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February 25, 2026

**Testimony of the Office of the Public Defender,
State of Hawaii to the House Committee on Judiciary and Hawaiian Affairs**

H.B. 1959 HD 1: RELATING TO DOMESTIC VIOLENCE

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

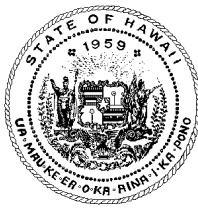
The Office of the Public Defender **strongly supports H.B. 1959 HD 1:**

The Office of the Public Defender strongly support the extension of the Pilot Program relating to Abuse of Family or Household Members. Since the start of the Pilot Program, the laws relating to Abuse of Family or Household Members have changed, most notably was the establishment of the petty misdemeanor offense of Abuse of a Family or Household Member. We support extending the Pilot Program so that we can collect better and more extensive data to better understand domestic violence, treatment options for offenders, improvements in safety measures for victims, and to make better informed decisions on what changes, if any, are needed to address these issues.

The Office of the Public Defender would like to point out that there is currently a Domestic Violence Intervention Working Group, created by the Legislature in 2025, that is actively meeting and working on understanding how we can improve safety for victims and exploring better responses by our State to domestic violence. We humbly ask that the Legislature wait to receive any reports and additional data that the Working Group is able to gather before ending the Pilot Program. The Pilot Program has been successful. With better data, additional reports and input from the Working Group, and input from the various Stakeholders, we may be able to understand and make strategic improvements to the laws relating to Abuse of a

Family or Household Member and to laws relating to the related topics of safety and responses to violations of Temporary Restraining Orders and Orders for Protection.

Thank you for the opportunity to provide testimony on this measure.



STATE OF HAWAII – Ka MOKU'ĀINA 'O HAWAI'I
CRIME VICTIM COMPENSATION COMMISSION
Ke Komikina Uku Luaahi Kalaima
1164 Bishop Street, Suite 1530
Honolulu, Hawai'i 96813
Telephone: 808 587-1143
FAX 808 587-1146

MARI McCAIG BELLINGER
Chair

CLIFTON Y.S. CHOY
Commissioner

JO KAMAE BYRNE
Commissioner

PAMELA FERGUSON-BREY
Executive Director

**TESTIMONY ON HOUSE BILL 1959, HD1
RELATING TO DOMESTIC VIOLENCE**

by

Pamela Ferguson-Brey, Executive Director
Crime Victim Compensation Commission

House Committee on Judiciary & Hawaiian Affairs
Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair

Wednesday, February 25, 2026; 2:00 PM
State Capitol, Conference Room 325 & Videoconference

Good afternoon, Chair Tarnas, Vice Chair Poepoe, and Members of the House Committee on Judiciary & Hawaiian Affairs. Thank you for providing the Crime Victim Compensation Commission (the "Commission") with the opportunity to testify in support of with amendments to House Bill 1959, HD1. This bill extends the domestic violence project established by Act 19, SLH 2020, and Act 238, SLH 2021. There is insufficient data for policymakers to determine whether the pilot project has met its goals. Additionally, the deferred plea provisions undermine both victim and community safety and offender rehabilitation.

The Commission provides compensation for violent crime victims to pay un-reimbursed expenses for crime-related losses due to physical or mental injury or death. Many victims of violent crime could not afford to pay their medical bills, receive needed mental health or rehabilitative services, or bury a loved one if compensation were not available from the Commission. The Commission collaborates with victim advocates and victim service providers in supporting victim-centered policy and legislation.

The Commission supports the requirement for the annual reporting of data to the legislature during the extended period. Having additional data is necessary to ensure a thorough and accurate assessment to determine if the goals of the pilot project are being met. Additional areas of assessment are necessary to provide policymakers with a full picture of the impact of this pilot project. Additional data collection is suggested as follows:

1. Outcomes for the individuals prosecuted under the new provisions;
2. Recidivism rates or the nature of any subsequent offenses committed by the individuals charged and convicted under this pilot project; and

3. Impact of the charges on the lives of the victims of the offenders.

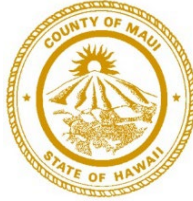
The Commission also supports the removal of the provisions allowing deferred pleas. Erasing an offender's criminal history of domestic abuse hinders the ability to accurately evaluate an offender's prior history in the event of subsequent offenses. Additionally, the lack of a formal conviction creates barriers to comprehensive mental health and risk assessments as evaluators rely on documented histories to determine appropriate interventions, treatment needs, and risk to both victim and community safety.

Thank you for providing the Commission with the opportunity to testify in support of with amendments to House Bill 1959, HD1.

RICHARD T. BISSEN, JR.
Mayor

ANDREW H. MARTIN
Prosecuting Attorney

SHELLY C. MIYASHIRO
First Deputy Prosecuting Attorney



DEPARTMENT OF THE PROSECUTING ATTORNEY
COUNTY OF MAUI
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TESTIMONY ON
H.B. 1959 HD1
RELATING TO DOMESTIC VIOLENCE

February 24, 2026

The Honorable David A. Tarnas
Chair
The Honorable Mahina Poepoe
Vice Chair
and Members of the Committee on Judiciary and Hawaiian Affairs

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

The Department of the Prosecuting Attorney, County of Maui respectfully submits the following comments **in support of H.B. 1959 HD1, Relating to Domestic Violence**. This measure extends for five years provisions relating to the offense of Abuse of Family or Household Member ("AFHM") that were originally enacted in Act 19, SLH 2021.

The Department of the Prosecuting Attorney, County of Maui joins the Hawaii County and Kauai County Offices of the Prosecuting Attorney in supporting this bill for the reasons listed in our joint testimony submitted by the Hawaii County Office of the Prosecuting Attorney. In short, the ability to charge a petty misdemeanor form of AFHM and the ability for a defendant to request a deferred plea for both petty misdemeanor and misdemeanor AFHM offenses helps our efficient and fair prosecution of these offenses.

For these reasons, the Department of the Prosecuting Attorney, County of Maui **supports H.B. 1959 HD1**. Please feel free to contact our office at (808) 270-7777 if you have any questions or inquiries. Thank you very much for the opportunity to provide testimony on this bill.

KELDEN B.A. WALTJEN
PROSECUTING ATTORNEY

SHANNON M. KAGAWA
FIRST DEPUTY
PROSECUTING ATTORNEY



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OFFICE OF THE PROSECUTING ATTORNEY

JOINT TESTIMONY IN SUPPORT OF HOUSE BILL 1959, HD1 **WITH MAUI COUNTY OFFICE OF THE PROSECUTING ATTORNEY** **& KAUA'I COUNTY OFFICE OF THE PROSECUTING ATTORNEY**

A BILL FOR AN ACT
RELATING TO DOMESTIC VIOLENCE

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair

Wednesday, February 25, 2026 at 9:30 a.m.
Via Videoconference
State Capitol Conference Room 325
415 South Beretania Street

Honorable Chair Tarnas, Vice Chair Poepoe, and the members of the House Committee on Judiciary & Hawaiian Affairs:

In coordination with the Maui County Office of the Prosecuting Attorney and the Kaua'i County Office of the Prosecuting Attorney, the Hawai'i County Office of the Prosecuting Attorney respectfully submits the following joint testimony **in support** of House Bill 1959, HD1, which extends for five years the petty misdemeanor offenses of Abuse of Family or Household Member as well as the availability of a deferred acceptance of guilty plea.

Our offices join **in support of maintaining the petty misdemeanor offenses**. In particular, the petty misdemeanor offense of coercive control has been useful as an additional charge in more serious felony cases. In Hawai'i County, for example, this offense has been charged more than five times in felony cases. The coercive control charge opens the door to evidence about the context of an abusive relationship and has been a helpful tool in holding more serious offenders accountable.

Our offices also **support the extension of the deferred acceptance of guilty plea for misdemeanor and petty misdemeanor Abuse offenses**. The deferral has become a useful method of resolving domestic violence cases. As the Legislature recognized at the time of its passage, there is a broad spectrum of severity in domestic violence cases. Many first-time offenders both deserve and earn the deferral, based on the facts of the case, the history of the parties, and the input of the crime victim. The input of the victim is critical—it is not uncommon that victims of this crime are hesitant to cooperate with prosecution at first, but upon learning that a deferral is an option, will become cooperative with prosecution. It can also help resolve cases quickly: for example, in Hawai'i County last year, deferrals were granted an average of

120 days after the case was charged. The deferral period provides these offenders time to attend domestic violence intervention or anger management classes, to be under court supervision, and often to work on their sobriety or obtain mental health services, if that is a factor.

Further, if the defendant re-offends while being supervised, the ability to set aside the deferral and impose the Abuse conviction is a significant improvement. Before the deferral was made available for misdemeanor and petty misdemeanor offenses under HRS 709-906, domestic violence offenders could still be granted a deferral if the charge was amended to Assault in the Third Degree during plea negotiations. This meant, however, that if the deferral was set aside, the subsequent conviction imposed was for Assault in the Third Degree. This did not reflect the reality of the offense or carry the collateral consequences of an Abuse conviction, such as mandatory minimum sentences or firearms restrictions. In reality, many offenders successfully complete their deferral period and have their cases dismissed. Nevertheless, the fact that a defendant can only use a deferral once on an Abuse charge, and that Abuse is the conviction that will be imposed if the terms of the deferral are violated, more accurately captures the case in the defendant's criminal record.

For the foregoing reasons, the Hawai'i, Maui, and Kaua'i Offices of the Prosecuting Attorney support House Bill 1959, HD1, extending the sunset provisions of Act 19, SLH 2020, and Act 238, SLH 2021, and ensuring the continuance of the petty misdemeanors and deferral under 709-906. Thank you for the opportunity to testify on this matter.

Law Office of Georgette A. Yaindl, LLC
Georgette Anne Yaindl 8940
P.O. Box 307
Kailua-Kona Hawai'i 96745-0307
(808) 224-0219 v/txt (877) 300-8869 fax
gyaindl@gyattorney.com

February 24, 2026

Rep. Ravid A. Tarnas, Chair
Rep. Mahina Poepoe, Vice Chair
Committee on Judiciary and Hawaiian Affairs
House of Representatives
33rd Legislature, State of Hawai'i

via: <http://www.capitol.hawaii.gov>

Dear Committee leadership and members,

Re: **SUPPORT FOR HB1959 HD1 RELATING DOMESTIC VIOLENCE**

DATE: Wednesday, February 25, 2026
TIME: 2:00 p.m.
PLACE: Conference Room 325 & Videoconference
State Capitol
415 South Beretania Street

I have the perfect story that illustrates the importance of extending the provisions of Act 19, SLH 2020 and Act 238, SLH 021 as intended by this bill. I have a client that is today 54 years old. When he was 18, he was charged and convicted for MISD abuse involving his girlfriend. For the nearly 40 years since that conviction, he has not been charged with any other criminal offenses. He has requested a pardon three times in the past ten years, and provided a total of 12 original affidavits attesting to his good character and community standing. Each request has been followed by a rejection letter that concludes with the same "keep up the good work and you can apply again in a couple years" well-wish. He reasonably asks what more can I possibly do or show to merit approval? Had my client been able to request and achieve a deferral, he thereupon would have been able to proceed unencumbered in the local economy.

Thank you for your consideration of my testimony. Aloha.

/s/ Georgette A. Yaindl
GEORGETTE ANNE YAINDL



February 25, 2026

Members of the House Judiciary & Hawaiian Affairs:

Chair David A. Tarnas
Vice Chair Mahina Poepoe
Rep. Della Au Belatti
Rep. Elle Cochran
Rep. Mark J. Hashem
Rep. Kirstin Kahaloa
Rep. Jackson D. Sayama
Rep. Gregg Takayama
Rep. Diamond Garcia
Rep. Garner M. Shimizu

Re: HB1959 HD1 Relating to Domestic Violence

Dear Chair Tarnas, Vice Chair Poepoe, and Members of the House Committee on Judiciary & Hawaiian Affairs:

The Hawai'i State Coalition Against Domestic Violence (HSCADV) mission is to unite Hawai'i to end all forms of domestic violence. We are a statewide partnership of domestic violence programs and shelters.

On behalf of HSCADV and our 20 member programs, I respectfully submit testimony in strong support of HB1959.

This measure extends a pilot program that creates a petty misdemeanor offense of Abuse of a Family or Household Member (AFHM). The pilot was created and then modified through Acts 19 (2020), 238 (2021), and 23 (2023) and will sunset on June 30, 2026. HB1959 extends the pilot program to June 30, 2031.

We recommend extending these provisions through 2031 and ensuring the Judiciary continues to collect and report data during the extension. We propose the following amendments:

1. Page 1, lines 5-13: extend the sunset on Act 19 (2020) for sections 2, 3, and 4 (not just for section 3). We want to ensure that the HRS sections on sentencing for offenses under HRS 709-906 are also extended by an additional 5 years.

2. Add a new reporting requirement for the pilot program as follows:

No later than December 1 of 2026, 2027, 2028, 2029, and 2030, the judiciary shall submit a report to the legislature that includes, for cases filed with the judiciary involving offenses under section 709-906, Hawaii Revised Statutes:

1. The final outcome of each case, including the number of cases dismissed, deferred with a successful case closure, and sentenced, by category;
2. The number of defendants convicted by the number that plea and, the number that are found not guilty, the number found guilty, and other outcomes, by category;
3. The number of domestic violence assessments ordered and completed; and the number of defendants referred to treatment after assessment;
4. In cases in which an offender was required to complete a domestic violence intervention program, anger management course, or parenting classes, the report shall include, by category, the number of cases in which the program was completed or not completed, any reasons for failure to complete the program, and the consequences for failure to complete the program;
5. The number and offense type for new charges for defendants while their case is open and for one year after they completed treatment; and
6. Amount of time between initiation of the case and completion of the case.

Provided that the first report due on December 1, 2026, shall only include data starting from the date that this measure is enacted.

In the report to the legislature due December 1, 2030, the judiciary, in consultation with the criminal justice research institute, shall also include an evaluation of the pilot program that reviews the data above, where available, from 2016 (five years prior to the pilot program) to 2029 (nine years after the start of the pilot program) to evaluate:

1. Whether the length of case adjudication changed before and after the pilot program, including whether the pilot program had an impact on dismissals pursuant to the Hawaii Rules of Penal Procedure, Rule 48;
2. Whether recidivism rates changed after the pilot program;
3. Whether successful completion of domestic violence programs, anger management or parenting classes increased during the pilot program;
4. Whether the pilot program provided faster case resolution; and
5. Any recommendations for future legislation, including whether to make the pilot program permanent.

Under the existing legislation for the pilot program, defendants may enter a Deferred Acceptance of Guilty (DAG) plea in certain cases, and the court may dismiss the charge if the defendant successfully completes a court-ordered domestic violence intervention or parenting

program. The DAG is intended to reduce congestion in the court system caused by a backlog of jury trials. The DAG is subject to a bench trial and a judge's decision rather than a jury's.

The program was established in response to concerns raised by survivors about the unintended consequences of the criminal justice response to domestic violence cases. The response relied heavily on criminal convictions of lower-level domestic violence cases.

However, those convictions could create barriers to employment, housing, and financial stability for individuals responsible for providing child support or contributing to family resources, ultimately undermining survivor safety and economic security.

Since the implementation of the pilot program, we have found that:

- Other than prosecutors, many programs and community partners were unaware of the pilot project, which affected our ability to assess its efficacy in meeting its intended purpose.
- The DAG could be viewed as a diversion and prevention mechanism; however, it lacks the infrastructure and resources of an evidence-based diversion program.
- It is too early to accurately assess the new statutory provision for several reasons:
 - The impact of *State v Thompson (Thompson)*, which invalidated the methods sometimes used by prosecutors in charging misdemeanor cases. This ruling affected many misdemeanor abuse cases, as many were dismissed by the courts and not recharged due to difficulties arising from the passage of time between the initial charging and the dismissal of *Thompson*. This factor was also briefly cited in the Judiciary's report, making it difficult to discern any trends.
 - The Judiciary report primarily presents case outcome data, not outcome data for survivors and offenders. While gathering some of this data may be challenging, it is essential to conduct a meaningful assessment not only of the pilot program but also of the impact of prosecuting domestic violence cases in Hawaii more broadly. While some data collection would likely be qualitative, certain data points, such as offender recidivism and other offender statistics, can and should be incorporated into any meaningful assessment of the program.
 - We need to further assess the impact on demand for advocates to support victims in court and on programs providing court-mandated services.

Continued implementation is necessary to collect sufficient data and ensure thoughtful policy evaluation before any permanent decisions are made. The additional time will allow the state to assess whether the existing framework is achieving its intended goals, including

improved survivor safety, more accurate risk assessment, reduced recidivism, and increased stability for families affected by domestic violence.

Thank you for the opportunity to testify on this important matter.

Sincerely,

Angelina Mercado, Executive Director



February 25, 2026

Members of the House Judiciary & Hawaiian Affairs:

Chair David A. Tarnas
Vice Chair Mahina Poepoe
Rep. Della Au Belatti
Rep. Elle Cochran
Rep. Mark J. Hashem
Rep. Kirstin Kahaloa
Rep. Jackson D. Sayama
Rep. Gregg Takayama
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However, those convictions could create barriers to employment, housing, and financial stability for individuals responsible for providing child support or contributing to family resources, ultimately undermining survivor safety and economic security.

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improved survivor safety, more accurate risk assessment, reduced recidivism, and increased stability for families affected by domestic violence.

Thank you for the opportunity to testify on this important matter.

Sincerely,

Angelina Mercado, Executive Director

HB-1959-HD-1

Submitted on: 2/23/2026 2:46:44 PM

Testimony for JHA on 2/25/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
M. Leilani DeMello	Individual	Support	Written Testimony Only

Comments:

Aloha,

I KĀKO‘O this bill with reservations. Specifically, I am concerned about the following verbiage, "...allowing deferred acceptance of guilty pleas for misdemeanor and petty misdemeanor abuse of family or household members offenses." I understand that receiving a deferred acceptance of guilty plea might be helpful for offenders post-arrest, but it does a disservice in my opinion to the victim. There are likely few instances where the record should be expunged completely.

Mahalo,

M. Leilani DeMello

‘Ōla‘a, Puna, Hawai‘i

HB-1959-HD-1

Submitted on: 2/23/2026 8:38:29 PM

Testimony for JHA on 2/25/2026 2:00:00 PM

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

Comments:

In support of this bill.