice Chair Mahina Poepoe, and members of the Committee on Judiciary & Hawaiian Affairs,

My name is Ellen Caringer and I submit this testimony in support of HB1548, 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.

I am a clinical psychologist and I am testifying as an individual. HB1548 is a commonsense proportionality measure. A one-day difference in the maximum sentence—365 days versus 364 days—can trigger outsized, life-altering collateral consequences that go far beyond what a misdemeanor sentence is intended to accomplish. A 364-day maximum preserves meaningful accountability for misdemeanor-level conduct while reducing unnecessary long-term harm to individuals and families.

Importantly, HB1548 also 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.

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

Mahalo for the opportunity to provide testimony.

Sincerely,

Ellen R. Caringer, Ph.D.

drcaringer@gmail.com

808-281-7463

HB-1548

Submitted on: 2/12/2026 1:59:46 PM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nancy J. Budd	Individual	Support	Written Testimony Only

Comments:

To: HOUSE JUDICIARY & HAWAIIAN AFFAIRS COMMITTEE

Hon. David A. Tarnas, Chair

Hon. Mahina Poepoe, Vice Chair

Re: *URGING STRONG SUPPORT HB1838 HD1, HB1870 HD1, HB1768, HB1548 and HB2600*

Hearing: Friday, Feb 13, 2026 — 2 PM

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the Committee,

My name is Nancy J. Budd and I submit this testimony in **strong support** of **HB1838 HD1, HB1870 HD1, HB1768, HB1548, and HB2600**. Together, these measures strengthen community safety, due process and transparency. It is critical that our state provide these protections so all of our residents, including vulnerable immigrant and mixed-status families, can access essential services without fear and survivors can seek help and safely cooperate with authorities.

State and county participation in civil immigration enforcement near sensitive locations such as schools, health care facilities, libraries, shelters, and courts *must be prohibited*. People must be able to safely access education, health care, emergency services and courts without fear.

Secretive or masked enforcement undermines due process and public trust. Transparency is essential to constitutional accountability—especially for immigrant communities. Prohibit masks and require that name tags and official badges be worn.

287(g) programs lead to racial profiling, unlawful detention, and fear of law enforcement. Ending deputization keeps local resources focused on community safety—not federal

immigration enforcement. Transfers to immigration authorities should require a judicial warrant or finding of probable cause.

A single extra day in a sentence can trigger mandatory detention or deportation under federal law. This reform promotes proportional sentencing and prevents unnecessary incarceration and family separation for low-level offenses.

Appropriating funds to provide for a Deputy Public Defender assigned to complex constitutional matters is a strategic and important investment to ensure due process, efficiency and fairness.

I respectfully urge you to **PASS** these measures. Mahalo for the opportunity to testify.

Sincerely,

Nancy J. Budd

Kaua`i Resident, attorney, and former Hawaii Board of Education member

Wednesday, February 13, 2026 2:00 p.m.
Conference Room 325 & Videoconference
State Capitol, 415 South Beretania Street

Testimony of Joey Badua

In SUPPORT of HB1548

Representative David A. Tarnas, Chair

Representative Mahina Poepoe, Vice Chair

Dear Chair Tarnas, Vice Chair Poepoe, and members of the Committee on Judiciary and Hawaiian Affairs:

My name is Joey Badua, and I appreciate the opportunity to submit testimony on this important bill.

I strongly support this bill because HB1548 would clarify an important point: one-year threshold is the exact trigger under federal immigration law for classification as an “aggravated felony,” which can result in mandatory detention and near-automatic deportation. By limiting misdemeanor maximum sentences to 364 days, individuals previously sentenced to one year may seek a conforming modification. A difference of just one day in a sentence can result in mandatory detention and deportation, even when little or no jail time was actually served.

This technicality should not be the reason why families are torn apart. HB 1548 is a proportional and compassionate reform that preserves accountability while preventing unintended and extreme immigration consequences, promotes family stability, and allows people to continue contributing to their communities. For these reasons, I respectfully urge your support.

Mahalo for the opportunity to submit testimony.

Sincerely,

Joey Badua

PO Box 29724

Honolulu, HI 96820

HB-1548

Submitted on: 2/13/2026 2:31:09 AM

Testimony for JHA on 2/13/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Taylor Crow	Individual	Support	Written Testimony Only

Comments:

I, Taylor Crow, fully support bill HB1548. People who have committed misdemeanors may have made a mistake in life but it is not punishable by the gross atrocities that would befall them if they were to be kidnapped by ice and forced into a for profit prison slavery system where it is literally a life and death situation. I support HB 1548. Aloha.