



**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, RELATING TO HABITUAL VIOLENT CRIME.

**BEFORE THE:**

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

**DATE:** Thursday, February 19, 2026      **TIME:** 2:00 p.m.

**LOCATION:** State Capitol, Room 325

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

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Chair Tarnas 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 repeal 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.



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

**Testimony to the Thirty-Third Legislature, 2026 Regular Session**

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

Thursday, February 19, 2026, 2:00 p.m.  
State Capitol, Conference Room 325

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, Relating to Habitual Violent Crime.

**Purpose:** Amend Act 213, SLH 2024, by repealing its sunset date and requiring the Criminal Justice Research Institute to submit a one-time report to the Legislature prior to the Regular Session of 2031. Requires the Attorney General, in consultation with Criminal Justice Research Institute, to submit ongoing annual reports to the Legislature.

**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 their annual reports to the Legislature on the ongoing effectiveness of HRS 707-712.2 in



House Bill No. 2078, Relating to Habitual Violent Crime  
House Committee on Judiciary & Hawaiian Affairs  
Thursday, February 19, 2026 at 2:00 p.m.  
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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.

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

801 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96813  
TELEPHONE: (808) 529-3111 • WEBSITE: [www.honoluluupd.org](http://www.honoluluupd.org)



RICK BLANGIARDI  
MAYOR  
MEIA

RADE K. VANIC  
INTERIM CHIEF  
KAHU MĀKA'I KŌIKAWA

AARON TAKASAKI-YOUNG  
RYAN T. NISHIBUN  
INTERIM DEPUTY CHIEFS  
NĀ HOPE LUNA NUI MĀKA'I KŌIKAWA

OUR REFERENCE **PO-JK**

February 19, 2026

The Honorable David A. Tarnas, Chair  
and Members  
Committee on Judiciary and  
Hawaiian Affairs  
House of Representatives  
415 South Beretania Street, Room 325  
Honolulu, Hawaii 96813

Dear Chair Tarnas and Members:

**SUBJECT: House Bill No. 2078, 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, 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 towards violence. House Bill No. 2078 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 David A. Tarnas, Chair  
and Members  
February 19, 2026  
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The HPD urges you to support House Bill No. 2078, 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

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

ALII PLACE  
1060 RICHARDS STREET • HONOLULU, HAWAII 96813  
PHONE: (808) 768-7400 • FAX: (808) 768-7515 • WEBSITE: [www.honoluluprosecutor.org](http://www.honoluluprosecutor.org)

STEVEN S. ALM  
PROSECUTING ATTORNEY  
LOIO HO'OPI'I



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

**THE HONORABLE DAVID A. TARNAS, CHAIR  
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS  
Thirty-Third State Legislature  
Regular Session of 2026  
State of Hawai'i**

February 19, 2026

**REGARDING H.B. 2078; RELATING TO HABITUAL VIOLENT CRIME.**

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

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. Third, deterrence takes time. It relies on both publicity and predictability: the law must be seen and seen to work. Two years is too short to assess this deterrent effect.

The Department fully supports the reporting requirements.

Thank you for the opportunity to testify.

# COMMUNITY ALLIANCE ON PRISONS

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

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

*Today's Inmate; Tomorrow's Neighbor*



## COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Representative David Tarnas, Chair

Representative Mahina Poepoe, Vice Chair

Wednesday, February 19, 2026

2:00 PM

Room 325 and VIDEOCONFERENCE

## COMMENTS on HB 2078 - HABITUAL VIOLENT CRIME

Aloha Chair Tarnas, Vice Chair Poepoe 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 Hawai'i individuals living behind bars<sup>1</sup> and under the "care and custody" of the Department of Corrections and Rehabilitation on February 2, 2026. We are always mindful that 799 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.

We appreciate this opportunity to express our comments on HB 2078 that amends Act 213, SLH 2024, by repealing its sunset date and requiring the Criminal Justice Research Institute to submit a one-time report to the Legislature prior to the Regular Session of 2031. The bill also requires the Attorney General, in consultation with Criminal Justice Research Institute, to submit ongoing annual reports to the Legislature.

## REPORTS ON CRIME RATE FALLING

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<sup>1</sup> DCR Weekly Population Report, February 2, 2026

<https://www.dcr.hawaii.gov/wp-content/uploads/2026/02/Pop-Reports-Weekly-2026-02-02.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. An article from the Washington Post<sup>2</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.*

*The drop in overall crime comes at a delicate time in the nation’s political debate as President Donald Trump continues to cite crime as justification for deploying the National Guard and other federal law enforcement personnel into major American cities. Democratic leaders, including many mayors, have pushed back on Trump’s threats to militarize urban areas.*

*They and some criminologists maintain that the decreases, which began under former president Joe Biden, are linked to the Biden administration’s aggressive pandemic-era spending on community-based violence intervention and wraparound social services.*

Another article from TIME magazine reported<sup>3</sup>:

*Crime rates are dropping across the U.S., in some cases reaching their lowest levels in decades.*

*Data from 40 American cities shows a decrease in crime across 11 out of 13 categories of offenses last year compared to 2024., the Council on Criminal Justice (CCJ) found in a new analysis released on Thursday. Nine of those offenses, ranging from shoplifting to carjacking to aggravated assault, declined by 10% or more.*

*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>2</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>3</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](#)

[Data](#) shows, however, that there has been a steady decline in crime since a spike during the COVID-19 pandemic, and that rates were already falling before Trump returned to office—including in cities the Administration has targeted in its immigration and crime crackdowns. 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>4</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>5</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.”**

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#### **<sup>4</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>5</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](https://jasher.substack.com/p/reported-crime-may-be-falling-at)

	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%

## WHAT HAPPENED TO THE SENTENCING SIMULATION PROJECT MODEL?

In 2008, Hawai`i had a SENTENCING SIMULATION MODEL which was a tool for the legislature to assess the impact of certain bills when Tommy Johnson was the Deputy Director of the Department of Public Safety (PSD) at the time. It provided great data to legislators and then it was reported to be held in the Department of the Attorney General, however, we have not seen or heard of its use since then – as Hawai`i passed more punitive legislation rather than addressing the lack of community resources that are evidence-based strategies for reducing crime and addressing community concerns.

The Sentencing Simulation Model Project was presented by Joe Allen of the Department of Public Safety to the Corrections Population Management Commission (CPMC) at its August 1, 2008 meeting ([CPMC-Minutes-08-01-08.pdf](#)) where he covered:

- What is the Sentencing Simulation Model (SSMP)?
- How does it work and what can it produce?
- What is the benefit of doing sentencing simulation?
- Examples of SSMP

We could only find the Agenda for the August 1, 2008 CPMC meeting about the Sentencing Simulation Model Project but no minutes of the August 1, 2008 CPMC meeting.

The Legislature should ask the current Director of the Department of Corrections and Rehabilitation, who was the Deputy Director of Corrections in 2008, as well as the Attorney General's Office where the Sentencing Simulation Model Project was reported to be housed and why it is not being used. Since this was a taxpayer-funded project, we would like to know how the public can access it as it would be a useful tool for legislators and the public when presented with bills like this.

Mahalo for reading our comments.



Committee: Judiciary & Hawaiian Affairs  
Hearing Date/Time: Thursday, February 19, 2024 at 2:00pm  
Place: Conference Room 325 & Via Videoconference  
Re: *Testimony of the ACLU of Hawai'i offering COMMENTS on HB2078 Relating to Habitual Violent Crime*

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

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

**ACLU Hawai'i opposed ACT 213, SLH 2024 because it created a mandatory minimum sentence for a new Habitual Violent Misdemeanor crime.** 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.

Given that this bill seeks to repeal the sunset date while simultaneously acknowledging that relevant data is still being collected and analyzed regarding the law's effectiveness, we would request that, at most the sunset date be extended to allow for this data collection and reporting period before repealing the sunset date altogether.

If the required report proves 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.

It is premature at this point to repeal the law's sunset date. Should the committee decide to advance HB2078, we would very much rather see the sunset date extended to allow for the referenced time period required, than repeal it entirely.

We also request that a comprehensive impact statement be conducted to assess how proposed penal code changes may affect the incarcerated population, including potential consequences for sentence length and facility capacity.

Thank you for the opportunity to testify.

Mahalo,

**Josh Frost**

Josh Frost

Policy Advocate

ACLU of Hawai'i

[jfrost@acluhawaii.org](mailto:jfrost@acluhawaii.org)

*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.*

**HB-2078**

Submitted on: 2/13/2026 4:50:06 PM

Testimony for JHA on 2/19/2026 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
John Deutzman	Individual	Support	Written Testimony Only

Comments:

**Aloha Chair Tarnas, Vice Chair Poepoe, and members of the House Committee on the Judiciary and Hawaiian Affairs,**

**As a strong original advocate of the Habitual Violent Felony law when it was passed in 2024, I am urging you to extend the sunset date. The original opponents of the bill were concerned about it putting more people in jail. It has not put anyone in jail yet. Most felonies take several years to percolate through the system, and the original three-year sunset is not enough time to properly evaluate the law’s effectiveness. The law targets a very small but very dangerous subset of the criminal population who have a frightening habit of attacking and hurting innocent people.**

**Here is the relevant part of my testimony from 2024, when this was called SB 2347: “Regarding worries about ‘mass incarceration’ Based on my data, there are less than a handful of individuals in my neighborhood who would qualify for felony prosecution under 2347, and likely not too many who would face felony charges in the entire state. However, the individuals who do qualify are dangerous enough to warrant this surgical approach to target the worst of the worst.**

**Additionally, this is not a “three strikes you’re out” law. SB 2347 allows prosecutors to use discretion to charge the felony.**

**John Deutzman Waikiki**

**HB-2078**

Submitted on: 2/15/2026 7:38:17 PM

Testimony for JHA on 2/19/2026 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Tanya Aynessazian	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill. Thank you.

Tanya Yamanaka Aynessazian, Hawai'i Island

**HB-2078**

Submitted on: 2/19/2026 12:29:08 PM

Testimony for JHA on 2/19/2026 2:00:00 PM

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

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe and Committee Members:

I oppose various provisions within H.B. 2708 which would amend Act 213, SLH 2024, by repealing its sunset date and requiring the Criminal Justice Research Institute to submit a one-time report to the Legislature prior to the Regular Session of 2031. Additionally, this measure would requires the Attorney General, in consultation with Criminal Justice Research Institute, to submit ongoing annual reports to the Legislature.

**OPPOSITION**

I oppose repealing the sunset date. Good public policy requires the use of data and sentencing simulation models BEFORE passing bills. Proponents of this "three strikes misdemeanor convictions and now you're a felon" bill have never produced sound data, or seminal research to support the efficacy of changing the maximum penalty from one year of incarceration to a maximum penalty of up to five years for a Class C Felony.

I truly believe that every resident in Hawai'i cares about community safety and reducing violence in our homes and communities. Locking people up where they receive little to no mental health care and drug use treatment and are subjected to tremendous violence is not the answer. Instead, we strategically invest in what builds healthy and thriving communities as supported by data - including but not limited to access to housing, education, food, health care, treatment, livable jobs, afterschool programs for our youth, effective violence prevention and violence interruptor programs and restorative justice programs that hold people accountable for harms, while also allowing opportunities for restoration.

Investments in data-driven strategies are cost-effective, incarceration is not. We spend over \$112,000 to incarcerate one person annually and approximately \$600,000 to \$900,000 for persons requiring complex care i our jails and prisons.

**SUPPORT**

I support the continued collection of accessible criminal justice data for lawmakers and the community to make informed public policy decisions. The Criminal Justice Research Institute has a legislative mandate to release criminal justice reports and the community respectfully requests that CJRI release more data analysis reports BEFORE criminal justice bills are passed.

Thank you for the opportunity to submit testimony in opposition to H.B. 2078.

Sincerely,  
Carrie Ann Shirota, Esq.

Honolulu, Hawaii