



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2026**

ON THE FOLLOWING MEASURE:

H.B. NO. 2078, H.D. 1, RELATING TO HABITUAL VIOLENT CRIME.

BEFORE THE:

SENATE COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

DATE: Wednesday, March 25, 2026 **TIME:** 3:00 p.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Mark S. Tom, Deputy Attorney General

Chair Fukunaga and Members of the Committee:

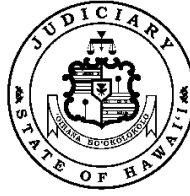
The Department of the Attorney General (Department) strongly supports this bill.

Act 213, Session Laws of Hawaii 2024, established the offense of habitual violent crimes, codified as section 707-712.2, Hawaii Revised Statutes (HRS), and provided for the repeal of that section on June 30, 2027. This bill would extend the sunset date and require the Criminal Justice Research Institute to submit a one-time report to the Legislature before the 2031 Regular Session. The bill would also require the Attorney General to continue submitting annual reports to the Legislature on the effectiveness of section 707-712.2, HRS. These changes allow additional time to evaluate the statute's effectiveness, recognizing the time required for cases to progress through the criminal justice system.

This bill was submitted by unanimous agreement of the Hawaii Law Enforcement Coalition (LEC), whose membership includes the Attorney General, the Chief of Police and Prosecutor of each county, and the Director of Law Enforcement.

The Department respectfully requests the passage of this bill.

LATE



The Judiciary, State of Hawai‘i
Ka ‘Oihana Ho‘okolokolo, Moku‘āina ‘o Hawai‘i

Testimony to the Thirty-Third Legislature, 2026 Regular Session

Senate Committee on Public Safety and Military Affairs
Senator Carol Fukunaga, Chair
Senator Chris Lee, Vice Chair

Wednesday, March 25, 2026, 3:00 p.m.
State Capitol, Conference Room 016

By

Dr. Erin E. Harbinson
Director, Criminal Justice Research Institute

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 2078, H.D. 1, Relating to Habitual Violent Crime.

Purpose: Requires the Attorney General, in consultation with Criminal Justice Research Institute, to submit ongoing annual reports to the Legislature. Amends Act 213, SLH 2024, by requiring the Criminal Justice Research Institute to submit a one-time report to the Legislature prior to the Regular Session of 2031 and extending its sunset date to 6/30/2031. (HD1)

The Criminal Justice Research Institute's Position:

The Criminal Justice Research Institute (CJRI), which is administratively attached to the Judiciary, respectfully offers **comments** on House Bill No. 2078, H.D. 1, which amends Act 213, SLH 2024, by requiring CJRI to submit a one-time report to the Legislature prior to the Regular Session of 2031. Additionally, it amends the annual reporting requirement by directing CJRI to work in consultation with the Department of the Attorney General.

CJRI was established by Act 179 (2019) and is authorized to study all areas of the criminal justice system. CJRI will work with the Department of the Attorney General, Judiciary, and other necessary criminal justice agencies in the State to analyze data and produce a one-time report to the Legislature on the effectiveness of HRS 707-712.2 in reducing habitual violent crime. Furthermore, CJRI will consult with the Department of the Attorney General to assist with their annual reports to the Legislature on the ongoing effectiveness of HRS 707-712.2 in



House Bill No. 2078, H.D. 1, Relating to Habitual Violent Crime
Senate Committee on Public Safety and Military Affairs
Wednesday, March 25, 2026 at 3:00 p.m.
Page 2

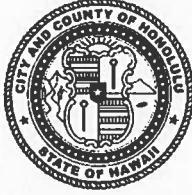
addressing repeat violent crime in the State. Based on current resources, CJRI can provide research support for both requirements by applying its knowledge of statewide criminal justice data and research analysis. Currently, CJRI has access to data to fulfill their obligations by working in consultation with the Department of the Attorney General for the annual reporting requirements. CJRI may need to request data from other agencies such as the Judiciary or law enforcement at a later date to conduct the evaluation of the bill's effectiveness.

Additionally, in line with research methodology best practices, CJRI research staff finds the bill's timelines adequate for the report to the Legislature that analyzes the effectiveness of the Act in reducing violent crime, due twenty (20) days prior to the start of the 2031 regular session. This due date allows sufficient time to produce a reliable and valid assessment of the effectiveness of HRS 707-712.2 in reducing habitual violent crime in the State. Best practices in social science indicate that at least five years of data should be collected before and after to identify policy effectiveness. The timeframe outlined in the bill allows for at least five years for offenders to be charged under this statute, criminal case processing, and data collection to facilitate analysis of the law's effectiveness.

Thank you for the opportunity to comment on House Bill No. 2078, H.D. 1.

HONOLULU POLICE DEPARTMENT
KA 'OIHANA MĀKA'I O HONOLULU
CITY AND COUNTY OF HONOLULU

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NĀ HOPE LUNA NUI MĀKA'I KŪIKAWĀ

OUR REFERENCE DT-JK

March 25, 2026

The Honorable Carol Fukunaga, Chair
and Members
Committee on Public Safety and
Military Affairs
State Senate
415 South Beretania Street, Room 016
Honolulu, Hawai'i 96813

Dear Chair Fukunaga and Members:

SUBJECT: House Bill No. 2078, H.D. 1, Relating to Habitual Violent Crime

I am Acting Major Dason Toma of District 6 (Waikīkī) of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 2078, H.D. 1, Relating to Habitual Violent Crime. Act 213, Session Laws of Hawai'i 2024, has enabled law enforcement to protect the community from those violent offenders who habitually choose to inflict violence upon their victims. People who routinely resort to the use of physical violence to resolve conflict or victimize others are the most dangerous among us. Many times, the criminal offenders who commit the most heinous crimes have a long history of a propensity toward violence. House Bill No. 2078, H.D. 1, allows law enforcement to apply sufficient consequences for this antisocial behavior. Repealing the sunset date will ensure that law enforcement will continue to have the proper tools to address these crimes.

Also, statistics have shown that Act 213 has not been overly used to prosecute people, nor has it dramatically increased incarcerations. Rather, it has been used judiciously to identify those who may escalate to more violent criminal offenses and to prosecute the worst offenders.

The Honorable Carol Fukunaga, Chair
and Members
March 25, 2026
Page 2

The HPD urges you to support House Bill No. 2078, H.D.1, Relating to Habitual Violent Crime.

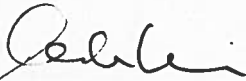
Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read "Dason Toma", written over a horizontal line.

Dason Toma, Acting Major
District 6

APPROVED:

A handwritten signature in black ink, appearing to read "Rade K. Vanic", written over a horizontal line.

Rade K. Vanic
Interim Chief of Police

**DEPARTMENT OF THE PROSECUTING ATTORNEY
KA 'OIHANA O KA LOIO HO'OPI'I
CITY AND COUNTY OF HONOLULU**

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LOIO HO'OPI'I



THOMAS J. BRADY
FIRST DEPUTY PROSECUTING ATTORNEY
HOPE MUA LOIO HO'OPI'I

**THE HONORABLE CAROL FUKUNAGA, CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS
Thirty-Third State Legislature
Regular Session of 2026
State of Hawai'i**

March 25, 2026

REGARDING H.B. 2078, H.D. 1 — RELATING TO HABITUAL VIOLENT CRIME.

Chair Fukunaga, Vice-Chair Lee, and members of the Senate Committee on Public Safety and Military Affairs, the Department of the Prosecuting Attorney of the City and County of Honolulu (“Department”) submits the following testimony **support** of H.B. 2078, H.D. 1, relating to habitual violent crime.

This measure appropriately builds upon Act 213, Session Laws of Hawaii 2024, which was enacted to address a narrow but serious category of offenders—those who repeatedly commit violent crimes such as sexual assault, abuse of family or household members, and assaults against law enforcement officers. The law enhances accountability by elevating the offense when an individual has multiple prior convictions for violent conduct within a defined period.

Act 213 also included a sunset date of June 30, 2027, reflecting the Legislature’s intent to evaluate whether the law is effective before making it permanent. As this bill recognizes, meaningful evaluation of felony-level criminal justice reforms requires sufficient time for cases to be investigated, charged, adjudicated, and resolved. Although the Department would support repeal of the sunset provision to ensure long-term stability of this important public safety measure, H.B. No. 2078, H.D. 1 extends the sunset date to June 30, 2031, ensuring that the law remains in effect while allowing sufficient time to collect meaningful data and evaluate its effectiveness.

The bill also strengthens the State’s ability to assess the effectiveness of this law by requiring ongoing annual reports from the Department of the Attorney General, in consultation with the Criminal Justice Research Institute, as well as a comprehensive one-time report prior to the 2031 legislative session. These reports will include critical data such as the number of arrests, repeat offenders, charging decisions, and case outcomes, and will be informed by data provided by county prosecuting attorneys.

From a prosecutorial perspective, this measure strikes the appropriate balance between public safety and data-driven policymaking. Habitual violent offenders pose a demonstrated and ongoing risk to the community, and Act 213 provides an important tool to address repeat violent conduct. At the same time, this bill ensures transparency and accountability by requiring robust reporting and preserving a future sunset date for legislative review.

Allowing the law to sunset in 2027 would risk terminating an important public safety measure before sufficient data exists to determine whether it is working. Extending the sunset date provides the necessary time for trends to emerge and for policymakers to make informed decisions based on comprehensive evidence.

For these reasons, the Department respectfully supports H.B. No. 2078, H.D. 1. Thank you for the opportunity to testify.

COMMUNITY ALLIANCE ON PRISONS

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Today's Inmate; Tomorrow's Neighbor



COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Senator Carol Fukunaga, Chair

Senator Chris Lee, Vice Chair

Wednesday, March 25, 2026

3:00 PM

Room 016 and VIDEOCONFERENCE

COMMENTS ON HB 2078 HD1 - HABITUAL VIOLENT CRIME

Aloha Chair San Fukunaga, Vice Chair Lee 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 bars¹ and under the "care and custody" of the Department of Corrections and Rehabilitation on March 6, 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 share some of our research on bills like HB 2078 HD1 - Habitual Violent Crime that requires the Attorney General, in consultation with Criminal Justice Research Institute, to submit ongoing annual reports to the Legislature and amends Act 213, SLH 2024, by requiring the Criminal Justice Research Institute to submit a one-time report to the Legislature prior to the Regular Session of 2031 and extending its sunset date to 6/30/2031. (HD1)

¹ DCR Weekly Population Report, March 16, 2026

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

Community Alliance on Prison is appalled that the bill calls for repealing the sunset date of Act 213 (2024) when national research has shown that crime has been decreasing to some of the lowest levels we have seen. While we support extending the sunset date to 6.30.2031 for the purpose of a one-time report to the Legislature and we hope the report by the Criminal Justice Research Institute is available on the Legislative website and to the community as well. We are always interested in the genesis of bills such as this and our research led us to a very disturbing and well-researched article from The Sentencing Project.²

² **The Eugenic Origins of Three Strikes Laws: How “Habitual Offender” Sentencing Laws Were Used as a Means of Sterilization**

By Daniel Loehr, March 5, 2025.

<https://www.sentencingproject.org/reports/the-eugenic-origins-of-three-strikes-laws-how-habitual-offender-sentencing-laws-were-used-as-a-means-of-sterilization/>

³ See e.g., American Civil Liberties Union (2013, Nov). *A Living Death: Life Without Parole for Non-Violent Offenses*, p. 35. ACLU Foundation. (asserting that “Washington passed the first such law—the prototype for California’s Three Strikes Law—in 1993, and dozens of other states passed similar laws throughout the 1990s.”). McNelis, A. (2019). Habitually Offending the Constitution: The Cruel and Unusual Consequences of Habitual Offender Laws and Mandatory Minimums, *Geo. Mason U. Civ. Rts. L.J.*, 28:1, 106. (asserting that “the emergence of three-strike and habitual offender laws was a response to public outcry over the growth of violent crime in the 1990s.”).

⁴ Clark, J., Austin, J. & Henry, D.A. (1997, September). *Three Strikes and You’re Out: A Review of State Legislation* (p. 1). *National Institute of Justice, Research in Brief*. (Reporting that 24 states and the federal government enacted such laws between 1993-95).

⁵ Bashford, A. & Levine, P. (Eds.). (2010). *The Oxford Handbook of the History of Eugenics*. Oxford University Press.

⁶ Peterson, E. L. (2024). *The Shortest History of Eugenics* (p. 6). The Experiment.

⁷ Bashford, A. & Levine, P. (Eds.). (2010). *The Oxford Handbook of the History of Eugenics* (p. 316). Oxford University Press.

⁸ **U.S. crime has dropped sharply since the pandemic. Here’s where it stands.**

Jan. 22, 2026. **Washington Post** By Tim Craig, John D. Harden and Carson TerBush.

[U.S. crime has dropped sharply since the pandemic. Here’s where it stands.t](#)

⁹ **Why Crime Rates Are Falling Across The U.S.** by Conner Greene. January 24, 2026.

[Why Crime Rates Are Falling Across the U.S. | TIME](#)

¹⁰ **Crime down in every category in 2024, FBI report says**

By Anna Schechter, Jordan Freiman

Updated on: August 5, 2025 / 8:43 PM EDT / CBS News

[Crime down in every category in 2024, FBI report says](#)

¹¹ **Reported Crime May Be Falling At A Historic Rate In The US**

How does 2025 stack up compared to other years?

[JEFF ASHER](#), OCT 20, 2025

[HTTPS://JASHER.SUBSTACK.COM/P/REPORTED-CRIME-MAY-BE-FALLING-AT](https://jasher.substack.com/p/reported-crime-may-be-falling-at)

The Eugenic Origins of Three Strikes Laws: How “Habitual Offender” Sentencing Laws Were Used as a Means of Sterilization

By Daniel Loehr

March 5, 2025

[The Eugenic Origins of Three Strikes Laws: How "Habitual Offender" Sentencing Laws Were Used as a Means of Sterilization – The Sentencing Project](#)

“Habitual offender” laws, also known as “habitual criminal” laws, are sentencing laws that significantly increase the length of a sentence based on an individual’s prior convictions.

They are widely understood to have emerged from the “tough-on-crime” movement in the 1980s and 1990s.³ During this time period, a number of states passed these laws, often in the form of “Three Strikes and You’re Out” laws, which require judges to impose life sentences for third convictions for certain offenses. Washington state passed such a law in 1993, California amended a prior version of its law in 1994 adding a number of violent and non-violent crimes that would qualify for life sentences, and the federal government included a three strikes law in the 1994 Crime Bill.⁴ Despite these prominent examples of “habitual offender” laws enacted during this time period, the origination of these laws extends back much further.

“Habitual offender” laws first spread across the country in the early 1900s as part of the eugenics movement, which grew in the 1880s and reached its peak in the 1920s. The aim of the eugenics movement was to create a superior race in order to address social problems such as crime and disease, which the movement assumed had a biological basis.⁵ Applying pseudoscience, laws and policies were created to prevent those who were deemed inferior, such as the mentally ill, those convicted of criminal offenses, or the physically frail, from reproducing. Eugenics and racism are deeply entwined, and the “projects” of eugenics supported “racial nationalism and racial purity.”⁶ One example of the relationship between race and eugenics is found in Nazi Germany, where “Nazi planners appropriated and incorporated eugenics as they implemented racial policy and genocide.”⁷

In the U.S., eugenicists promoted “habitual criminal” laws because they believed that certain people who committed crimes were genetically pre-destined to commit those crimes and also that these individuals could spread their criminality to their children. Therefore, according to eugenicists, one of the best ways to stop crime was to prevent certain individuals who had been convicted of crimes from

reproducing. And it is this set of beliefs that originally underpinned the country's "habitual offender" laws.


This makes us so sad to think that Hawai'i would continue to create laws that intentionally marginalize people. A couple of years ago, at the urging of the Honolulu Prosecutor, the Legislature already passed a law eliminating 'mens rea' (criminal intent) when it is common knowledge that crime is often spurred out of desperation, when a people cannot meet their basic needs. We have too many people incarcerated who suffer from mental health challenges and it is clear that incarceration does not help a person dealing with these daily challenges. However, if we focused on the most impacted communities and resourced them with adequate health care, schools, and social programs, we could lift up those communities have been ignored for too long.

REPORTS ON CRIME RATE FALLING

- An article from the Washington Post⁸ reads: *Alex Piquero, a criminology professor at the University of Miami, called the declining crime rates an "everywhere and all-crime phenomena" that suggests the trajectory will be sustained into future years. "This is a real trend that we are seeing, and I have no reason to think, barring another pandemic, that we are not going to continue to see the declines going forward," said Piquero, who is a former director of the U.S. Bureau of Justice Statistics.*
- Another article from TIME magazine reported⁹: *Crime rates are dropping across the U.S., in some cases reaching their lowest levels in decades. ...The homicide rate fell 21% in 35 cities which provided data for the crime, accounting for 922 fewer deaths. And the report predicted that the rate will drop even further, to four per every 100,000 residents, when the FBI releases nationwide data for jurisdictions of all sizes. That would represent the lowest homicide rate since 1900 and the largest percentage drop in homicides in any single year on record. ... Experts tell TIME that the drop recorded last year is part of this larger trend and can be attributed to a kaleidoscope of factors, none of which can singularly or definitively account for the decline.*
- CBS News broadcast on the FBI report¹⁰ said **All violent crime decreased last year** *Violent crime, which the FBI defines as murder, nonnegligent manslaughter, rape, robbery and aggravated assault, was down an estimated 4.5% in 2024 compared to 2023, with each subcategory also seeing a decrease. The murder and nonnegligent manslaughter rate decreased 14.9% year over year. Robbery dropped by 8.9%. Rape saw an estimated 5.2% decrease and aggravated assault was down 3%, the report found.*

DATA FROM THE REAL-TIME CRIME INDEX (RTCI)¹¹

“Overall violent and property crime are both on track to have the largest one-year declines ever recorded. The drop in reported violent crime is being driven by enormous drops in murder and robbery. I’ve written about the former a lot, and a large drops in robberies makes sense given that carjackings – a subset of robberies – are falling a lot too.”

Agency: Full Sample, Nationwide Year to Date Range: Jan - Aug 2025 Population: 114.01M (553 agencies) Real-Time Crime Index 

	2025 (YTD)	2024 (YTD)	2023 (YTD)	% Change 2024-2025 (YTD)	% Change 2023-2025 (YTD)	2024 (Full Year)	2023 (Full Year)	% Change 2023-2024 (Full Year)
Violent Crime	362,423	404,637	419,377	-10.4%	-13.6%	602,376	623,277	-3.4%
Murder	4,903	6,080	6,970	-19.4%	-29.7%	8,792	10,156	-13.4%
Rape	29,763	32,745	34,155	-9.1%	-12.9%	48,378	49,462	-2.2%
Robbery	73,357	89,393	95,062	-17.9%	-22.8%	133,869	145,111	-7.7%
Aggravated Assault	254,400	276,419	283,190	-8.0%	-10.2%	411,337	418,548	-1.7%
Property Crime	1,612,104	1,844,640	1,994,442	-12.6%	-19.2%	2,755,356	2,987,015	-7.8%
Burglary	201,427	236,112	252,575	-14.7%	-20.3%	353,389	377,422	-6.4%
Theft	1,147,256	1,263,350	1,327,182	-9.2%	-13.6%	1,903,257	1,986,825	-4.2%
Motor Vehicle Theft	263,421	345,178	414,685	-23.7%	-36.5%	498,710	622,768	-19.9%

“Habitual offender” laws are widely understood to have emerged in the late 1900s as part of the “tough-on-crime” movement, but the historical record is clear that they proliferated much earlier as part of the eugenics movement.

Please understand that passing laws that marginalize certain populations hurt all of us. Hawai`i is known for our *ho`okipa*, our hospitality and the welcoming spirit of Aloha. Please understand the message that habitual violent crime sends is not in keeping with our Aloha Spirit Law and diminishes our cultural values.

Mahalo nui for the opportunity to share our research.



Committee: Public Safety and Military Affairs
Hearing Date/Time: Wednesday, March 25, 2026 at 3:00pm
Place: Conference Room 016 & Via Videoconference
Re: **Testimony of the ACLU of Hawai'i in SUPPORT of HB2078 HD1 Relating to Habitual Violent Crime**

Dear Chair Fukunaga, Vice Chair Lee, and Members of the Committee:

The ACLU of Hawai'i **supports HB2078 HD1**, which requires the Attorney General, in consultation with the Criminal Justice Research Institute (CJRI), to submit ongoing annual reports to the Legislature and amends ACT 213, SLH 2024 by extending the sunset date and requiring the CJRI to submit a one-time report to the Legislature in advance of the Regular Session of 2031.

The ACLU of Hawai'i opposed ACT 213, SLH 2024 because it created a mandatory minimum sentence for a new Habitual Violent Misdemeanor crime. However, we support HB2078 HD1 as it extends the sunset date and increases the reporting requirements for ACT 213, SLH 2024.

Mandatory minimum sentences reduce the sentencing discretion of judges and perpetuates racial disparities. Additionally, mandatory minimum sentences give prosecutors the leverage they have historically used to strong-arm defendants out of their constitutional rights and force them to plead to harsh sentences.

If the required reports prove ACT 213, SLH 2024 is, in fact, not effective, an extended sunset date would allow the law to simply expire rather than leaving it on the books. Or requiring the legislature to take further action to repeal it.

Thank you for the opportunity to testify.

Mahalo,
Josh Frost
Josh Frost
Policy Advocate
ACLU of Hawai'i
jfrost@acluhawaii.org

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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.



Carrie Ann Shiota
Attorney at Law

LATE

Committee on Public Safety and Military Affairs
Senator Carol Fukunaga, Chair
Senator Chris Lee, Vice Chair
Wednesday, March 25, 2026
3:00 P.M.
Conference Room 016

OPPOSE: HB2078 HD1 Relating to Habitual Violent Crime

Dear Chair Fukunaga, Vice Chair Lee and Committee Members:

I am writing to express my opposition to the provisions in **HB 2078, HD1** that propose extending the sunset deadline to June 30, 2031. However, I support the requirement for the Criminal Justice Research Institute to submit annual reports to the Legislature until the measure is repealed on June 30, 2027.

The Criminal Justice Research Institute has noted that "Best practices in social science indicate that at least five years of data should be collected before and after to identify policy effectiveness." While I acknowledge this best practice, it is critical to evaluate whether the current underlying legal framework warrants such an extension given the available evidence on effective strategies to reduce violent crimes.

A primary concern is that Act 213 (2024) was enacted without the benefit of a simulation study, or robust data to justify its implementation. Expanding this measure further without credible research regarding its effectiveness may lead to unintended consequences that do not align with evidence-based public safety goals.

Current testimony submitted by the Law Enforcement Coalition in support of this measure remains largely anecdotal and lacks the rigorous data and research typically required for evidence-based practices. To ensure public safety and fiscal responsibility, policy decisions should be rooted in proven methods rather than speculative outcomes.

While lawmakers must consider diverse viewpoints, it is reasonable to expect law enforcement and prosecutorial agencies to provide empirical data and evidence-based justifications for the continued expansion of such statutes. This ensures that the legislative process remains transparent and focused on effective crime reduction, not political

As noted by criminologists Nicholas Chagnon, Meda Chesney-Lind and Colleen Rost-Banek in Hawai'i, there's mixed evidence for deterrence: "Studies find that increasing the severity of punishment has at best a modest deterrent effect, and the harshest policies tend to be the least effective." ¹ Moreover, Chagnon et al. posits that "any deterrent effect must also be weighed against the costs of deterrent-based policies, economic and social."²

These criminologists who have studied crime control for decades have warned that the underlying Act 213 does not require the prosecution to prove any state of mind with respect to the person's status as a habitual violent misdemeanor offender: "Effectively, this means being of sound mind is inconsequential when someone commits an offense. This bill creates the pretext for long-term incarceration of houseless people who experience chronic mental illness, extracting vulnerable people from their communities rather than providing them assistance."³

The underlying Act to this measure reflects a shift toward a more punitive, law-enforcement-focused approach. This deviates from the "Housing First" model, which is supported by extensive research as a more effective way to address social challenges and improve community outcomes.

Increasing reliance on incarceration may inadvertently exacerbate cycles of violence. Correctional institutions often lack the necessary resources for comprehensive rehabilitation, such as specialized healthcare, stable housing, and family support, which are vital for reducing recidivism.

Rather than extending the sunset deadline, I urge the Legislature to allow this measure to expire in 2027. Lawmakers should instead prioritize public policies proven to reduce violent crime, such as those recommended by the Council of State Governments.

¹ Chagnon, N., Chesney-Lind, M. & Rost-Banek, C. (2024, February 21). Habitual Offender Laws are More Political Theater than Crime Control. *Civil Beat*.
<https://www.civilbeat.org/2024/02/habitual-offender-laws-are-more-political-theater-than-crime-control/>

² Chagnon et al., 2024.

³ Chagnon et al., 2024.

Proposed Policy Mitigation Framework

In the event the Committee proceeds with this measure, I strongly recommend the following reporting requirements to accurately assess fiscal impact and long-term outcomes:

- Aggregate costs related to the prosecution of individuals under Habitual Violent Crime statutes;
- Expenditures associated with providing legal defense for those charged under this law;
- Direct and indirect costs of incarceration for individuals convicted under these provisions;
- Fiscal expenditures for probation supervision specific to the population convicted under the Habitual Violent Crime statute;
- The total number and percentage of persons convicted under this statute who receive healthcare services while incarcerated and the corresponding fiscal costs;
- The total number and percentage of persons convicted under this statute who receive substance use treatment while incarcerated and the corresponding fiscal costs and
- The total number and percentage of persons convicted under this statute who participate in vocational training and other reintegration support services and the associated costs.

In closing, I respectfully request that the Committee defer this bill or maintain the existing sunset provision.

Sincerely,

Carrie Ann Shirota

Carrie Ann Shirota, Esq.

Council of State Government Justice Center 5 Ways States Can Reduce Violent Crime

<https://projects.csgjusticecenter.org/tools-for-states-to-address-crime/5-ways-states-can-reduce-violent-crime/>

1. Solve more violent crime to increase accountability.

Why: Only 44% of violent crimes reported to law enforcement were solved in 2024, according to the CSG Justice Center's September 2025 analysis of [FBI Uniform Crime Reporting data](#).¹ Although violent crime solve rates have rebounded to their highest levels since 2017 in many states,² far too many cases go unsolved. This leaves people who commit violence unaccountable, fuels cycles of harm and retaliation, and undermines victims' and communities' trust in the system to provide safety and justice.

How: States can help solve more violent crimes with strategic support and assistance.

- **Convene diverse stakeholders** including law enforcement leaders, prosecutors, community violence prevention practitioners, researchers, victim advocates, faith leaders, and residents to examine why violent crimes go unsolved and co-develop solutions.
- **Strengthen local investigations** by building statewide capacity through detective academies, investigative support units, training, and improved crime lab operations while also directing grant funding and resources to law enforcement agencies where they are needed most.
- **Track violent crime solve rates** alongside other system indicators to pinpoint where challenges are concentrated, understand factors that affect investigative outcomes, and build a clear, comparable picture of unsolved violent crime in your state.

Go Deeper: Our [State Policy Guide for Solving More Violent Crime](#) offers concrete actions and examples from other states to help inform policymakers' next steps in addressing unsolved violent crime in your state.

2. Prioritize violence prevention and intervention.

Why: Roughly half of violent crimes are [never reported to law enforcement](#),³ highlighting the urgent need for community-based strategies that can prevent and reduce violence. Prevention strategies offer the highest long-term return on investment, helping communities build resilience and safety over time, while community-based violence intervention programs provide an evidence-informed, community-centered approach to the real-time disruption of cycles of violence and retaliation.

Every state has communities that are disproportionately impacted by violent crime and are often under-resourced. Research has shown that targeted, evidence-based investments in these communities can [prevent violent crime and reduce victimization](#).⁴

How: Develop and fund a statewide crime prevention and intervention strategy. As part of the plan, use data to focus evidence-informed violence prevention and intervention efforts in communities most impacted by violent crime. This can include increasing social and public health services, supporting responsive violence-reduction programs, and improving neighborhood infrastructure.

Go Deeper: Community Violence Intervention (CVI) and Community Violence Prevention (CVP) programs have shown promising results in reducing violence by focusing on people at a high risk of engaging in violence and providing mentorship, job training or transitional jobs, case management, and cognitive behavioral therapy.

States are stepping in to support CVI and CVP programs. In 2025, the Texas legislature appropriated \$2 million for community violence intervention programs in the state budget. Budget bills passed in several other states, such as Colorado, Florida, Maine, and Nebraska, include [funding for community violence intervention and prevention programs](#).⁵

3. Scale community response programs to ease pressure on law enforcement.

Why: Law enforcement agencies handle hundreds of thousands of calls for service each year, including mental health crises, substance use issues, welfare checks, and other calls that do not require an armed officer. These calls further strain officers' time and capacity when they're already short-staffed. Community response programs can reduce unnecessary law enforcement involvement, improve outcomes for individuals and communities, and free officers to focus on serious crimes that demand full investigative attention. Despite their potential, these approaches remain underutilized.

How:

- **Expand community response programs** to deploy trained professionals such as clinicians, social workers, and peer support specialists to respond to behavioral health and quality-of-life calls for service.
- **Better coordinate behavioral health and public safety resources** to ensure access to appropriate care and interventions while allowing police officers to focus on serious crimes that require their expertise.

Go Deeper: Community responder programs are increasing across the country as an effective mechanism for providing timely support, reducing the burden on police and hospitals, and improving health and safety outcomes. Explore examples and strategies for how state leaders can [support these programs](#), [strengthen the workforce](#), and [integrate responders into local dispatch systems](#).

Support victims and people who witness crime.

Why: Trauma can create cycles that influence how people respond to violence and, if unaddressed, can contribute to further offending and victimization. Connecting victims and witnesses to timely, trauma-informed support and resources is critical for interrupting these cycles and preventing future violence. When individuals feel supported and safe, they're also more likely to participate in investigations and share crucial information, helping law enforcement solve more violent crimes and strengthening overall community safety.

How:

- **Ensure adequate resources are available to meet the immediate needs of victims** through emergency financial assistance programs.
- **Invest in victim compensation programs** to reduce processing times, expand eligibility, and remove administrative barriers.
- **Increase the number of victim-witness coordinators** to support participation throughout the investigative and court process.

Go Deeper:

- [New Mexico](#) provides funding to help victims of violent crime in emergency situations where health or safety are at risk and other resources are unavailable.
- [Missouri](#) simplified reimbursement for eligible expenses and allowed victims receiving medical forensic exams to qualify without additional law enforcement involvement.
- [Iowa](#), [Massachusetts](#), and [Washington](#) fund community-based organizations by and for historically marginalized populations to serve people not currently accessing emergency services.

Since 2001, [15 states](#) have established trauma recovery centers focused on addressing the needs of crime survivors. [People who receive services from a trauma recovery center](#) are more likely to cooperate with prosecutors to solve crimes, see improvements in their mental health and quality of life, and receive comprehensive services in a cost-effective way.⁶

Use data to identify problems, target solutions, and track progress.

Why: You can't fix what you don't measure. Data is essential for helping policymakers and practitioners understand the scope, nature, and trends of violence in their communities. Data can reveal where crime is concentrated, who is most affected, and how cases are being investigated and resolved. Analyzing data allows agencies to use resources more effectively. It also helps identify gaps in responses, such as low solve rates or limited victim services, and track whether reforms or investments are making an impact. Without reliable data, decision-makers are left guessing, which can lead to misdirected efforts and missed opportunities to improve public safety and build trust with communities.

How: Collect, analyze, and report data as aggressively as the issues demand.

Go Deeper: Get your state's [Justice Data Snapshot](#) to help identify and understand key trends across decision-making points in your system. These snapshots include data from over 75 sources on crime, arrests, corrections populations, reentry, recidivism, and more. Contact Madeleine Dardeau at mdardeau@csg.org for your own tailored Justice Data briefing.

Background: The CSG Justice Center identified these 5 strategies by relying on 3 sources:

1. Our work in 30 states analyzing justice systems and designing solutions for policymakers
2. A review of research on what works to reduce crime
3. State and local leaders from across the country who serve on our advisory board

How can leaders get started on diagnosing their state's violent crime challenges?
Get connected with our nonpartisan analysts and justice experts. We are here to help you unpack your state's data and dig deeper into strategies to improve community safety. Contact Madeleine Dardeau at mdardeau@csg.org.

Footnotes

1. Council of State Governments Justice Center analysis of FBI Uniform Crime Reporting, September 2025.
2. Ibid.
3. Susannah N. Tapp and Emilie J. Coen, *Criminal Victimization*, 2023 (Washington, DC: U.S. Department of Justice, Office of Justice Programs, 2024), <https://bjs.ojp.gov/document/cv23.pdf>.
4. Jennifer Doleac and Anna Harvey, "Stemming Violence by Investing in Civic Goods," *Vital City*, March 2, 2022, accessed December 1, 2023, <https://www.vitalcitynyc.org/articles/stemming-violence-investing-in-civic-goods>.
5. Giffords Center for Violent Intervention, "Community Violence Intervention Policy Analysis and Tracking Hub," August 22, 2025, https://giffords.org/intervention/community-violence-intervention-policy-analysis-and-tracking-hub/?utm_.
6. *Trauma Recovery Centers Addressing the Needs of Crime Survivors*, (San Francisco: National Alliance of Trauma Recovery Centers, 2020), <https://allianceforsafetyandjustice.org/wp-content/uploads/2020/10/TRAUMA-RECOVERY-CENTERSAddressing-the-Needs-of-Underserved-Crime-Survivors.pdf>