



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

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**ON THE FOLLOWING MEASURE:**

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

**BEFORE THE:**

SENATE COMMITTEE ON JUDICIARY

**DATE:** Tuesday, April 7, 2026

**TIME:** 10:15 a.m.

**LOCATION:** State Capitol, Room 016

**TESTIFIER(S):** **WRITTEN TESTIMONY ONLY.**

(For more information, contact Mark S. Tom,  
Deputy Attorney General, at 808-586-1160)

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Chair Rhoads 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.

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

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**THE HONORABLE KARL RHOADS, CHAIR  
SENATE COMMITTEE ON JUDICIARY  
Thirty-Third State Legislature  
Regular Session of 2026  
State of Hawai'i**

April 07, 2026

**RE: H.B. 2078, H.D.1, S.D.1; RELATING TO HABITUAL VIOLENT CRIME.**

Chair Rhoads, Vice-Chair Gabbard, and members of the Senate Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu (“Department”) submits the following testimony in **strong support** of H.B. 2078, H.D.1, S.D.1.

As prosecutors, we witness firsthand the devastating impact of repeat violent offenders on our communities. Act 213 (2024) was an essential step to addressing habitual violent crime, including sexual assault, domestic violence, and assaults against police officers. But the statute’s approaching sunset provision threatens to prematurely end this important tool before we can properly assess its effectiveness.

The habitual violent crime statute targets a narrow category of serious repeat offenders: those who have three or more violent crime convictions within five years. This is not a broad net, but rather a focused tool for the most persistent violent criminals. In practice, the statute has been used sparingly and responsibly.

The current sunset date leaves insufficient time to evaluate Act 213’s effectiveness. First, felony cases take significant time to progress through the courts. Violent felony cases can take two years or more before trial, let alone sentencing and appeal. Second, best practices in research methodology require longitudinal data. As the bill preamble notes, experts recommend collecting five years of data to understand how a law works in practice. As such, we appreciate the reporting time being extended to 2031. Two years was too short of a time frame to assess this deterrent effect—as deterrence takes time. It relies on both publicity and predictability: the law must be seen and seen to work.

The Department fully supports the reporting requirements.

Thank you for the opportunity to testify.

# COMMUNITY ALLIANCE ON PRISONS

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*Today's Inmate; Tomorrow's Neighbor*



## COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Tuesday, April 7, 2026

10:15 AM

Room 016 and VIDEOCONFERENCE

## COMMENTS ON HB 2078 HD1, SD1 - HABITUAL VIOLENT CRIME

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

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for almost three decades. This testimony is respectfully offered on behalf of the 3,626 Hawai'i individuals living behind bars<sup>1</sup> and under the "care and custody" of the Department of Corrections and Rehabilitation on March 23, 2026. We are always mindful that 795 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, SD1 - Habitual Violent Crime that 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. Effective 7/1/2055. (SD1)

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

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<sup>1</sup> DCR Weekly Population Report, March 23, 2026  
[Pop-Reports-Weekly-2026-03-23.pdf](#)

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.<sup>2</sup>

## **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](https://www.sentencingproject.org/reports/the-eugenic-origins-of-three-strikes-laws-how-habitual-offender-sentencing-laws-were-used-as-a-means-of-sterilization/)

***“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.<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup> 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.*

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<sup>2</sup> **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/>

<sup>3</sup> 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.”).

<sup>4</sup> 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).

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

*Eugenics and racism are deeply entwined, and the “projects” of eugenics supported “racial nationalism and racial purity.”<sup>6</sup> 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.”<sup>7</sup>*

*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 Post<sup>8</sup> 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 reported<sup>9</sup>: *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.*

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

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

<sup>8</sup> **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](#)

<sup>9</sup> **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](#)

... 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 report<sup>10</sup> 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)**<sup>11</sup>

*“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)
<b>Violent Crime</b>	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%
<b>Property Crime</b>	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%

<sup>10</sup> **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](#)

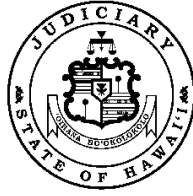
<sup>11</sup> **Reported Crime May Be Falling At A Historic Rate In The US** How does 2025 stack up compared to other years? [JEFF ASHER, OCT 20, 2025 HTTPS://JASHER.SUBSTACK.COM/P/REPORTED-CRIME-MAY-BE-FALLING-AT](#)

“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 allowing us to share our research and our deep concerns about marginalizing specific members of our communities without addressing the root cause of their offenses.



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

Tuesday, April 7, 2026, 10:15 a.m.  
State Capitol, Conference Room 016

By

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

**WRITTEN TESTIMONY ONLY**

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**Bill No. and Title:** House Bill No. 2078, H.D. 1, S.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. Effective 7/1/2055. (SD1)

**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, 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



House Bill No. 2078, H.D. 1, S.D. 1, Relating to Habitual Violent Crime  
Senate Committee on Judiciary  
Tuesday, April 7, 2026 at 10:15 a.m.  
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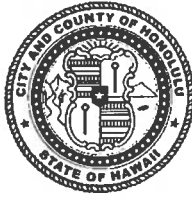
their annual reports to the Legislature on the ongoing effectiveness of HRS 707-712.2 in addressing repeat violent crime in the State. Based on current resources, CJRI can provide research support for both requirements by applying their knowledge of statewide criminal justice data and research analysis. 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, S.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 KŪIKAWA

OUR REFERENCE **PO-JK**

April 7, 2026

The Honorable Karl Rhoads, Chair  
and Members  
Committee on Judiciary  
State Senate  
415 South Beretania Street, Room 016  
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

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

I am Major Paul Okamoto 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, S.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, S.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 Karl Rhoads, Chair  
and Members  
April 7, 2026  
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The HPD urges you to support House Bill No. 2078, H.D. 1, S.D. 1, Relating to Habitual Violent Crime.

Thank you for the opportunity to testify.

Sincerely,



Paul Okamoto, Major  
District 6

APPROVED:



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Rade K. Vanic  
Interim Chief of Police



Committee: Judiciary  
Hearing Date/Time: Tuesday, April 7, 2026 at 10:15am  
Place: Conference Room 016 & Via Videoconference  
Re: **Testimony of the ACLU of Hawai'i in SUPPORT of HB2078 HD1 SD1 Relating to Habitual Violent Crime**

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

The ACLU of Hawai'i **supports HB2078 HD1 SD1**, 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  
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American Civil Liberties Union of Hawai'i  
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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.*