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March 13, 2026

HB 2413 HD1: RELATING TO PRETRIAL REFORM

Chair Carol Fukunaga, Vice Chair Chris Lee and Members of the Senate Committee on Public Safety and Military Affairs

The Office of the Public Defender (OPD) strongly supports HB 2413 HD1 with comments.

The purpose of HB 2413 HD1 is to aid in the fulfillment of the goals laid out by the Criminal Pre-Trial Task Force of 2018 and the hope of Act 179 of 2019. As stated in the preamble, regardless of past efforts, little change has occurred for those that are currently being held pre-trial and thus HB 2413 HD1 needs to be passed to rectify these oversights. The OPD can verify that statutory help is needed to compel the pre-trial release of those defendants covered by HB 2413 HD1. Furthermore, the safeguards listed in HB 2413 HD1 would ensure public safety and at the same time secure release for those that do not need to be punished before adjudication. Lastly, passage of HB 2413 HD1 would lead to significant monetary savings for those agencies that are tasked with holding pre-trial detainees and those tasked with continually litigating the issue of release.

HB 2413 HD1 ensures the pre-trial release of those charged with violations of law, traffic offenses, nonviolent petty misdemeanor, and misdemeanor offenses and non-violent class C felony offenses. It is important for the legislature to use the language “shall be ordered by the court to be released” so that the intent of said legislation is clear, unambiguous, and allows judges to state, on the record, that the law compels the release when all conditions are met.

However, the OPD does have some concerns regarding the current language of this bill:

First, subsection (d) of the proposed section 804 would allow for a criminal charge for the violation of a release order. We assume that the charge would take the form of an allegation of contempt of court. Currently, in the First Circuit Court contempt is rarely charged under these circumstances, as the most efficient means of re-arresting a defendant for a violation of a release order is the issuance of a verified application of violation of pre-trial release as allowed under proposed subsection (i). The threat of returning to custody is ample deterrence to secure compliance with a release order, and thus the addition of a criminal charge for said violation is unnecessary and punitive.

Second, subsection (f) requires the court, upon a denial of release, to make written findings explaining its decision. The OPD supports the idea of written findings so the record is clear as to the denial of release, but in practical terms this would become onerous for the court. Furthermore, it is possible that the court would require counsel to submit proposed written findings for each case, which would also be onerous for counsel. The OPD suggests that the language of subsection (f) simply require that findings be made orally on the record, and that said findings be promptly included in the minutes of the case and in the online record known as JEFS/JIMS for public access.

The OPD feels that HB 2413 HD1 is a major step in the right direction to end pre-trial incarceration for those who can be safely released into the community. Furthermore, HB 2413 HD1 allows for the court to exercise some level of discretion by listing exceptions to release to protect the public from possible harm or non-appearance at subsequent court hearings. However, it must always be noted that any person held in custody on a pre-trial basis is presumed to be innocent.

HB 2413 HD1 would be a first occasion wherein pre-trial release would be the default, and pre-trial incarceration the exception.

Thank you for the opportunity to comment on this measure.



The Judiciary, State of 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

Monday, March 16, 2026, 3:02 p.m.

State Capitol, Conference Room 016

by

Jennifer Awong

Staff Attorney, First Circuit Criminal Administrative Division and Judiciary Administration

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 2413, H.D. 1, Relating to Pretrial Reform

Purpose: Requires release on recognizance for defendants charged with violations, traffic offenses, nonviolent petty misdemeanors, nonviolent misdemeanors, and nonviolent class C felonies, subject to conditions. Establishes exclusions for specified offenses, threats to public safety, and certain other circumstances. Requires findings when bail or detention is imposed, ongoing review of continued detention or conditions, and a prompt hearing if bail cannot be posted. Requires prosecutors to notify victims of pretrial decisions. Effective 7/1/3000. (HD1)

Judiciary's Position:

The Judiciary supports the intent of the proposed legislation and notes that any pretrial bail reform should be tailored to the presumption of innocence, ensuring the appearance of the defendant, minimizing the risk of danger to the community, and ensuring the equal treatment of individuals regardless of race, wealth, or social class. The legislation seeks to ensure the release at arraignment of defendants who were initially arrested and held for violations, traffic offenses, and nonviolent petty misdemeanors, misdemeanors, and class “C” felony offenses subject to certain conditions. The Judiciary offers the following comments for the Committee’s additional information and consideration.

First, there are numerous occasions not contemplated by this bill where a defendant may be held in custody on another charge (or case) that are not covered by the provisions of the



proposed new section outlined in Section 2 of the proposed measure. Prohibiting the court from setting monetary bail in those situations will result in defendants remaining in custody due to the other charge(s) or case(s) but receiving no custodial credit for the instant offense. The Judiciary recognizes that the House Committee on Judiciary and Hawaiian Affairs adopted some, but not all, of the Judiciary's suggested amendments in this regard. The Judiciary respectfully suggests amending the proposed measure on page 6 to include the following exclusions to the mandatory release provisions: 1) where the defendant was pending trial or sentencing at the time of arrest; 2) where the defendant was on probation, deferral, or conditional release at the time of arrest; and 3) where the defendant was arrested, charged, or held on another offense, not otherwise subject to the newly proposed section, arising from the same or a separate incident. This additional language will ensure that a defendant who will continue to be held in custody due to a violation of conditions of release, or probation, due to being charged with a serious crime, or due to a violation of federal law, will receive credit for the time in detention under Section 706-671, of the Hawai'i Revised Statutes (H.R.S.) for the instant offense.

Second, the release decision contemplated by the new proposed statute in Section 2,¹ will actually occur at the prompt bail hearing outlined in H.R.S. § 804-7.5.² Therefore the language in the last sentence of subsection (e) on page 7, lines 1-3 may be misleading. Given the language in subsection (f) (page 7, lines 9-15) contemplating a review of a defendant's bail status at every hearing and the already current ability of defendants to file a motion with the court to address matters of bail at any time, the noted language of subsection (e) would not be necessary to the intent of the measure.

Third, as noted, subsection (f)³ requires the consideration of bail at every subsequent appearance of the defendant after arraignment without the necessity of the filing of a motion by the defendant. The Judiciary would simply note that operationally, due to existing statutory provisions, absent a motion from the defendant, a pretrial bail report from the Intake Service Center will not be available to the court for those defendants who remained in custody after arraignment. The court will likely have to rely solely on the prior bail report, if any, and any additional evidence produced by the State and defense.

Fourth, the Judiciary respectfully suggests that the definition of "wilful flight" in subsection (h) be amended to include the failure to maintain contact with counsel and to address good cause for failures to appear. Specifically, the Judiciary proposes that subsection (h) state (changes are underlined):

(h) For the purposes of this section, "wilful flight" means intentional conduct undertaken with the purpose of thwarting the

¹ See Page 4, lines 18-20 ("Except as otherwise provided in this section, any defendant ... shall be ordered by the court to be released on the defendant's own recognizance at arraignment and plea, conditioned upon ...") (emphasis added).

² H.R.S. § 804-7.5(a) ("For the purposes of this section, "prompt hearing" means a hearing that occurs at the time of the defendant's arraignment, or as soon as practicable") (emphasis added).

³ The first line of subsection (f) implies that the court can detain a defendant without bail under subsection (e), however subsection (e) only permits the court to set monetary bail.



judicial process to avoid prosecution. This can be evidenced by recurring or patterned conduct to evade prosecution or by a failure to take affirmative steps to communicate with counsel, including regarding court dates or remedying missed court dates. “Wilful flight” does not include isolated instances of nonappearance in court where good cause is shown by the defendant for the nonappearance.

Finally, the Judiciary respectfully notes that the requirement in subsection (f) that the court enter written findings as opposed to placing its findings on the record, as it currently does during the HRS § 804-7.5 hearings, may negatively impact the efficient operation of the courts, may cause undue delay in all bail proceedings, and may ultimately require additional judicial resources for each circuit. The issue is particularly significant in the District Court of the First Circuit where there are approximately 170 initial appearances and/or arraignments for defendants held in custody every week.⁴ A bail hearing is held for each of these defendants and determinations of bail are made on the record.⁵ This bill will require the district court to draft and file a significant number of written orders every week when the findings and determinations were already made on the record in the presence of the defendant and their counsel, and even in cases where those defendants are being held for other offenses. The drafting of written findings in these instances would have little impact on the case when oral findings are already made on the record and the later portion of subsection (f) requires a review and consideration and determination of bail at all subsequent hearings. Further, given the additional provisions set forth in subsection (b), the current language in subsection (f) regarding the findings the court must make (“the court shall make written findings explaining why less restrictive conditions would not reasonably assure: (1) The safety of any person or the community; or (2) The defendant’s appearance in court.”) would not fully encompass those additional exclusions.⁶

Thank you for the opportunity to testify on House Bill No. 2413, H.D. 1.

⁴ There were 8859 initial appearance hearings and/or arraignments in the District Court of the First Circuit in 2024 where the defendant was in custody.

⁵ These rulings on matters of bail are immediately appealable.

⁶ For example, should the defendant ask that monetary bail be set, or if the defendant is on parole or being held under Chapter 704 of the Hawai‘i Revised Statutes, those findings would not be applicable, as bail will likely be set for the purposes of pretrial detention credit or simply because the defendant asked.

JOSH GREEN, M.D.
GOVERNOR



MARK PATTERSON
CHAIR

CHRISTIN M. JOHNSON
OVERSIGHT COORDINATOR

COMMISSIONERS
HON. R. MARK BROWNING (ret.)

HON. RONALD IBARRA (ret.)

MARTHA TORNEY

HON. MICHAEL A. TOWN (ret.)

STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION
E HUIKALA A MA'EMA'E NŌ
235 S. Beretania Street, 16th Floor
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(808) 587-4160

TO: The Honorable Carol Fukunaga, Chair
The Honorable Chris Lee, Vice Chair
Senate Committee on Public Safety and Military Affairs

FROM: Mark Patterson, Chair
Hawai'i Correctional System Oversight Commission

SUBJECT: House Bill 2413, House Draft 1, Relating to Pretrial Reform
Hearing: Monday, March 16, 2026; 3:02 p.m.
State Capitol, Room 016

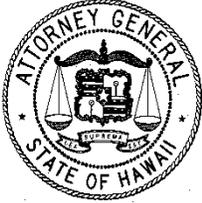
Chair Fukunaga, Vice Chair Lee, and Members of the Committee:

The Hawai'i Correctional System Oversight Commission (HCSOC) **supports** House Bill 2413, House Draft 1, relating to pretrial reform which requires courts to release most people charged with low-level, nonviolent offenses without bail unless there is a clear risk to public safety or flight, while ensuring judicial oversight, prompt hearings if bail cannot be paid, and victim notification.

The consequences of unnecessary incarceration and unaffordable bail are not theoretical as they directly contribute to severe overcrowding in Hawai'i's jails, particularly at the Hawai'i Community Correctional Center (HCCC) where many individuals are confined not due to public safety risk, but due to financial hardship. Overcrowding at HCCC strains correctional staff, reduces access to rehabilitative programming, increases operational costs, and worsens health and safety conditions for both incarcerated individuals and employees. HB2413, HD1, addresses this by prioritizing release on recognizance for eligible nonviolent offenses, ensuring detention is reserved for cases involving genuine safety or flight risks rather than financial limitations.

Reducing unnecessary pretrial detention is one of the most immediate and effective ways to alleviate jail overcrowding while maintaining community safety. This approach promotes more efficient use of correctional resources, allowing facilities and staff to focus on individuals who pose greater risks. HB2413, HD1, also maintains important safeguards by preserving judicial discretion to impose detention when warranted and requiring ongoing review of those decisions.

Should you have additional questions, the Oversight Coordinator, Christin Johnson, can be reached at 808-849-3580 or at christin.m.johnson@hawaii.gov. Thank you for the opportunity to testify.



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

LATE

ON THE FOLLOWING MEASURE:

H.B. NO. 2413, H.D. 1, RELATING TO PRETRIAL REFORM.

BEFORE THE:

SENATE COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

DATE: Monday, March 16, 2026

TIME: 3:02 p.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Michelle M. Puu, Deputy Attorney General

Chair Fukunaga and Members of the Committee:

The Department of the Attorney General respectfully opposes this bill.

This bill purports to create a pretrial release standard for criminal courts "that is fairer to the arrestee and focuses on ensuring safety and compliance, rather than penalizing an isolated failure to appear" (page 4, lines 5-8), by eliminating the use of monetary bail and generally requiring defendants to be released on their own recognizance for all traffic offenses, violations, nonviolent petty misdemeanor offenses, nonviolent misdemeanor offenses, and nonviolent class C felonies. While the bill creates exceptions for a defendant who presents a "specific, real, and present threat" (page 7, line 11), or high likelihood of "wilful flight" (page 6, line 3, and definition on page 8, lines 1-7), it is unclear what these terms mean.

2025 PENAL CODE REVIEW COMMITTEE

The Department opposes this bill as it proposes sweeping changes to the pretrial bail system, with no indication that such changes were desired or contemplated by the 2025 Penal Code Review Committee.

Act 245, Session Laws of Hawaii (SLH) 2024, requested the Judicial Council to appoint a committee to examine revisions to the Hawaii Penal Code. Thereafter, the Hawai'i State Judiciary convened a Penal Code Review Committee (PCRC) comprised of over sixty representatives from the Office of the Public Defender, Prosecutors,

members of the Legislature, and various other stakeholders, divided by cross-sections into eight sub-committees.

Notably, one of the subcommittees was dedicated solely to reviewing chapter 804, HRS, which contains the bail provisions. That subcommittee and the larger PCRC took a more measured approach, rather than making broad amendments, and only proposed two specific revisions to sections 804-7 and 804-7.1, HRS,¹ which are now contained in S.B. 2721, S.D. 1 (2026), part X (see page 38, line 1, to page 41, line 21). Given the comprehensive membership of these committees, awareness of the prior pretrial bill passed by the 2022 Legislature in H.B. No. 1567, H.D. 1, S.D. 1, C.D. 1, which was similar to the present bill, was likely. However, the PCRC gave no indication of the need for the type of extensive changes being proposed in this bill.

UNCLEAR EFFECT OF 2019 CHANGES

To date, there has been no report, study, audit, or other formal assessment of any data or changes resulting from Act 179, SLH 2019. In 2019, the Legislature passed changes to Hawaii's bail system under H.B. No. 1552 (2019), which was enacted as Act 179, SLH 2019. These changes were derived from recommendations made by a criminal justice pretrial task force convened by the Hawaii State Judiciary. The creation of that task force was prompted by House Concurrent Resolution No. 134 (2017), which directed the task force to:

- (1) Examine and, as needed, recommend legislation and revisions to criminal pretrial practices and procedures to increase public safety while maximizing pretrial release of those who do not pose a danger or a flight risk; and
- (2) Identify and define best practices metrics to measure the relative effectiveness of the criminal pretrial system, and establish ongoing

¹ See "Final Report of the 2025 Advisory Committee on Penal Code Review," pp. 54-56, and 65-65. Available online at <https://www.courts.state.hi.us/wp-content/uploads/2025/12/RPT-2025-Penal-Code-Review-Committee-FINAL.pdf>; last accessed February 17, 2026. Although there was a contemplated need to define "least restrictive conditions," on page 64, this bill does not attempt to define that term and goes far beyond defining any existing terms found in chapter 804.

procedures to take such measurements at appropriate time intervals[.]

H.C.R. 134, 29th Leg., Reg. Sess. (2017).

Among other major changes, the resulting Act 179, SLH 2019:

- Amended sections 804-5 and 804-7.1, HRS, to expressly require that courts "impose the least restrictive [financial and/or non-financial] conditions required **to ensure the defendant's appearance and to protect the public.**" See Act 179, sections 17 and 19 (emphasis added);
- Created section 804-9.5, HRS, which allows courts to release defendants upon the execution of unsecured financial bonds; and
- Created the Criminal Justice Research Institute (CJRI), which is responsible for, among other things, establishing and maintaining a centralized statewide criminal pretrial justice data reporting and collection system, and developing and tracking indicators that accurately reflect the effectiveness of the State's criminal pretrial system.

While this bill asserts that "Defendants [should be] released based on the risks they present for non-appearance and recidivism, rather than their financial circumstances" (page 3, lines 3-5), there is no clear indication that the courts are making pretrial release decisions based on anything other than the risks that people present for non-appearance and recidivism (i.e., if recidivism equates to "protect[ing] the public," as required by sections 804-5, and 804-7.1, HRS. And while financial circumstances are still considered by the courts, this is being done at the express instruction of the Legislature, which amended section 804-9, HRS, under Act 179 (2019), to provide that bail "shall be set in a reasonable amount based upon all available information, including . . . the defendant's financial ability to afford bail."

ENSURE THE DEFENDANT'S APPEARANCE AND PROTECT THE PUBLIC

Finally, mandating that anyone arrested for a "nonviolent" petty misdemeanor, misdemeanor, or class C felony offense be released on their own recognizance, undermines the court's ability to thoughtfully "ensure the defendant's appearance and to protect the public" under sections 804-5 and 804-7.1, HRS. Although the bill provides

exceptions for certain enumerated offenses, there is no consideration given to other important factors, such as arrestees who were:

- Pending prosecution for another criminal offense at the time of arrest;
- Already on probation, parole, or conditional release at the time of arrest;
- Known to have a history of non-appearance;
- Concurrently charged with a violent offense arising from the same or separate incident; or
- Convicted offenders with a history of violent crimes.

Currently, courts have the discretion to review the totality of circumstances and consider all relevant information in making a determination that they are imposing the least restrictive conditions required to ensure a defendant's appearance and to protect the public. Removing that discretion presents a risk of non-appearance and a risk to public safety, that the Department cannot support.

In addition, there is some confusion as to whether it is the bill's intent to excuse "an isolated failure to appear" (page 4, line 7-8), or multiple "isolated instances of nonappearance in court" (page 8, line 7).

Rather than rushing to impose such sweeping changes to the bail system, without any apparent support or recommendation for such changes from the Penal Code Review Committee, without sufficient data to support such changes, and without appropriate safeguards to ensure public safety and the appearance of defendants at court, the Department strongly recommends that this bill be held.

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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN OPPOSITION TO HOUSE BILL 2413 HD1

A BILL FOR AN ACT RELATING TO PRETRIAL REFORM

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Senator Carol Fukunaga, Chair

Senator Chris Lee, Vice Chair

Monday, March 16, 2026 at 3:02 p.m.

Via Videoconference

State Capitol Conference Room 016

415 South Beretania Street

Honorable Chair Fukunaga, Vice-Chair Lee and Members of the Committee on Public Safety & Military Affairs, The County of Hawai'i, Office of the Prosecuting Attorney submits the following testimony **in strong opposition** to House Bill 2413, House Draft 1.

Although our office appreciates the intent of this legislation and acknowledges the need to address overcrowding concerns at our jails, we are concerned about the potential effects of this legislation on community safety and crime victims. We believe that judges should continue to have discretion to set bail based upon all available information in each individual case.

HB 2413, HD 1 was drafted with the intent to require release on recognizance and prohibit courts from setting monetary bail for pretrial criminal defendants charged with nonviolent class C felonies, misdemeanors, petty misdemeanors, traffic offenses, and violations. The measure would establish exceptions to this rule allowing bail for offenses involving assault, terroristic threatening, sexual assault, abuse of family or household members, violations of a temporary restraining order, of an order for protection, or of another restraining order or injunction, OVUII, or negligent homicide. HB 2413, HD 1 would create an exception allowing bail for any defendant that the court finds presents a "specific, real, and present threat" to any other person or to the community, and for any defendant that has "a high likelihood of willful flight," defining "willful flight" as "intentional conduct undertaken with the purpose of thwarting the judicial process to avoid prosecution" but not "isolated instances of nonappearance in courts."

HB 2413, HD 1 would also create additional requirements for courts and prosecutors in every criminal case. HB 2413, HD 1 would require judges to make written findings to support their decision any time they set monetary bail or otherwise detain a defendant. HB 2413, HD 1 also would require courts to reconsider bail and/or release conditions at every single subsequent court hearing. HB 2413, HD 1 also directs courts to reconsider bail and to release a defendant or

change conditions of release “at any time without requiring new information or changed circumstance.” HB 2413, HD 1 would override Chapter 801D concerning the rights of victims in criminal cases and place the responsibility entirely on the prosecutor to “notify any victim of decisions made in the case.”

We are concerned that HB 2413, HD 1 requires categorically different treatment of “violent” and “nonviolent” offenses without regard to the nature or facts of the offense. Some arguably “nonviolent” class C felony or misdemeanor offenses by their nature or by the specific facts of the offense indicate a likelihood of risk of harm to individual victims, a threat to public safety, or of interference with the justice system that may amply justify the imposition of bail. Some examples of these are offenses related to unlawful possession of firearms, unlawful possession of ghost guns or explosives, possession of child pornography, electronic enticement of a child, extortion, endangering the welfare of a minor, escape from a jail or prison, promoting prison contraband, bail jumping on a felony offense, bribery of witnesses or jurors, and juror intimidation.¹ HB 2413, HD 1 may make setting monetary bail in such cases difficult or impossible, even where the individual facts of the case would otherwise justify bail.

We are also concerned that HB 2413, HD 1 would apparently operate without regard to the wealth or poverty of an individual criminal defendant, and may unintentionally mandate release on recognizance to those who profit from crime, including organized criminal enterprises, or to the wealthy who could easily post bail or bond without hardship.

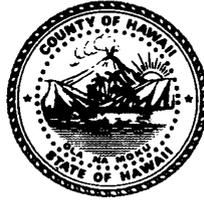
We are particularly concerned about the potential interaction of HB 2413, HD 1 with the standards governing when a judge can deny release on bail, recognizance, or supervised release under HRS § 804-7.1. Those standards allow a denial of release upon a showing of “a danger that a defendant will commit a serious crime or will seek to intimidate witnesses, or will otherwise unlawfully interfere with the orderly administration of justice.” It is not clear whether HB 2413, HD 1 is intended to overrule this provision, but it appears that it would, making the denial of release impossible for any defendant charged with an offense covered by HB 2413, HD 1. Even for offenses that fit within exclusions under HB 2413, HD 1, a court could not deny bail entirely as currently allowed by HRS § 804-7.1 and would be limited to setting reasonable bail. This is especially concerning because the offenses covered by HB 2413 include many “nonviolent” offenses related to interference with the justice system.

We have further serious concerns regarding the provision of HB 2413, HD 1 that directs judges to reconsider release status and release conditions “at any time without requiring new information or changed circumstances.” This provision would appear to allow judges to act on their own initiative, *ex parte*, without the necessity of notice or an opportunity to be heard. The criminal justice system is an adversarial system, and the prosecution plays an irreplaceable role in bringing important facts about a case to the attention of the court. The prosecution also plays an important role in bringing voice to the concerns of crime victims. We are concerned that by overriding Chapter 801D and allowing *ex parte* reconsideration of release status and release conditions, HB 2494, HD 1 would negatively impact the rights of crime victims.

¹ HRS §§ 134-7; 134-8; 134-10.2; 707-752; 707-757; 707-766; 707-767; 709-903.5; 710-1021; 710-1023; 710-1024; 710-1070; 710-1071; 710-1073.

For the foregoing reasons, the County of Hawai‘i, Office of the Prosecuting Attorney **strongly opposes** the passage of House Bill 2413, House Draft 1. Thank you for the opportunity to testify on this matter.

C. Kimo Alameda, Ph.D.
Mayor



Reed K. Mahuna
Interim Police Chief

William V. Brilhante Jr.
Managing Director

County of Hawai`i

POLICE DEPARTMENT

349 Kapi`olani Street • Hilo, Hawai`i 96720-3998
(808) 935-3311 • Fax (808) 961-2389

March 13, 2026

Senator Carol Fukunaga, Chair
Senator Chris Lee, Vice Chair
And Members
Committee on Public Safety and Military Affairs
State Capitol
415 South Beretania Street
Honolulu, HI 96813

Dear Senators Fukunaga and Lee and Members,

RE: HOUSE BILL 2413 HD1 RELATING TO PRETRIAL REFORM
DATE: MARCH 16, 2026
TIME: 3:02 P.M.
PLACE: CONFERENCE ROOM 016 & VIDEOCONFERENCE

Thank you for the opportunity to provide testimony. The Hawai`i Police Department submits this testimony in strong opposition to HB2413 HD1.

We appreciate the Committee's amendments, including the added exceptions for stalking offenses, parole status, fitness-to-proceed hearings, and situations where the defendant or counsel requests monetary bail. While these changes provide clarification, they do not resolve our core concerns regarding public safety and the ability of officers to preserve peace and order in the community.

Across Hawai`i Island, our officers frequently make arrests for certain misdemeanors and petty misdemeanors not as a punitive action, but as an essential tool to de-escalate volatile situations and prevent further harm. These incidents often involve heated disputes, disturbances, or emotionally charged encounters where tensions are high. In such cases, removing an individual from the scene is often the safest and most effective way to restore order and protect everyone involved—including victims, bystanders, and the individual being arrested.

Even with the amendments, HB2413 HD1 continues to mandate release on recognizance for broad categories of offenses where immediate release may reintroduce the individual to the same volatile situation that prompted law enforcement response. This creates a

HOUSE BILL 2413 HD1 RELATING TO PRETRIAL REFORM

DATE: MARCH 16, 2026

TIME: 3:02 P.M.

PLACE: CONFERENCE ROOM 016 & VIDEOCONFERENCE

Page 2

substantial risk that the conflict will reignite or escalate, undermining the purpose of the initial arrest and reducing community safety.

The measure also significantly limits judicial discretion, which is essential because every case presents unique circumstances. Officers and judges routinely encounter repeat offenders, individuals under the influence, persons with untreated mental health conditions, or situations where credible threats exist but do not fall within the bill's narrow exceptions. Automatic release removes the flexibility needed to respond appropriately and responsibly to these complex realities.

While we recognize the bill's provisions relating to violations of release conditions and changes to the detention standard, these adjustments do not address the broader concerns we have regarding community safety and the need for meaningful conditions of release. Victim notification is important, but notification alone does not protect victims from further harm. In many cases, bail or specific court-ordered conditions are the safeguards that help ensure safety.

For these reasons, and despite the Committee's amendments, the Hawai'i Police Department respectfully urges the Committee to defer HB2413 HD1. We welcome continued dialogue on balanced reforms that reduce unnecessary pretrial detention while still preserving the tools necessary to maintain public order, protect victims, and respond effectively to volatile and unpredictable situations in the field.

Thank you for the opportunity to testify.

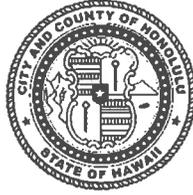
Na'u Me Ka Ha'aha'a,


REED K. MAHUNA
POLICE CHIEF

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

801 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96813
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RICK BLANGIARDI
MAYOR
MEIA



RADE K. VANIC
INTERIM CHIEF
KAHU MĀKA'I KŪIKAWA
AARON TAKASAKI-YOUNG
BRANDON NAKASATO
INTERIM DEPUTY CHIEFS
NA HOPE LUNA NUI MĀKA'I KŪIKAWA

OUR REFERENCE RV-LS

March 16, 2026

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

Dear Chair Fukunaga and Members:

SUBJECT: House Bill No. 2413, H.D. 1, Relating to Pretrial Reform

I am Rade K. Vanic, Interim Chief of Police of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD opposes House Bill No. 2413, H.D. 1, Relating to Pretrial Reform.

This bill mandates release on recognizance for violations, traffic offenses, nonviolent petty misdemeanors, nonviolent misdemeanors, and nonviolent Class C felonies, subject to limited conditions, thereby substantially curtailing judicial discretion.

Public safety must be the priority. Hawai'i's close-knit communities feel amplified impacts from repeat offending. Mandatory release increases the likelihood that defendants return to the same victims or neighborhoods. It is also important to recognize that nonviolent does not mean nonharmful. Many offenses labeled "nonviolent," including stolen vehicles, vehicle break-ins, burglaries, and serial thefts, pose significant public safety risks, often involve confrontational encounters, and inflict real community harm. Releasing defendants quickly without meaningful accountability can increase failures to appear and reoffending during the pretrial period. Additionally, the bill conflicts with the Safe & Sound and Weed & Seed programs, which have proven effective in enhancing community safety.

The Honorable Carol Fukunaga, Chair
and Members

Page 2

March 16, 2026

Furthermore, this bill would replace judicial judgment with statutory presumptions. Judges are best positioned to weigh criminal history, escalating behavior, and victim concerns. Risk assessment tools are imperfect and may miss real-world warning signs. A “one-size-fits-all” release policy simply does not align with the needs of our close-knit communities. Bail plays a critical role in ensuring court appearance and limiting judicial discretion harms victims awaiting resolution while further straining an already burdened court system.

Victim protection also remains insufficient. While the bill requires victim notification during pretrial stages, many victims, particularly kupuna and small business owners, may still feel unsafe and overlooked, which can discourage future reporting. Public confidence erodes when offenders are repeatedly released with little consequences.

Finally, mainland outcomes are mixed. Current research does not show a clear, causal reduction in overall crime attributable solely to cashless bail. Most studies find no significant effect on crime rates. Several jurisdictions have modified their reforms after public concern. For example, New York amended its 2019 bail law in 2020, 2022, and 2023 to expand bail eligible offenses and adjust judicial discretion.

The HPD urges you to oppose House Bill No. 2413, H.D. 1, Relating to Pretrial Reform.

Thank you for the opportunity to testify.

Sincerely,



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

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

LATE



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 16, 2026

REGARDING H.B. 2413, H.D. 1 — RELATING TO PRETRIAL REFORM.

Chair Fukunaga, Vice-Chair Lee, and members of the Senate Committee on Public Safety and Military Affairs, the Department of the Prosecuting Attorney for the City and County of Honolulu respectfully submits testimony in **opposition** to H.B. 2413, H.D. 1, relating to pretrial reform.

The Department recognizes the importance of ensuring that individuals are not unnecessarily detained prior to trial and agrees that the pretrial system should be fair and efficient. However, H.B. 2413, H.D. 1 raises serious concerns regarding public safety, the protection of victims, and the ability of courts to make informed pretrial release decisions.

This measure would require courts to release defendants on their own recognizance at arraignment and plea for a wide range of offenses, including violations, traffic offenses, nonviolent petty misdemeanors, nonviolent misdemeanors, and certain nonviolent class C felonies, unless one of several limited statutory exceptions applies. While the bill contains certain exclusions, it significantly limits the court's discretion to consider the totality of the circumstances before ordering a defendant's release.

The Department is particularly concerned that the bill does not explicitly require the court to consider a defendant's criminal history when determining whether release on recognizance is appropriate. A defendant's prior criminal record is often the most reliable indicator of whether the defendant will appear in court and whether the defendant poses a risk to the community. Individuals may be charged with a nonviolent offense at the time of arrest but may have an extensive criminal history demonstrating a pattern of failing to appear in court, repeatedly committing new offenses while on release, or violating court-ordered conditions.

Without requiring that courts review and consider this information before release is mandated, the bill risks requiring the release of individuals who have demonstrated through repeated conduct that they cannot be relied upon to comply with court orders or remain law-abiding while their cases are pending.

Equally concerning is the bill's removal of meaningful judicial discretion in pretrial release decisions. Judges are currently able to evaluate the unique facts of each case, including the nature of the offense, the defendant's criminal history, prior failures to appear, and the safety of victims and the community. By mandating release on recognizance for broad categories of offenses, the bill would tie the hands of the courts and prevent judges from taking into account important risk factors that may not fall neatly within the bill's limited exceptions.

The Department is also concerned that the bill's narrow definition of "wilful flight" may make it difficult to demonstrate that a defendant poses a risk of failing to appear in court. Many defendants who repeatedly fail to appear do not necessarily engage in deliberate attempts to evade prosecution but nonetheless demonstrate through their conduct that they are unlikely to comply with court orders. Under the proposed definition, this type of repeated noncompliance may not be sufficient to justify detention or bail.

From a public safety perspective, the cumulative effect of the provisions in H.B. 2413, H.D. 1 is significant. Courts may be required to release individuals who have substantial criminal histories, repeated failures to appear, or patterns of reoffending while cases are pending, simply because the current charge falls within a category requiring release on recognizance. This approach risks increasing recidivism during the pretrial period and exposing victims and the public to avoidable harm.

While the Department acknowledges that H.B. 2413, H.D. 1 includes additional exceptions to the mandatory release provision, such as for defendants who are on parole at the time of arrest and for stalking offenses, the bill still **substantially restricts** the ability of courts to address repeat offenders and individuals who present clear risks to the community.

Ultimately, the criminal justice system must balance the presumption of innocence with the equally important responsibility to protect victims and safeguard the community. Judges must be able to carefully evaluate the individual circumstances of each defendant and make informed decisions that account for criminal history, patterns of noncompliance with court orders, and the safety of victims. By mandating release in many cases without requiring these factors to be fully considered, H.B. 2413, H.D. 1 risks shifting the balance too far and placing the safety of victims and the public at risk.

For these reasons, the Department respectfully opposes H.B. 2413, H.D. 1. Thank you for the opportunity to testify.

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
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
PHONE (808) 270-7777 • FAX (808) 270-7625

LATE

TESTIMONY ON
H.B. 2413 HD1
RELATING TO PRETRIAL REFORM

March 16, 2026

The Honorable Carol Fukunaga
Chair
The Honorable Chris Lee
Vice Chair
and Members of the Committee on Public Safety and Military Affairs

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

The Department of the Prosecuting Attorney, County of Maui respectfully submits the following comments **in opposition to H.B. 2413 HD1, Relating to Pretrial Reform, and requests that this measure be deferred.** This bill would, *inter alia*, require the release on recognizance of persons arrested for violation, nonviolent petty misdemeanor, nonviolent misdemeanor and nonviolent class C felony offenses.

Although we appreciate the Legislature's efforts to address public safety concerns via offense-specific exceptions to the requirement of release on recognizance, in our view these exceptions and the bill's language do not adequately address public safety concerns. For example, the bill does not define "nonviolent" or "threat" and thus may not cover certain types of conduct that would ordinarily result in bail being set. Harassment offenses (a petty misdemeanor per HRS §711-1106) can involve striking, shoving, kicking or otherwise touching another person in an offensive manner, but it is unclear whether offensive touching that doesn't cause pain or other bodily injury (such as an unwanted shoulder massage) is considered "nonviolent" or constitutes a "threat". Similarly, the lack of a clear definition of "threat" makes it unclear whether an offender that shoplifts alcohol twice from two different stores or returns to those stores despite being previously banned constitutes a "threat" to the community.

We would also note that the 2025 Penal Code Review Committee established by Act 245 of the Session Laws of Hawaii had the opportunity to recommend these types of changes to

Chapter 804, but does not appear to have done so or given any clear indication of a need for such an amendment. In the absence of such a recommendation, we believe that the proposed amendments are currently unnecessary.

For these reasons, the Department of the Prosecuting Attorney, County of Maui **opposes H.B. 2413 HD1 and requests that it be deferred.** 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.



March 13, 2026

Senator Carol Fukunaga
Senator Chris Lee
Senate Committee on Public Safety and Military Affairs
Hawaii State Legislature

Opposition to HB2413 HD1

Dear Senator Fukunaga, Senator Lee and Members of the Committee on Public Safety and Military Affairs,

Thank you for the opportunity for the Kohala Coast Resort Association (KCRA) to provide comments on HB2413 HD1.

The directors of security for each of our properties are members of the Hawaii Island Safety and Security Professionals Association (HISSPA). HISSPA serves hotels, resorts, commercial properties, private educational institutions, and public-facing hospitality environments across Hawaii Island. Our members work in close partnership with law enforcement, first responders, civil defense, and other county and state entities to safeguard hotel workers, guests, visitors, students, and the broader community. Our collective goal is to maintain the safe, welcoming environment that Hawaii's tourism economy and our community members rely on.

While this bill addresses the pretrial and enforcement process, taken together with HB1515 and HB2494, they represent a significant shift toward mandatory release and citation, with reduced discretion for judges and law enforcement officers.

From the perspective of frontline professionals responsible for safety and coordination with emergency response partners, this shift raises serious concerns regarding public safety, repeat offenders, and operational impact in public-facing environments.

We believe HB2413 HD1 limits the ability of judges to fully consider criminal history, repeat behavior, and victim safety when making pretrial release decisions.

Hospitality security teams frequently deal with individuals who have been lawfully trespassed due to disruptive, threatening, or criminal behavior. Many of these individuals return repeatedly, in violation of trespass warnings. Pre-trial release would exacerbate that problem, allowing lawfully trespassed individuals to cycle through properties with little deterrence. This places hotel workers, security staff, guests, visitors and members of the community at risk and shifts the burden of managing these situations onto private security teams and frontline employees, often requiring repeated coordination with public safety partners.

Hawaii's hospitality industry relies on safe, orderly environments to support worker safety, visitor confidence, and economic stability. When repeat offenders are released without effective accountability, hotel employees and public safety partners are often the first to experience the consequences. This often entails repeated calls for service, escalation, and preventable emergencies.

Policies that limit meaningful intervention undermine not only safety, but also the perception of Hawaii as a safe destination for residents and visitors alike.

KCRA and HISSPA support balanced, data-driven criminal justice reform. However, HB2413 HD1 moves Hawaii's pretrial framework in a direction that reduces accountability, limits professional discretion, and increases risk in public-facing environments.

We respectfully urge you to defer or reject this measure.

Please continue working collaboratively with law enforcement, the judiciary, victim advocates, emergency responders, and security professionals across sectors to develop reforms that:

- Preserve judicial and officer discretion
- Address repeat offenses and escalation
- Prioritize worker, victim, and responder safety
- Reflect the operational realities of hospitality, tourism, and public safety

Sincerely,



Stephanie Donoho, Administrative Director

Craig Anderson, Mauna Kea Resort – President
Charlie Parker, Four Seasons Hualalai – Vice President
Pete Alles, Mauna Lani Auberge Resorts Collection – Treasurer
Mark Goldrup, Waikoloa Beach Marriott – Secretary
Samantha Jones, Fairmont Orchid – Board of Directors
Scott Head, Waikoloa Land Company – Board of Directors
Nicholas Kuhns, Hilton Waikoloa Village – Board of Directors
Rob Gunthner, Hilton Grand Vacations – Board of Directors
Pat Fitzgerald, Hualalai and Mauna Lani Resorts – Board of Directors
Daniel Scott, Rosewood Kona Village – Board of Directors

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

Monday, March 16, 2026

3:00 PM

Room 016 and VIDEOCONFERENCE

SUPPORT for HB 2413 HD1 - PRETRIAL REFORM

Aloha Chair 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 3,646 Hawai'i individuals living behind bars¹ and under the "care and custody" of the Department of Corrections and Rehabilitation on March 2, 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 the opportunity to SUPPORT HB 2413 HD1. The primary purpose of bail is to ensure the released person's later appearance in court for further proceedings. Detaining an arrestee before a court has determined guilt contradicts the fundamental principle of "innocent until proven guilty." More than one hundred thirty years ago, the United States Supreme Court affirmed that "[t]he principle that there is a presumption of innocence in favor of the accused is the

¹ DCR Weekly Population Report, March 2, 2026

[Pop-Reports-Weekly-2026-03-02.pdf](#)

undoubted law, axiomatic and elementary, and its enforcement lies at the foundation of the administration of our criminal law” (Coffin v. United States, 156 U.S. 432, 453 (1895).

The purpose of this Act is to reduce the number of pretrial defendants incarcerated in jails by: (1) Eliminating the use of monetary bail and requiring release on recognizance for violations, traffic offenses, nonviolent petty misdemeanor offenses, nonviolent misdemeanor offenses, and certain nonviolent class C felony offenses unless specified statutory exceptions apply; (2) Creating a “wilful flight” standard that is fairer to the arrestee and focuses on ensuring safety and compliance, rather than penalizing an isolated failure to appear; and (3) Requiring victim notification at each stage of the decision-making process in a case.

The HD1 amended this bill clarified the conditions to which this bill would NOT apply: (A) The offense involved stalking; (B) The defendant was on parole at the time of arrest; (C) The defendant was charged with a petty misdemeanor and is awaiting a hearing to determine fitness to proceed; or (D) The defendant or their counsel requests monetary bail to be set. The HD1 further clarified that the court shall consider whether continued detention is necessary to ensure a defendant's appearance in court, rather than to prevent willful flight; and that a prosecuting attorney or pretrial officer is not prohibited from filing a verified application that the defendant has violated the conditions of release or imposing sanctions or financial conditions if the defendant is found to have intentionally violated the conditions of release.

Conditions under section 804-7.1 may also be imposed at the court’s discretion. (b) (1) This section shall NOT apply if: The offense involves: (1) Assault; Terroristic threatening; Sexual assault; Abuse of family or household members; Violation of a temporary restraining order; Violation of an order for protection; Violation of a restraining order or injunction; Operating a vehicle under the influence of an intoxicant; Negligent homicide; or Stalking; (2) The defendant presents a specific, real, and present threat to any other person or to the community; (3) The defendant has a high likelihood of wilful flight; (4) The defendant was on parole at the time of arrest; (5) The defendant is charged with a petty misdemeanor and is pending an examination under section 704-404 or 704 – 421; or (6) The defendant or their counsel request monetary bail to be set.

Community Alliance on Prisons asserts that HB 2413 HD1 addresses the issues raised during testimony on this bill in the JHA committee and the concerns raised about public safety while still following the legal intent of bail, which is to ensure that the defendant will show up in court and protect the community. We know that incarcerating people for relatively lower level crimes does not serve the public interest. It disrupts lives, hurts families, and, as research has shown, can start a person

who is struggling to make ends meet for themselves and their families on a path to crime.

We, therefore, hope that the committee understands that incarceration is not the answer for addressing low level crimes and passes HB 2413 HD1.

Mahalo for this chance to share our mana`o on this important subject.

We need to do a better job identifying what's contributing to the crime and making sure we hold people accountable in a way that addresses that root cause.

Chesa Boudin

Fairmont Orchid

One North Kaniku Drive
Kohala Coast, Hawaii
United States 96743
T + 1 808 885 2000
F + 1 808 885 5778

March 13, 2026

Senator Carol Fukunaga, Chair
Senator Chris Lee, Vice Chair
Senate Committee on Public Safety and Military Affairs
Hawaii State Legislature
Hawaii State Capitol
415 S. Beretania
Honolulu, HI 96813

Testimony in Opposition of HB 2413 HD1

Organization: Fairmont Orchid

Position: Oppose

Bill: HB2413 HD1

Subject: Pretrial Release and Citation Enforcement

Key Concerns

- Reduced judicial and law enforcement discretion
 - Increased repeat trespass incidents in public-facing environments
 - Safety risks for hospitality workers and guests
 - Operational impacts on hotels and visitor-facing businesses
-

Dear Chair Fukunaga, Vice Chair Lee and Members of the Senate Committee on Public Safety and Military Affairs Chair, Vice Chair, and Members of the Committee,

On behalf of the Fairmont Orchid, we respectfully submit testimony in opposition to **HB 2413 HD1**

The Fairmont Orchid is a major hospitality employer on Hawaii Island and welcomes visitors from around the world each year. Maintaining a safe environment for our



employees, guests, and visitors is central to our operations and to the broader success of Hawaii's visitor industry.

Hotels and resorts operate as large public-facing environments that must address a wide range of safety issues, including trespassing, disruptive behavior, and other incidents requiring coordination with law enforcement.

Hospitality security teams frequently encounter individuals who have been lawfully trespassed from their property due to threatening or disruptive conduct and who later return in violation of those notices.

Security and frontline hospitality employees regularly respond to situations involving individuals who return to the property after being lawfully trespassed. These incidents often require repeated intervention by hotel security teams and coordination with law enforcement. When enforcement mechanisms provide limited deterrence or accountability for repeat violations, these situations can escalate and place additional strain on hospitality employees responsible for maintaining safe environments for both guests and co-workers.

Bill-Specific Concern

- **HB2413 HD1:** Additional restrictions on judicial discretion in pretrial release decisions may reduce the courts' ability to address patterns of repeat conduct that impact hospitality properties and other public spaces.

The Fairmont Orchid supports balanced and thoughtful approaches to criminal justice reform. However, it is important that reforms preserve appropriate discretion for law enforcement and the courts, and reflect the realities faced by those responsible for maintaining safety in large public environments.

We respectfully urge the Legislature to defer this measure and welcome the opportunity to continue working with lawmakers, law enforcement, and community partners to ensure reforms improve fairness while maintaining safe environments for Hawaii's workers, residents, and visitors.

Mahalo,

Tammy Laflamme
Director of Security & Safety
Fairmont Orchid

March 16, 2026

Testimony of Universal Fire & Casualty Insurance Company

In Opposition to HB 2413, H.D.1

Before the Senate Committee on Public Safety and Military Affairs

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

Universal Fire & Casualty Insurance Company respectfully submits testimony **in opposition to HB 2413, H.D.1.**

Universal provides surety bail throughout most of the United States, including as a proud corporate citizen in Hawai'i, and works closely with courts, licensed bail agents, and local justice system stakeholders to support defendant accountability and ensure court appearance.

While we appreciate the Legislature's continued interest in improving the pretrial system, HB 2413 establishes a statutory framework requiring release on recognizance for broad categories of offenses, including violations, misdemeanors, and certain class C felonies. Categorical release provisions of this nature risk limiting the ability of judges to evaluate the individual circumstances of each case.

Hawai'i's current framework has long balanced liberty and accountability by allowing courts to consider a range of release options — including personal recognizance, unsecured obligations, and secured surety bonds — based on the facts presented. Preserving judicial discretion helps ensure that courts retain the flexibility necessary to address both appearance concerns and community safety.

For these reasons, Universal respectfully urges the Committee to hold HB 2413, H.D.1 for further study or amend the measure to preserve full judicial discretion in determining appropriate conditions of pretrial release.

Thank you for the opportunity to provide testimony.

Respectfully submitted,

Christopher Blaylock
Senior Vice President, Advocacy and Distribution
Universal Fire & Casualty Insurance Company
616-662-3900 ext. 684

HB-2413-HD-1

Submitted on: 3/14/2026 1:18:48 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Kristen Young	Testifying for Faith Action for Community Equity	Support	Written Testimony Only

Comments:

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

I am writing in support of H.B. 2413, H.D. 1 Relating to Pretrial Reform.

I believe that this bill is a needed step toward a more *just* pretrial system and public safety for our *whole* community. Many people locked up in our overcrowded jails are accused but have not been convicted of any crime; they are simply there because they cannot afford money bail.

Other states have successfully enacted pretrial reforms and saved taxpayer dollars by investing in robust pretrial services in the community instead of locking people up while awaiting their day in court. It's time for Hawai'i to make similar changes to our two-tiered system of justice based on wealth and implement pretrial "best practices." This will increase fundamental fairness in our criminal legal system and reduce the number of legally innocent people held in our jails without compromising community safety. It is extremely costly to the state (over \$200 a day) to lock up one person who is legally innocent, awaiting trial. We could use that money to invest in things like social services that bring about *true* public safety.

Please pass H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Thank you,

Kristen Young
Honolulu, Hawai'i 96813

HB-2413-HD-1

Submitted on: 3/14/2026 2:20:50 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Lisa Seikai Darcy	Testifying for Share Your Mana	Support	Written Testimony Only

Comments:

Aloha Committee Members,

Please support HB2413. As a Maui County resident and nonprofit founder who works directly with incarcerated unable to make bail, this reform will finally move the needle towards fairness and equity. Even though judges may exercise leniency, this does not end this unfair practice.

After being held unable to make bail living paycheck to paycheck, too many lose their jobs and are trapped in this unforgiving cycle. Maui and Hawai'i cannot afford one person to remain dependent upon county and federal subsidies, who can work and keep themselves and their families independent.

I applaud this legislation and look forward to continuing to support legislation which helps individuals and families remain self-supporting.

Mahalo plenty,

Lisa Seikai Darcy

Founder, Share Your Mana

HB-2413-HD-1

Submitted on: 3/14/2026 3:08:55 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Susan B Roberts Emery	Testifying for Green Party of Hawai'i	Support	Written Testimony Only

Comments:

Aloha Chair Fukunaga, Vice Chair Lee, and honorable members of committee,

My name is Susan RobertsEmery, as Co Chair of the Green Party of Hawai'i recognizes, I write on behalf of our members, in Strong Support of HB2413 HD1. This bill would require release on recognizance for those charged with low-level offenses including violations, traffic offenses, nonviolent petty misdemeanors, nonviolent misdemeanors, and nonviolent class C felonies.

Even short periods of pretrial detention can have devastating effects for families living paycheck to paycheck. A short detention can have domino effects on child care, job security, housing, and even healthcare. We ask that we treat everyone with dignity, no matter their economic situation.

Green Party of Hawai'i urges you to Pass HB2413 HD1

Mahalo,

Susan RobertsEmery

Green Party of Hawai'i

Paauilo



COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS
Senator Carol Fukunaga, Chair
Senator Chris Lee, Vice Chair

Monday March 16, 2026
TIME: 3:02 p.m.
VIA VIDEOCONFERENCE & Conference Room 016

HB 2413, HD 1 RELATING TO PRETRIAL REFORM

Hawai'i Friends of Restorative Justice (HFRJ) strongly supports this measure. We have worked to find best practices to improve the criminal legal system and with people kept in pretrial detention due to a lack of bail money. We know what it costs the community when the price of freedom is cash rather than risk.

This bill is about minor offenses, and it treats people equally based on risk, not wealth. It applies only to violations, traffic offenses, nonviolent petty misdemeanors, nonviolent misdemeanors, and nonviolent class C felonies. Assault, sexual assault, domestic violence, DUI, stalking, and other serious offenses are excluded. Every day, people charged with the same minor offenses are released because they can afford bail. The person who cannot afford bail faces the identical charge and presents the identical risk but goes to jail. The only difference between them is money. That is not a justice system. That is a wealth test.

The evidence shows pretrial reform is safe. Opposition to this measure on public safety grounds ignores the 2024 [Brennan Center analysis of 33 U.S. cities](#) finding no statistically significant relationship between pretrial reform and crime rates. In Washington, D.C., between 2019 and 2024, 89% of defendants appeared for all court dates and 90% remained arrest-free while awaiting trial. The R Street Institute, a conservative organization that supports the bill, [recently concluded](#) that HB 2413 "adjusts the bail system to work as intended, by prioritizing risk while protecting individual rights."

The AG's concerns are answered in this bill, which preserves full judicial authority to detain when a defendant poses a "specific, real, and present threat," requires written findings when bail or detention is imposed, and exempts a broad list of serious offenses. Judges retain discretion where it matters. What the bill removes is jailing people charged with minor offenses simply because they cannot afford bail.

On the Trump executive order that federal funding could be at risk is a political argument, not a legal or public safety one. Hawai'i should make pretrial policy based on evidence and constitutional principle, not on executive orders.

We encourage the committee to set a real implementation date and move this measure forward. A decade of study has produced clear answers. The cost of continued delay is paid daily in needless incarceration expenses, and in lost jobs, housing, and broken families, by people who have not been convicted of anything. They remain in jail only because of a lack of money that freed others facing the exact same charges. Hawai'i can do better, and this bill shows how.

Mahalo for your public service and the opportunity to testify.

Aloha, Lorenn Walker, JD, MPH, Director, HFRJ



MARCH 16, 2026

HOUSE BILL 2413 HD1

CURRENT REFERRAL: PSM

808-679-7454
kris@imuaalliance.org
www.imuaalliance.org
@imuaalliance

Kris Coffield,
President

David Negaard,
Director

Mireille Ellsworth,
Director

Justin Salisbury,
Director

Eileen Roco,
Director

Beatrice DeRego,
Director

Corey Rosenlee,
Director

Amy Zhao,
*Policy and Partnerships
Strategist*

POSITION: SUPPORT

Imua Alliance supports the intent of HB 2413 HD1, relating to pretrial reform, which requires release on recognizance for defendants charged with violations, traffic offenses, nonviolent petty misdemeanors, nonviolent misdemeanors, and nonviolent class C felonies, subject to conditions; establishes exclusions for specified offenses, threats to public safety, and certain other circumstances; requires findings when bail or detention is imposed, ongoing review of continued detention or conditions, and a prompt hearing if bail cannot be posted; and requires prosecutors to notify victims of pretrial decisions.

Imua Alliance is a Hawai'i-based organization dedicated to ending sexual exploitation and gender violence. We support this proposal on behalf of survivors of sex trafficking and gender abuse who have been incarcerated for acts committed because of their trauma, often without the monetary means to defend themselves or secure their release. This measure would implement important reforms to Hawai'i's pretrial incarceration practices, reduce unnecessary detention, and strengthen community safety.

Pretrial incarceration is a statewide issue with significant human and economic costs. According to the Vera Institute of Justice, Hawai'i's pretrial incarceration rate has been consistently above the national average. Per recent nationwide data (2022–2023), Hawai'i jails held individuals pretrial at a rate exceeding 470 per 100,000 residents, compared to the overall U.S. average of approximately 180–200 per 100,000. Many people remain in jail not because they pose a public safety risk, but simply because they cannot afford bail or lack access to community supervision options. These disparities exacerbate racial and economic inequity and place undue burdens on families and communities.

Pretrial detention destabilizes lives and undermines fairness. National research shows that people jailed pretrial are more likely to lose

employment, housing, and custody of children than those released pretrial, even when charges are similar and risk levels are low. According to the Pretrial Justice Institute, individuals incarcerated pretrial are more likely to plead guilty—regardless of actual guilt—because detention limits their ability to prepare a defense, meet with counsel, or participate meaningfully in their case. This dynamic pressures innocent or low-risk people into pleas that can have lifelong consequences.

This proposal keeps communities safer by focusing detention on real risk, not financial status. This bill aligns with best practices endorsed by national public safety advocates. The National Institute of Justice and the Council of State Governments Justice Center have documented that risk-based pretrial systems—those that assess danger and flight risk rather than ability to pay—reduce unnecessary detention, lower jail populations, and do not increase crime. Jurisdictions that have implemented evidence-based pretrial reforms, such as Kentucky and Washington State, report significant reductions in pretrial jail populations (20–40% or more) without increases in new criminal activity or failures to appear in court.

The economic and racial justice case for reform is strong. A 2024 analysis of Hawai'i's criminal justice system found that pretrial incarceration disproportionately affects Native Hawaiian, Pacific Islander, and low-income communities. People unable to post bail spend weeks or months in jail—even for non-violent offenses—while wealthier defendants are released. This creates two systems of justice and exacerbates inequality. Thus, this bill takes an important step toward remedying this disparity by reducing reliance on cash conditions of release, promoting pretrial services, and expanding non-custodial supervision that supports compliance and community connections.

Public safety and public confidence are improved with sensible pretrial policy. Evidence from multiple states shows that reducing unnecessary pretrial detention leads to better outcomes: fewer jail bookings, reduced recidivism among low-risk populations, and more resources for monitoring higher-risk individuals. According to the Vera Institute, jurisdictions with pretrial reform strategies have seen declines in jail populations by 15–40%, improved court appearance rates, and increased use of community support services. Pretrial reform represents a data-driven approach to public safety that aligns with Hawai'i's values and its commitment to equitable access to justice for all residents.

With aloha,

Kris Coffield

President, Imua Alliance



March 16, 2026

Senate Committee on Public Safety & Military Affairs
Opposition to HB 2413, HD1 – Relating to Pretrial Reform

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

The **State of Hawai'i Organization of Police Officers (SHOPO)** respectfully submits testimony in **opposition to HB 2413, HD1**, which, among other things, requires release on recognizance for defendants charged with violations, traffic offenses, nonviolent petty misdemeanors, nonviolent misdemeanors, and nonviolent class C felonies, subject to certain conditions.

While we recognize the goal of reducing unnecessary pretrial detention, SHOPO has serious concerns that the bill makes sweeping changes to the State's existing pretrial bail framework without sufficient study, stakeholder consensus, or recommendation from the recent penal code review process. We share the concern expressed by the Department of the Attorney General that the proposal represents a significant policy shift that may undermine both accountability and community safety.

Nonviolent felony offenses can still present significant risks to public safety, and the classification of an offense as "nonviolent" does not necessarily mean that the circumstances surrounding the crime are harmless. Many felony property crimes involve high-value theft, repeat offenders, organized criminal activity, or situations where the presence of a weapon increases the potential for harm even if no physical injury occurred. For example, a person committing a burglary, theft, or other serious property offense while in possession of a firearm creates a situation that can quickly escalate into violence. The presence of a weapon increases the risk to victims, witnesses, and responding officers, and should be a factor that courts are able to consider when determining appropriate pretrial release conditions.

In addition, individuals charged with nonviolent class C felonies may have extensive prior criminal histories or patterns of repeated offending that indicate a higher likelihood of reoffending if released without meaningful conditions. A mandatory release requirement that does not allow sufficient consideration of those situational factors limits the ability of judges to evaluate the totality of the circumstances in each case. Public safety decisions should take into account not only the statutory classification of the current charge, but also the defendant's history, the presence of weapons, the impact on victims, and the likelihood that the individual will comply with court orders.

Page Two

SHOPO is also concerned that mandatory release on recognizance will lead to an increase in failures to appear in court. Even for nonviolent offenses, the requirement that defendants return to court is essential to maintaining the integrity of the justice system. If more individuals fail to appear, law enforcement officers will be required to spend additional time locating and re-arresting those individuals, diverting limited resources away from other public safety priorities.

The more than 2,700 law enforcement officers who are members of SHOPO risk their lives every day to keep our islands safe. SHOPO is dedicated to protecting public safety. We strive to work in partnership with community members because, together, we can build stronger and safer neighborhoods. Thank you for the opportunity to provide testimony on this measure.

Respectfully submitted,

State of Hawai'i Organization of Police Officers (SHOPO)



TESTIMONY IN SUPPORT OF HB 2413 HD1 RELATING TO PRETRIAL REFORM

Submitted to the House Judiciary & Hawaiian Affairs Committee
Hawaii State Legislature, Thirty-Third Legislature, 2026

Position: STRONG SUPPORT

Introduction

I submit this testimony in **strong support** of HB 2413 HD1, which takes a meaningful and overdue step toward a more just, equitable, and constitutionally sound pretrial system in Hawaii. This bill recognizes a simple but profound truth:

A person who has not been convicted of a crime
should not be punished as though they have.

I. The Presumption of Innocence Is a Constitutional Imperative

The presumption of innocence is not merely a legal formality; it is a cornerstone of American constitutional jurisprudence. Over 130 years ago, the United States Supreme Court declared in *Coffin v. United States*, 156 U.S. 432 (1895), that the presumption of innocence is “axiomatic and elementary, and its enforcement lies at the foundation of the administration of our criminal law.”

Yet Hawaii's current cash bail system routinely incarcerates individuals who have not been found guilty of anything. When pretrial detention is determined by the size of one's bank account rather than by evidence of danger or flight risk, the system effectively punishes poverty, not guilt. This is a direct affront to the constitutional guarantee that “liberty is the norm,” as reaffirmed by the Supreme Court in *United States v. Salerno*, 481 U.S. 739, 755 (1987).

The Hawaii Constitution further reinforces these protections. Article I, Section 5 guarantees due process and equal protection under the law. A system that incarcerates two defendants charged with the same offense—one because they cannot afford bail, the other because they can—violates the most basic principle of equal protection. HB 2413 HD1 directly addresses this constitutional deficiency.



II. Cash Bail Is a System of Socioeconomic Inequality

The cash bail system does not assess danger or flight risk; it assesses wealth. A defendant with financial resources walks free before trial. A defendant without those resources sits in jail, regardless of the nature of the charge or their individual circumstances. This disparity has devastating and cascading consequences for low-income individuals and their families, including:

- **Loss of employment:** Even a few days of pretrial detention can cost someone their job.
- **Loss of housing:** Missed rent payments due to incarceration can lead to eviction.
- **Family separation:** Parents detained pretrial may lose custody of children.
- **Coerced guilty pleas:** Defendants who cannot afford bail often plead guilty simply to go home, regardless of actual guilt, corrupting the integrity of the justice system itself.

These harms fall disproportionately on low-income communities and communities of color, deepening existing socioeconomic inequalities. HB 2413 HD1 begins to dismantle this two-tiered system by requiring release on recognizance for violations, traffic offenses, nonviolent misdemeanors, and certain nonviolent class C felonies, making pretrial freedom a matter of law, rather than a matter of wealth.

III. Social Justice and Racial Equity Demand Reform

Nationally, data consistently show that Black, Native Hawaiian, and Pacific Islander defendants are detained pretrial at disproportionately higher rates than white defendants charged with comparable offenses. In Hawaii, where Native Hawaiians are significantly overrepresented in the criminal justice system relative to their share of the population, pretrial reform is not just a legal issue; it is a racial and social justice imperative.

When the state incarcerates individuals before trial based on their inability to pay, it is not protecting the community; it is perpetuating a cycle of poverty and marginalization that undermines the social fabric of our communities. HB 2413 HD1 replaces a wealth-based system with a needs-based, risk-focused framework that treats all defendants with equal dignity under the law.



IV. The Bill Is Carefully Crafted and Balanced

HB 2413 HD1 is not a blanket elimination of pretrial detention. It is a carefully calibrated reform that:

1. Preserves public safety by maintaining exclusions for assault, sexual assault, domestic violence, DUI, stalking, and other offenses that present genuine risks to victims and the community.
2. Protects victims by requiring prosecutorial notification at every stage of pretrial decision-making.
3. Retains judicial discretion—courts may impose the least restrictive non-monetary conditions necessary to ensure appearance and protect the public.
4. Establishes a fair "willful flight" standard that distinguishes between intentional evasion of justice and an isolated missed court date, recognizing that people experiencing poverty, mental illness, or housing instability may miss court dates without any intent to flee.
5. Requires written findings when detention or monetary bail is imposed, ensuring judicial accountability and a reviewable record.

This is not radical reform. It is evidence-based, constitutionally grounded, and long overdue. Hawaii's own Criminal Pretrial Task Force recommended these changes in its comprehensive 2018 report. Illinois eliminated cash bail in 2022. The District of Columbia has operated without cash bail for decades. Hawaii can and should follow suit.

V. Conclusion

HB 2413 HD1 reflects the values that Hawaii's people hold dear: aloha, fairness, and the dignity of every person regardless of their economic circumstances. It honors the constitutional promise of innocence before guilt, advances racial and socioeconomic equity, and brings Hawaii's pretrial system into alignment with both the law and our collective conscience.

I respectfully urge the Committee to pass HB 2413 HD1.

Mahalo for the opportunity to testify.

HOPE

HB-2413-HD-1

Submitted on: 3/15/2026 9:49:32 AM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Ronald Fujiyoshi	Testifying for Ohana Ho`opakele	Support	Written Testimony Only

Comments:

Ohana Ho`opakele was formed in 1999 due to the disproportionate number of Kanaka Maoli imprisoned. We strongly support HB2413 because it unfairly places those with less financial ability to be incarcerated.

Mahalo for allowing us to testify!



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

On behalf of the Hawai'i Community Safety Coalition, I am writing in support of H.B. 2413, H.D. 1, Relating to Pretrial Reform. Our coalition is comprised of organizations and individuals across the state with expertise in public safety, criminal justice, and public health.

Supporters of this bill have presented extensive data, including evidence showing that states that have enacted pretrial reform did not experience an increase in crime. Opponents, by contrast, have largely relied on fear-based arguments and have provided very little supporting data.

Contrary to what opponents claim, this bill applies only to low-level, nonviolent offenses and specifically excludes certain misdemeanors such as stalking, violation of restraining orders, and driving while intoxicated.

As the state moves forward with plans for a new and larger \$1 billion expanded-bed superjail to replace OCCC, overcrowding has been cited as a key justification. **Yet Department of Corrections and Rehabilitation Director Tommy Johns stated that “87% of those being held at OCCC could be on supervised release, awaiting trial in a community setting”** (WAM-PSM, WAM-AEN Informational Briefings, 01-07-2025).

The reality is that the vast majority of people in our overcrowded jails are accused but not convicted of any crime and remain incarcerated simply because they cannot afford money bail as low as \$50. (Note: At least 40% of all people held at OCCC are homeless, according to DCR Intake Services Center Data for 2024.)

We support H.B. 2413 because:

- Pretrial release should not be based on wealth.
- The bill aligns with best practices regarding pretrial detention, including recommendations from Hawai'i's Pretrial Task Force Report.

- It is a moderate, data-driven reform already adopted in numerous Republican- and Democratic-led states, where it has been successful and has not led to an increase in crime.

Other states that have enacted pretrial reforms have saved billions in taxpayer dollars by investing in robust pretrial services in the community, such as group homes, mental health and drug treatment programs, and homeless services. These are the appropriate settings for many of the people currently sitting in jail in Hawai'i simply because they cannot afford bail.

It's time for Hawai'i to make similar changes to our two-tiered system of justice based on wealth and implement pretrial best practices. This will increase fairness in our criminal legal system and reduce the number of legally innocent people held in our jails without compromising community safety.

Please pass H.B. 2413, H.D. 1, Relating to Pretrial Reform.

Mahalo,

Liam Chinn

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LATE

March 15, 2026, 2026

Senator Carol Fukunaga, Chair
Senator Chris Lee, Vice Chair
Committee on Public Safety and Military Affairs
The Senate
33rd Legislature, State of Hawai'i

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

Dear Committee leadership and members,

Re: **SUPPORT FOR AND COMMENT ON HB2413, HD1 RELATING TO
PRETRIAL REFORM**

DATE: Monday, March 16, 2026
TIME: 3:02 p.m.
PLACE: Conference Room 016 & Videoconference
State Capitol
415 South Beretania Street

This bill proposes amending chapter 804 by requiring trial court judges to release on their own recognizance persons that are arrested and held for an alleged violation, traffic offense, nonviolent petty misdemeanor, nonviolent misdemeanor, or nonviolent Class C felony offense, while also setting forth specific appropriate exceptions.

As a practicing criminal defense attorney in the Third Circuit, I support this proposed legislation as consonant with the State Constitution's due process requirements as expressed in the bill's statement of intent and legislative findings. "Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted." Haw. const. Art. 1, §12. But that which expressly is not found is what requires enactment of this legislation: the fact of "atrocious" and "shocking" conditions of confinement in county jails. See, e.g., "*Seeing Is Believing' When It Comes To 'Atrocious' Conditions At The Hilo Jail*", Honolulu Civil Beat, available at: <https://www.civilbeat.org/2023/03/judge-seeing-is-believing-when-it-comes-to-atrocious-conditions-at-the-hilo-jail/>, where Judge Robert D. S. Kim, ret., discusses what he witnessed during his tour of Hawai'i Community Correctional Center in Hilo.

Please also I offer some comments on a couple of the amendments appearing in HD1. **Section 2(b)(1)** exclusions now include: “(5) The defendant is charged with a petty misdemeanor and is pending an examination under section 704-404 or 704-421[.]”. Based upon my experience in arraignment proceedings and Ch. 704 proceedings, this provision is nonsensical. Maybe what is intended is: *The defendant is pending an examination under section 704-404 or 704-421 at the time of arrest.* See, e.g., the preceding amendment (4) (“The defendant was on parole at the time of arrest.”) This clarifies that the accused is charged in a different case wherein the court had ordered a Ch. 704 examination. I also do not understand the rationale for limiting the exception to cases of petty misdemeanor charging.

Section (i) is new in HD1. “Nothing in this section shall prohibit the prosecuting attorney or pretrial officer from filing a verified application of a violation of condition of release in accordance with section 804-7.2, imposing a sanction, or imposing financial conditions under section 804-7.3.” “ But the prosecuting attorney and pretrial officer are not authorized to impose sanctions or financial conditions, the trial court is. “After hearing, and upon finding that the defendant has intentionally violated reasonable conditions imposed on release on bail, recognizance, or supervised release, the court may impose different or additional conditions upon defendant's release or revoke defendant's release on bail, recognizance, or supervised release.” HRS § 804-7.3. In the verified application for revocation of release, the prosecutor or pretrial services officer may request that the court impose sanctions and/or financial conditions. Whereas the proper restatement of this proposed subsection (i) is already provided for in the aforesaid §805-7.3, please consider removing it.

Thank you for your consideration of my testimony. Aloha.

/s/ Georgette A. Yaindl
GEORGETTE ANNE YAINDL

LATE



Dedicated to safe, responsible, humane, and effective drug policies since 1993

TESTIMONY IN SUPPORT OF HB 2413, HD 1

TO: Chair Fukunaga, Vice Chair Lee, and PSM Committee

FROM: Nikos Leverenz, DPFH Board President

DATE: March 16, 2026 (3:02 P.M.)

Drug Policy Forum of Hawai'i (DPFH) **strongly supports** HB 2413, HD 1, which requires courts to release most persons charged with low level, nonviolent offenses without bail unless there is a clear risk to public safety or flight, while ensuring judicial oversight, prompt hearings if bail cannot be paid, and victim notification.

This bill is necessary to prompt forestall the excessive use of pre-trial incarceration for non-serious, non-violent offenses. At a time when state policymakers are looking to commit over \$1 billion for a public-private partnership arrangement to construct and maintain a new jail facility on O'ahu, it is imperative to reduce the use of pretrial detention to ensure that (1) current jail facilities are not overcrowded, and (2) public health and public safety are pursued in a more measured and equanimous fashion.

As noted by the Prison Policy Institute in its testimony before the Hawai'i Correctional System Oversight Commission last year, the median length of pre-trial stay in OCCC was 52 days for those arrested for felonies, including non-violent, non-serious offenses like possession of drugs for personal use under HRS 712-1249, and 11 days for misdemeanors. In stark contrast, **the national median for pre-trial detention is 6 days**. This state's overuse of incarceration also extends to a probation system that maintains the longest average term in the nation.

While those administering this state's criminal legal system publicly deny that current policies and practices do not criminalize poverty, the reality is that homeless persons in Hawai'i are subject to overcriminalization when compared to other cities: **38% of those in Hawai'i jails are homeless, compared with 4% in Houston, Texas, and 13% in Atlanta, Georgia**. Neither Texas nor Georgia have an Aloha Spirit law in their statutes, so there is a curious lack of congruence

between the relative lenity of former Confederate states and one that has an Aloha Spirit law in its statutes (HRS 5-7.5).

Further, even short periods of incarceration strain an already overcrowded and overburdened jail system characterized by workforce challenges. Short term incarceration has lasting impacts for arrestees and their families, including disruption of care for children and older family members and loss of employment and access to housing. These impacts are even more acute for low-income persons. As noted by a 2018 report from the Robert Wood Johnson Foundation, [incarceration is latently injurious to individual health](#):

People who are incarcerated face greater chances for chronic health conditions, both while confined and long after their release. Incarceration exposes people to a wide range of conditions, such as poor sanitation and ventilation and solitary confinement, that are detrimental to long-term physical and mental health. After release, previously incarcerated individuals often face higher mortality rates and experience limited opportunities for gainful employment, stable housing, education, and other conditions needed for good health.

Given that lengthy jail stays exacerbate housing instability among those who are detained as well as their families, the current default posture of prosecutors and judges serve to worsen homelessness in each county. Admittedly, [county prosecutors do retain the capacity to mete justice in manner that advances public health](#), including internal policies and practices in response to drug use. This may include the support of legislation that adopts a public health approach to drug policy, limitations on the use of cash bail, use of alternatives to incarceration, and declining to prosecute certain cases. Yet there has been scant movement on this front, particularly in a First Circuit (Honolulu) that seeks maximum punishment for personal possession of even unusable traces and residue compared with other circuit courts.

Since 1993 DPFH has advanced public discussions and policy changes around Hawai'i's drug policies, which continue to advance severe criminal penalties and extended periods of criminal legal supervision. DPFH also supports policy changes around substance use and behavioral health issues that are anchored in harm reduction, public health, and human rights. These changes include broader access to community-based behavioral health treatment, the repeal of cannabis prohibition in favor of rational regulation, reducing the severity of sentencing laws, prosecutorial practices, penological practices, and criminal legal supervision, and advancing other changes to laws and policies that reduce the impact of the criminal legal system on individuals and families from under-resourced communities.

Mahalo for the opportunity to provide testimony.



HAWAII HEALTH &
HARM REDUCTION CENTER

677 Ala Moana Blvd, Ste 226
Honolulu, HI 96813

(808) 521-2437

www.hhhrc.org

*"Reducing harm,
promoting health,
creating wellness, and
fighting stigma
in Hawai'i and
the Pacific."*

TESTIMONY IN SUPPORT OF HB 2413, HD 1

LATE

TO: Chair Fukunaga, Vice Chair Lee, & PSM Committee

FROM: Nikos Leverenz, Policy & Advancement Manager

DATE: March 16, 2026 (3:02 P.M.)

Hawai'i Health & Harm Reduction Center (HHHRC) **strongly supports** HB 2413, HD 1, which requires courts to release most persons charged with low level, nonviolent offenses without bail unless there is a clear risk to public safety or flight, while ensuring judicial oversight, prompt hearings if bail cannot be paid, and victim notification.

State policy should be recalibrated to reduce the use of pre-trial incarceration given the significant negative health implications for those who are brought into the criminal legal system and incarcerated, including persons with behavioral health problems. HHHRC strongly supports efforts to reduce the impact of the criminal legal system on those who are medically vulnerable and those of limited or no economic means and into more appropriate community settings, [as noted in our 2024 Sequential Intercept Model report](#).

Hawai'i is unusually severe in its use of pre-trial incarceration, with homeless persons comprising 38% of those in Hawai'i jails per the Prison Policy Institute. With a national median of 6 days, the median length of a pre-trial stay in Hawaii was 11 days for misdemeanors and 52 days for those arrested for felonies, including non-violent, non-serious offenses like the possession of drugs for personal use. HOPE probation also contributes significantly to an overcrowded OCCC.

HHHRC's mission is to reduce harm, promote health, create wellness, and fight stigma in Hawai'i and the Pacific. We work with many individuals impacted by poverty, housing instability, and other social determinants of health. Many have behavioral health problems, including those related to substance use and mental health conditions, and have also been deeply impacted by trauma related to histories of physical, sexual, and psychological abuse.

Mahalo for the opportunity to provide testimony.

Committee: Public Safety and Military Affairs
Hearing Date/Time: Monday, March 16, 2026, at 3:02pm
Place: Conference Room 016 & Via Videoconference
Re: **Testimony of the ACLU of Hawai'i in SUPPORT of HB2413, HD1, Relating to Pretrial Reform**

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

The ACLU of Hawai'i **strongly supports HB2413, HD1**, which requires release on recognizance for defendants charged with violations, traffic offenses, nonviolent petty misdemeanors, nonviolent misdemeanors, and nonviolent class C felonies, subject to certain conditions. The bill also establishes exclusions for specified offences and requires findings when bail or detention is imposed, ongoing review of continued detention or conditions, and a prompt hearing if bail cannot be posted.

This is an important step towards achieving a justice system that does not perpetuate wealth inequality.

In *U.S. v. Salerno*, 481 U.S. 739 (1987), the U.S. Supreme Court held that “in our society, liberty is the norm, and detention prior to trial or without trial is the carefully limited exception.”

Currently more than half of Hawai'i's jail population is pretrial.¹ **Seventy-four percent of the people held at the OCCC jail are pretrial.**² These individuals have not been convicted of any crime but remain behind bars largely due to an outdated reliance on cash bail and a lack of alternative pretrial systems. Reducing the pretrial detention population also is a clear first step to address problems of overcrowding given that the total number of people incarcerated in Hawai'i is decreasing over time, but our pretrial population is increasing.

The evidence suggests that pretrial detention reforms do not have negative impacts on public safety and has little impact on court appearances.³ A study by the Prison Policy

¹ Department of Corrections and Rehabilitation, End of Month Population Report, January 31, 2026. <https://dcr.hawaii.gov/wp-content/uploads/2026/02/Pop-Reports-EOM-2026-01-30.pdf>

² Ibid Note 1.

³ Insha Rahman, Undoing the Bail Myth: Pretrial Reforms to End Mass Incarceration, 46 Fordham Urb. L.J. 845 (2019). Available at: <https://ir.lawnet.fordham.edu/ulj/vol46/iss4/2>

Initiative found that releasing individuals pretrial does not negatively affect public safety.⁴ The study considered pretrial reforms in New Jersey, New Mexico, Kentucky, and New York. It also considered local reforms in SF (CA), Washington (DC), Philadelphia (PA), Santa Clara (CA), Cook County (IL), Yakima County (Wash), New Orleans (LA), Harris County (TX), and Jefferson County (CO). Re-offense or rearrest rates did not increase after pretrial reforms, and in some cases declined.

- Harris County, Texas: approximately tens of thousands of people charged with misdemeanors have avoided pretrial incarceration since the County ended cash bail (according to independent federal data).⁵
- New Jersey’s 2017 cash bail reform law “substantially reduced the pretrial population... without harming community safety.”⁶
- Cass County, Indiana: Prior to reform, the average jail population was nearly 50% over capacity, with approximately 70% of people pre-trial. In 2018 the county adopted several pre-trial diversion programs such as voluntary referrals to support services, decreased reliance on monetary bonds, and data transparency on pretrial outcomes. In 2022, the pretrial population had decreased by 80%, saving nearly \$1 million in detention costs.⁷

Holding people unnecessarily in pretrial detention **contributes to overcrowding, staffing issues, and worsening facility conditions.** Concerningly, it also has been found to have a criminogenic effect. One study from October 2024 found that pretrial detention increases the odds for someone to miss a court appearance or be arrested by roughly 50% and increases the odds of convictions by 36%.⁸

Other research has found that even a short period of pretrial detention can have “cascading effects” on an individual, including threatening employment, housing

⁴ Prison Policy Initiative, Releasing people pretrial doesn’t harm public safety, July, 6 2023.

<https://www.prisonpolicy.org/blog/2023/07/06/bail-reform/>

⁵ WBUR, Breaking the Bond: A look at bail reform in Harris County, Texas, September 16, 2024.

<https://www.wbur.org/hereandnow/2024/09/16/breaking-the-bond#>

⁶ Drexel News, New Jersey’s Cash Bail Reform Reduced Incarceration Without Increasing Gun Violence, May 30, 2024. <https://drexel.edu/news/archive/2024/May/New-Jersey-Cash-Bail-Reform-Reduced-Incarceration>

⁷ Advancing Pretrial Policy & Research, Small County. Big Results., October 24, 2023.

<https://www.advancingpretrial.org/story/small-county-big-results/>

⁸ DeMichele, Matthew and Silver, Ian and Labrecque, Ryan, Locked Up and Awaiting Trial: A Natural Experiment Testing the Criminogenic and Punitive Effects of Spending a Week or More in Pretrial Detention (June 2, 2023).

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4467619

stability, child custody, and health care access. These may contribute to increased likelihood of further involvement with the criminal justice system.⁹

Adopting HB2413, HD1 will help ensure that the freedom of individuals is not determined by their ability to afford bail.

Mahalo,



Mandy Fernandes

Policy Director

ACLU of Hawai'i

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.

⁹ See: Laura & John Arnold Foundation., *Pretrial Criminal Justice Research* (2013), available at https://static.prisonpolicy.org/scans/ljaf/LJAF_Report_state-sentencing_FNL.pdf; Megan Stevenson, *Distortion of Justice: How the Inability to Pay Bail Affects Case Outcomes* 22 (Working Paper, 2016), available at <https://www.law.upenn.edu/cf/faculty/mstevens/workingpapers/Distortion-of-Justice-April-2016.pdf>; Heaton et al., *The Downstream Consequences of Misdemeanor Pretrial Detention* 3 (July 2016), available at <http://ssrn.com/abstract=2809840>; <https://vera-institute.files.svdcdn.com/production/downloads/publications/Justice-Denied-Evidence-Brief.pdf>

March 15, 2026

LATE



stolen stuff
hawaii
FIGHT CRIME. FIND YOUR STUFF.

Chair Fukunaga

Vice Chair Lee

Members of the Senate Committee on Public Safety and Military Affairs

Hearing Date: March 16, 2026

Hearing Time: 3:00 p.m.

Measure: HB2413 HD1

Relating to Criminal Pretrial Reform

Position: STRONG OPPOSITION

Dear Chair Fukunaga, Vice Chair Lee, and Committee Members,

I am the creator of Stolen Stuff Hawaii, an anti-crime community across Facebook and Instagram comprising over 290,000 Hawaii-based followers, and I strongly oppose HB2413. This bill represents another attempt at sweeping bail reform that would dramatically change how offenders are released after arrest in Hawaii. Similar efforts in 2022 generated overwhelming public opposition and were ultimately vetoed by the Governor. Unfortunately, HB2413 appears to push even further in the same direction.

While the intent of HB2413 may be to address concerns about fairness in the bail system and reduce reliance on monetary bail, the practical effect will be a dramatic increase in the release of offenders who are arrested for a wide range of nonviolent crimes that nonetheless have devastating impacts on victims and communities. The bill establishes a presumption that many individuals arrested for violations, petty misdemeanors, misdemeanors, and even certain nonviolent class C felonies must be released on their own recognizance. In reality, this will mean that individuals arrested for crimes such as theft, auto theft, vehicle break-ins, burglary of businesses, identity theft, and other property crimes will frequently be released within hours of arrest.

Having operated Stolen Stuff Hawaii for over a decade, I work directly with victims of these crimes every single day. The number one concern that victims express is not just the initial crime committed against them, but the constant revolving door of offenders who repeatedly commit the same crimes with little or no accountability. Victims often report seeing the same individuals arrested over and over again, only to be released almost immediately and return to the same neighborhoods to commit additional crimes.

Although these crimes may be categorized as “nonviolent,” the harm they cause to victims and communities is very real. A stolen vehicle can cost a family their ability to get to work. Repeated retail theft threatens the survival of small businesses. Vehicle break-ins and burglary incidents create an atmosphere where residents feel unsafe in their own neighborhoods. In Hawaii, where we rely heavily

on tourism and small local businesses, the economic and social damage from these crimes should not be underestimated.

In addition, this bill undermines the discretion of judges who are already empowered under Hawaii's constitution to release individuals on their own recognizance when appropriate. Judges currently can weigh the nature of the offense, the defendant's criminal history, prior failures to appear in court, and the overall risk to the community. HB2413 unnecessarily shifts this balance by creating a presumption of release for broad categories of offenses, effectively limiting the ability of the courts to consider the real-world patterns of repeat offending that many of us see daily.

From my perspective running Stolen Stuff Hawaii, repeat offenders are a significant driver of crime in our communities. Many of the individuals committing property crimes today have long criminal histories and outstanding warrants for failure to appear in court. Increasing the number of automatic releases without meaningful accountability will only embolden these offenders further.

This revolving door of crime also has a direct impact on law enforcement. Police officers repeatedly respond to the same individuals committing the same crimes, knowing that their efforts often result in immediate release. This dynamic creates frustration and undermines morale within departments that are already facing staffing shortages and heavy workloads.

Small businesses are also heavily affected by these policies. Many business owners in our community report organized retail theft rings that repeatedly target their stores. Offenders know the thresholds that keep their crimes categorized as lower-level theft offenses and return again and again to steal merchandise. Expanding policies that guarantee release for many of these crimes will only make this problem worse.

Finally, there is a broader concern regarding the safety and reputation of our islands. Hawaii depends on tourism and a strong sense of community safety. When visitors and residents alike experience theft, burglary, vehicle break-ins, or other criminal activity without meaningful consequences for offenders, it damages the trust people place in our justice system.

For all of these reasons, I respectfully urge the committee to oppose HB2413. While reforming parts of the justice system may be a worthy goal, policies that reduce accountability and increase the likelihood that repeat offenders are immediately returned to our neighborhoods will ultimately harm the very communities we are trying to protect.

Criminals make a conscious choice to commit these acts. The victims of those choices should not be the ones who continue to bear the consequences. With no accountability, there is no change, and policies that expand the revolving door of crime will only make the situation worse.

Thank you for this opportunity to testify.

A handwritten signature in black ink, appearing to read 'MK', is written over the text of the signature block.

Michael J. Kitchens
Founder & Administrator, Stolen Stuff Hawaii
mikek@stolenstuffhawaii

LATE

PRISON POLICY INITIATIVE

Testimony in Support of HB 2413: Relating to Pretrial Reform
Sarah Staudt, Director of Policy and Advocacy, Prison Policy Initiative

March 16, 2026

My name is Sarah Staudt, and I am the Director of Policy and Advocacy at Prison Policy Initiative. Prison Policy Initiative is a national non-profit research and advocacy organization that has produced extensive research on the various individual and public harms of incarceration. It is with this extensive experience that we write to offer this testimony in support of HB 2413: Relating to Pretrial Reform.

HB 2413 represents an important step forward for Hawai'i towards a more just, evidence-based pretrial system. By decreasing the use of money bond for low-level offenses, the act will help ensure that people are not stranded in jail pretrial simply because they are poor, and that money is not being extracted from vulnerable poor communities to pay money bonds. There is no evidence that money bond is an effective way to ensure public safety or appearance in court. On the contrary, because it often leads to unnecessary incarceration, money bond creates a public safety risk. Even a day spent in jail increases the likelihood that someone will be arrested in the future.

I. Money Bond is counterproductive and unjust

Money bond is meant to be a condition of release, not a mechanism to hold people in custody. However, in practice, requiring the payment of a money bond often leads to short-term, and sometimes long-term, detention in jail. Even if overall jail populations do not show a large proportion of their population as people who cannot afford bond, most people who are assessed a money bond, even a small one, spend short amounts of time in jail, and these short stays can be incredibly damaging. Meanwhile, money bond does nothing to improve public safety or encourage court appearance.

Multiple studies have concluded that financial conditions do not make people any less likely to be rearrested, nor do they assure appearance in court. A landmark 2014 study in Jefferson County Colorado found that judges who used more monetary bails in their courtrooms saw statistically similar public safety, court appearance, and compliance with supervision rates as

judges who did not use many monetary bonds¹. A 2023 study found no evidence that monetary bond improved failure to appear or re-arrest rates².

The experience of the jurisdictions that have abolished money bond bears out the idea that a safe and effective court system can exist without monetary bond. In Washington D.C., which has not used money bond for cases (felonies or misdemeanors) since 1992, 88% of people released in Fiscal Year 2025 remained arrest-free, and 88% made all their court appearances³. In New Jersey, which eliminated monetary bail in 2017, re-arrest rates have remained stable (around 13%) and the court appearance rate has also remained stable (around 90%)⁴.

Money bonds provide no benefit, but lead to many harms. First, we know that many people who are given even relatively low bonds are not able to post them immediately. Even a few days in jail can have massive impacts on someone's employment, housing, family cohesion, and ultimately, their re-arrest rate⁵.

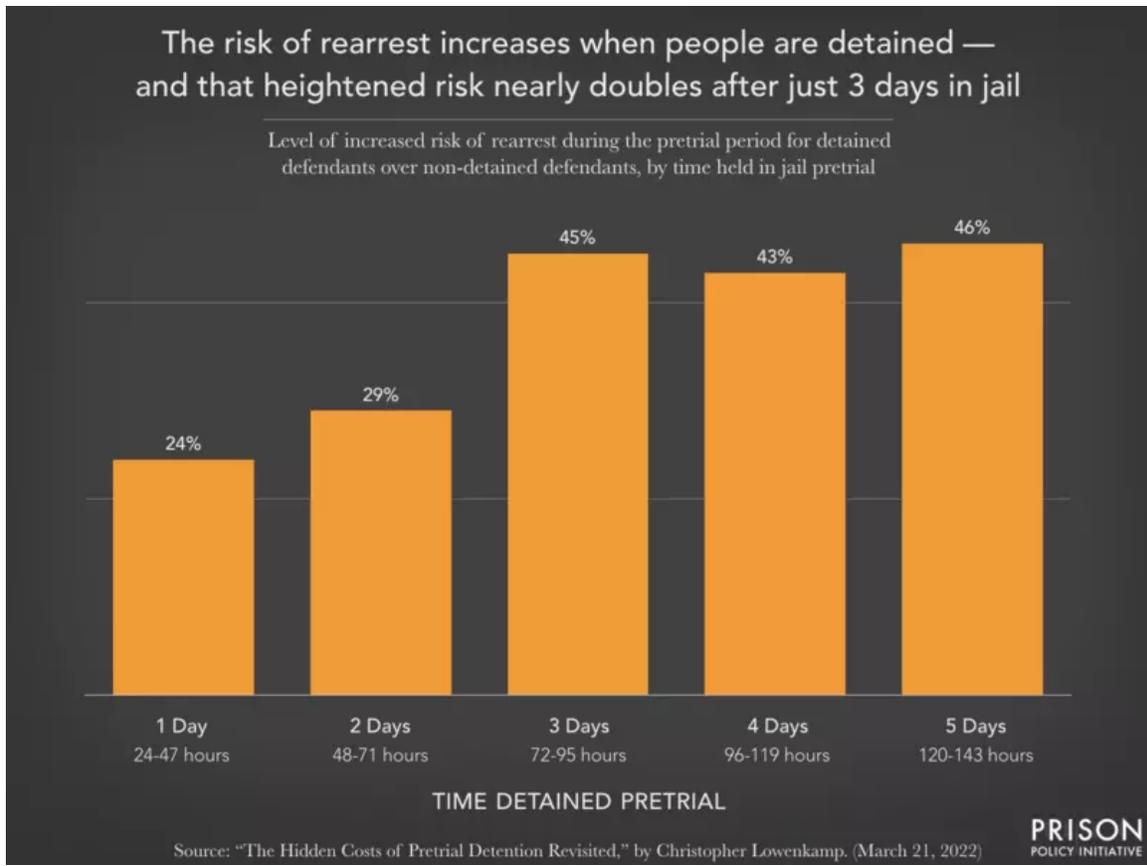
¹ Pretrial Justice Institute, "The Jefferson County bail project: Impact study found better cost effectiveness for unsecured recognizance bonds over cash and surety bonds". June 2014, available at http://clebp.org/images/Jefferson_County_Bail_Project-Impact_Study_-_PJI_2014.pdf

² Ouss, Aurélie, and Megan Stevenson. 2023. "Does Cash Bail Deter Misconduct?" *American Economic Journal: Applied Economics* 15 (3): 150–82.

³ Pretrial Services Agency for the District of Columbia, PSA Performance Outcomes FY 2021-2025, available at: https://www.psa.gov/sites/default/files/2026-01/PSA%20Performance%20Outcomes%20FY%202021-2025-1-23-26_0.pdf

⁴ New Jersey Courts, Annual Report to the Governor and the Legislature, 2022-2024, available at: <https://www.njcourts.gov/sites/default/files/courts/criminal/criminal-justice-reform/cjrreport2025.pdf>

⁵ Brian Nam-Sonenstein, Prison Policy Initiative, "Research roundup: Evidence that a single day in jail causes immediate and long-lasting harms" August 2024, available at: https://www.prisonpolicy.org/blog/2024/08/06/short_jail_stays/; citing Christopher Lowenkamp "The hidden costs of pretrial detention revisited", March 2022, available at <https://static.prisonpolicy.org/scans/HiddenCosts.pdf>



People who are detained are likely to miss work and lose their jobs after even very short stays in jail, destabilizing their lives and their families' incomes⁶. In turn, this makes it harder for them to provide for their families and meet the requirements of court supervision and the pretrial process, like getting to court.

⁶ Sandra Susan Smith, "How pretrial incarceration diminishes individuals' employment prospects" *Federal Probation*, December 2022, available at: https://www.uscourts.gov/sites/default/files/86_3_3_0.pdf.

Pretrial detention forces people to miss work, often leading to job loss

Percentage of people reporting missing work or job loss in a survey of 191 people arrested for low-level misdemeanors, by number of days held in pretrial detention



Source: "How Pretrial Incarceration Diminishes Individuals' Employment Prospects" by Sandra Susan Smith. *Federal Probation*, Vol. 86 No. 3 (December 2022)

PRISON
POLICY INITIATIVE

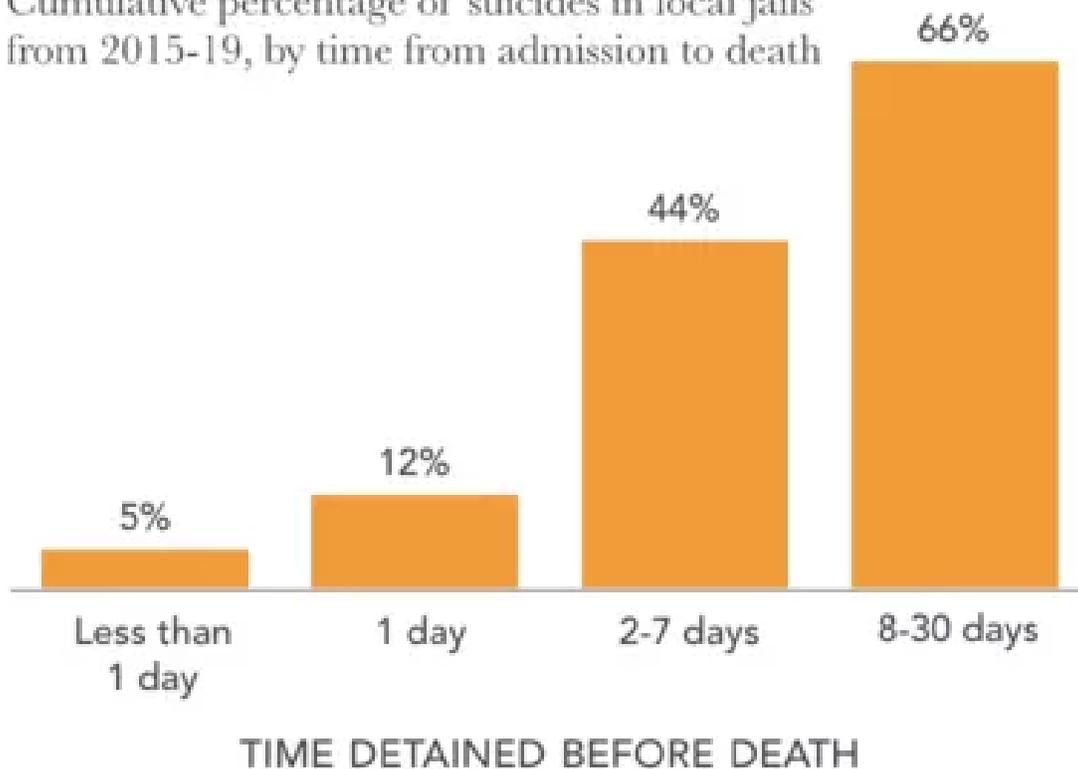
Jail is also a uniquely dangerous place in the first few days of incarceration. For people with mental health or substance use disorders, a few days in jail can disrupt access to medication and community-based treatment. For people in crisis who have been arrested, the results can be deadly. Most jail suicides occur within a month of admission, and more than 1 in 10 occur within one day⁷. This is particularly important to know in Hawai'i, where deaths from suicides and overdoses make up an unusually high percentage of the deaths in custody⁸.

⁷ Bureau of Justice Statistics, Suicide in Local Jails and State and Federal Prisons, 2000–2019 – Statistical Tables, October 2021, available at <https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/sljsfp0019st.pdf>

⁸ US News and World Report, Hawaii Corrections Officials Seeking Millions in Funding to Improve Mental Health Services in Prison, February 17 2018, available at <https://www.usnews.com/news/best-states/hawaii/articles/2026-02-17/hawaii-corrections-officials-seeking-millions-in-funding-to-improve-mental-health-services-in-prison>.

Most jail suicides occur within a month of admission, and more than 1 in 10 occur within one day

Cumulative percentage of suicides in local jails from 2015-19, by time from admission to death



II. **HB 2413 provides important safeguards to ensure that people are not jailed unnecessarily because of a history of unintentional non-appearance in court**

There are a few key features of HB 2413 that put it in line with nationwide best practices for pretrial releases. One of the most important language details is the inclusion of a “willful flight” standard. Money bond can only be used in cases where the defendant has a high likelihood of willful flight. This language mirrors Illinois’ recent law change that eliminated money bail.

It is vital that courts consider *intentional* failures to appear, rather than *all* failures to appear, when assessing whether someone should be held pretrial. Most people who fail to attend court do so not because they intend to evade justice, but because their competing responsibilities and logistical challenges make it impossible for them to attend⁹. The best way to address these challenges is to provide supportive services. For example, court reminders

⁹ Brian Nam-Sonenstein, “High stakes mistakes: How courts respond to failure to appear” Prison Policy Initiative, August 2023, available at: <https://www.prisonpolicy.org/blog/2023/08/15/fta/>

are among the most effective ways to raise failure to appear rates, and don't require jailing anyone¹⁰.

III. The experience of Illinois in eliminating money bond shows that HB 2413 will not negatively impact public safety and will likely reduce jail populations

HB 2413's proposed reforms are extremely modest in comparison to two other states (Illinois and New Jersey) that have fully eliminated the use of monetary bond for both felonies and misdemeanors. The results in Illinois, the most recent state to eliminate cash bail through a piece of legislation called the Pretrial Fairness Act, are extremely promising.

In Illinois, which eliminated monetary bail starting in September 2023, the percentage of people detained more than three days after their initial court hearing decreased markedly for all case types – for non-detainable misdemeanors¹¹, it decreased from 16% to 1%¹². Jail populations also decreased in the first year after reform, falling 25% in rural counties and 14% in urban counties¹³. Two years after implementation, jail populations have rebounded slightly but still remain 7% lower than pre-reform levels¹⁴. In addition, overall failure to appear rates in 22 counties studied fell from 13.5% to 11.5%. The drop was even more dramatic for non-detainable misdemeanors, where it fell from 17.2% to 12.7%¹⁵. Violent and property crime in Illinois have also continued to decline after the implementation of the Pretrial Fairness Act¹⁶.

Hawai'i's proposed reform is much more modest than Illinois' and thus is likely to have less dramatic effects. Still, Illinois' example shows that substantial changes can be made to the pretrial system without harming public safety and while maintaining high court appearance rates. We hope that Hawai'i will take the first step into following that example by passing HB 2413.

¹⁰ Ideas42, "Improving court attendance: the essential guide to court reminder programs" May 2025, available at https://www.ideas42.org/wp-content/uploads/2025/05/i42-1530_RemindersRpt_Final.pdf.

¹¹ Illinois allows pretrial detention for some misdemeanors, most importantly domestic violence.

¹² Patrick Griffin, Brandon DuPont, Don Stemen, and Dave Olsen, "The First Year of the Pretrial Fairness Act" September 2024, available at: <https://pfa-1yr.loyolaccj.org/>

¹³ Id.

¹⁴ Dvae Olson, Don Stemen, Patrick Griffin, Amanda Ward, "Pretrial Detention and Supervision Under the PFA, October 2025 <https://loyolaccj.org/blog/pretrial-detention-and-supervision-under-the-pfa>

¹⁵ "The First Year of the Pretrial Fairness Act" <https://pfa-1yr.loyolaccj.org/>

¹⁶ Id.



LATE

Date: March 15, 2026

To: Sen Carol Fukunaga, Chair
Sen Chris Lee, Vice Chair
Members of the Senate Committee on Public Safety and Military Affairs

From: Lynn Costales Matsuoka, Executive Director
The Sex Abuse Treatment Center
A Program of Kapi'olani Medical Center for Women & Children

RE: Testimony on HB 2413, HD 1
Relating to Pre-Trial Bail Reform

Hearing: March 16, 2026, Conference Room 016, 3:02pm

Good morning, Chair Fukunaga, Vice Chair Lee, and Members of the Senate Committee on Public Safety and Military Affairs. Thank you for the opportunity for the Sex Abuse Treatment Center to provide comment on the HB 2413, relating to Pre-Trial Bail Reform.

The Sex Abuse Treatment Center provides comment on this bill, recognizing the sexual assault offenses would be excluded from automatic release considerations of pre-trial detainees. Understanding the importance of the bill and its intention to reduce the number of pre-trial detainees, the Sex Abuse Treatment Center remains concerned over the lack of victim engagement under HB2413, HD1.

As written, the measure requires release at the time of arraignment and plea, for essentially non-violent traffic, petty misdemeanor, misdemeanor and class C offenses. It further provides that pre-trial release be continually revisited at every stage of the criminal justice process and victims be notified by the prosecution once a bail decision is made by the court.

As this Committee is aware, HRS 801D outlines statutory requirements relating to victim rights, a law that has not been particularly efficient to support victims. This bill as well as 801D do not afford victim engagement, only that victims be notified. There is no language that allows victims to **participate** in proceedings and provide valuable input. Here, it is important to highlight that in most offenses there are 2 very specific individuals involved. The accused and victim. Both are tied to the criminal justice process. Both with competing interests to be served by the criminal justice system. Given that release would happen at the initial phase of the court process, it would behoove the court to have input from victims who were directly impacted by the crime and have the most to lose by early release of the offender.

Given that notification happens after a court decision is made, victims are left with little to no time to safety plan. Victims are also left with no opportunity to provide critical information as to their safety and the impact of the offense. Many victims are likely the only ones with intimate details or information surrounding the offense and the accused. Information that could support or oppose pre-trial release.

This bill does not require victims to be notified of the date, time and place of the arraignment and plea, nor does it provide them with any information as to how to provide input or engage in proceedings, should they choose. As written, there is no suggestion that they are encouraged or invited to participate.

At this phase of the court proceedings, victim advocates are not assigned to cases, and their capacity to engage with victims, is limited even if they were. While the State does have a automated notification system, that is triggered by the holding facility, Department of Corrections and Rehabilitation, once they are informed of release. It does not extend to the judiciary or police departments. The automated SAVIN system is simply not available at this phase of proceedings. Presumably, a detainee who qualifies for release under this bill would be released from the courthouse, yet notification to that victim by the prosecution would only come after court is concluded. The bill does not say when notification must be made, only that it be made at some point by the prosecution.

Bail hearings are critical to the safety of victims and the general public. While early release is the goal of pre-trial bail reform, it is important that it be done with thoughtful and measured consideration for not only the detainee but victims as well. In most circumstances the crime likely committed, within 1-3 days, while emotions are high. Detainees will likely return to the victim or the place of the offense and victims still dealing with the aftermath of their victimization. Pre-trial bail reports would not be available at this stage, further emphasizing the need for victims to have the ability to engage and provided with some level of support to minimize any fear of retaliation since release, under this bill, would essentially be inevitable.

We respectfully ask that this Committee consider expanding SAVIN to the pre-trial phase to include when the offender is help by police with or without bail, and the Judiciary during the initial appearance and arraignment and please phase.

Similarly, we ask that the victim notification and input be required prior to any decision made by the court.

For these reasons we ask this Committee to consider building stronger safeguards for victims so they are not an afterthought, but rather an important part of the process in developing a comprehensive and successful pre-trial bail system for our community.

HB-2413-HD-1

Submitted on: 3/12/2026 5:24:46 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
John Deutzman	Individual	Oppose	In Person

Comments:

Aloha Chair Fukunaga, Vice Chair Lee, and Members of the Senate Public Safety and Military Affairs Committee,

I'm strongly opposed to HB 2413, because bail reform already exists in Hawai'i.

A judge's right to release a defendant without bail is enshrined in the state's constitution. Judges are allowed to release defendants on their own recognizance if they reasonably believe a defendant will return to court. Currently, judges routinely release defendants who have horrific criminal records and dozens of warrants for failure to appear, yet this bill curiously seeks more "justice" for the accused.

This bill's preamble provides proper guidance: "*Defendants are released based on the risks they pose for non-appearance and recidivism, rather than on their financial circumstances.*" Yet the bill fails to give specifics about how to assess those risks.

The most important piece of data, the failure-to-appear rate for those released on their own recognizance, is glaringly absent. How can the legislature proceed with this bill without the proper research?

I've been studying every arrest made in my Waikiki neighborhood for the past five years, I've attended court dozens of times, and I've been both a victim and a witness on many cases. Some observations:

-In 24 months, 73% of misdemeanor defendants released on their own recognizance failed to appear in court.

-In 2023, in Oahu, there were 6,000 criminal contempt charges for missing court among those arrested by HPD. Each count of contempt has a potential sentence of 30 days. However, no one did any jail time for contempt. By judicial policy, judges take "no further action" on the contempt charge.

-There is a scientific tool already used by judges here called the Ohio Risk Assessment System, which uses factors like: number of failure to appear warrants in the past 24 months, three or more prior jail incarcerations, employment at the time of arrest, lived at the same arrest for 6 months, illegal drug use in the past six months, etc. Even though most defendants are considered "high risk" by this tool, they are released anyway.

As a victim of multiple frightening harassments, I can assure you that there is nothing “petty” about a “petty misdemeanor” if you are the innocent victim. Harassment, disorderly conduct, theft, breaking into cars, burglary, and many other so-called “non-violent” crimes can be dangerous. That’s why a judge should be deciding who’s released on bail based on the nature and circumstances of each case.

**Mahalo
John Deutzman
Waikiki**

THE SENATE
KA 'AHA KENEKOA

THE THIRTY-THIRD LEGISLATURE
REGULAR SESSION OF 2026

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Senator Carol Fukunaga, Chair
Senator Chris Lee, Vice Chair

NOTICE OF HEARING

DATE: Monday, March 16, 2026
TIME: 3:02 PM
PLACE: Conference Room 016 & Videoconference
State Capitol
415 South Beretania Street

HB 2413 H.D.1 Status RELATING TO PRETRIAL REFORM.

Requires release on recognizance for defendants charged with violations, traffic offenses, nonviolent petty misdemeanors, nonviolent misdemeanors, and nonviolent class C felonies, subject to conditions. Establishes exclusions for specified offenses, threats to public safety, and wilful flight. Requires findings when bail or detention is imposed, ongoing review of continued detention or conditions, and a prompt hearing if bail cannot be posted. Requires prosecutors to notify victims of pretrial decisions.

Testimony – Comments, Cautions, and Constructive Amendments (**Oppose as Written**)

Submitted by James Waldron Lindblad

Aloha Chair Fukunaga, Vice Chair Lee, and Members of the Committee on Public Safety and Military Affairs,

Thank you for the opportunity to offer comments on HB 2413, H.D.1.

By way of background, I have worked in the field of pretrial release for more than five decades. I began working in pretrial services in 1974 and have since served as a pretrial officer, a licensed bail agent, and a surety bond producer in Hawai'i. Over that time, I have assisted more than 25,000 individuals navigating the criminal justice system. My interest in these issues is not theoretical. I care deeply about ensuring that Hawai'i continues to be a leader in pretrial justice, fairness, and equity.

Hawai'i's constitutional and statutory framework is unique and deserves careful preservation. Article I, Section 12 of the Hawai'i Constitution prohibits excessive bail, and statutes such as HRS §804-3 provide that courts may dispense with bail when reasonably satisfied that a defendant will appear. The reference to release upon "sufficient sureties" reflects a longstanding balance between liberty, accountability, and judicial discretion. The constitutional and statutory framework allows courts to consider a range of assurances of appearance, including personal recognizance, unsecured obligations, family support, and secured surety bonds. Hawai'i's system has historically allowed courts to consider the individual circumstances of each case and determine the appropriate conditions of release.

The constitutional phrase "sufficient sureties" reflects a long-standing principle that courts may consider a range of assurances of appearance, including personal recognizance, unsecured obligations, family support, and secured surety bonds. Hawai'i's system has historically allowed courts to consider the individual circumstances of each case and determine the appropriate conditions of release.

For that reason, I respectfully urge the Committee to hold this measure for further study, or alternatively to amend the bill to address several long-standing issues within Hawai'i's bail statutes that merit clarification and modernization.

HB 2413, H.D.1 establishes a statutory framework requiring release on recognizance for broad categories of offenses, including violations, misdemeanors, and certain nonviolent class C felonies, subject to enumerated exceptions. While well-intentioned, categorical approaches of this kind risk shifting Hawai'i away from its longstanding structure in which judges exercise individualized discretion based on the facts of each case.

It may also be helpful for the Committee to recall that the Legislature addressed a substantially similar proposal in 2022 through HB 1567. That measure generated significant discussion among judges, prosecutors, law enforcement leaders, and others involved in the administration of justice. Ultimately, the bill was vetoed after concerns were raised about its interaction with Hawai'i's constitutional bail framework and the

potential consequences of categorical release rules. The issues raised during that debate remain relevant today and merit careful consideration as the Legislature evaluates HB 2413, H.D.1.

If the Committee believes this measure should continue moving forward, I respectfully suggest that the bill be amended to include several practical statutory clarifications that would strengthen fairness, consistency, and judicial discretion within Hawai'i's bail framework.

These include:

- Clarifying forfeiture procedures under HRS §804-51 so that courts retain authority to consider motions to set aside forfeiture within a reasonable period and in the interest of justice;
- Ensuring that proper notice of forfeiture is provided to all affected parties, including the surety, surety insurer, and licensed bail agent;
- Affirming that judges retain full discretion to impose appropriate financial conditions of release where warranted by the facts of a case;
- Allowing applications to set aside forfeiture to be filed by multiple parties when appropriate, and clarifying that such proceedings are civil in nature and subject to Rule 60 of the Hawai'i Rules of Civil Procedure.

These refinements are consistent with the approach reflected in proposed bail modernization legislation and would help ensure that Hawai'i's pretrial system remains fair, predictable, and workable in practice. They also promote statewide consistency and help prevent unintended consequences within the existing statutory framework.

These refinements are also consistent with broader efforts underway to modernize and clarify Hawai'i's bail statutes so that pretrial procedures remain fair, transparent, and workable for courts, defendants, victims, and the community.

Hawai'i's system has long been regarded as a thoughtful middle path between automatic detention and automatic release—approaching pretrial justice with balance and restraint while preserving liberty, accountability, and respect for judicial discretion.

Pretrial reform should strengthen both liberty and accountability. Thoughtful clarification of existing statutes can strengthen both goals while preserving Hawai'i's long-standing balance between liberty and accountability.

Thank you for the opportunity to offer these comments and suggestions.

Respectfully submitted,

James Waldron Lindblad

Honolulu, Hawai'i

James.Lindblad@gmail.com

808-780-8887

Rev 03_16_26

HB-2413-HD-1

Submitted on: 3/13/2026 10:25:31 AM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Kainoa Stafford	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

Thank you for the opportunity to submit testimony in opposition to **HB2413 HD1**.

In my role overseeing safety and security in a hotel environment, I regularly deal with individuals whose behavior poses ongoing risks to guests and employees. HB2413 HD1 establishes a presumption of release for a broad range of offenses, which in practice limits the ability of judges to account for repeat behavior, escalation, and non-compliance.

Many offenses labeled as low-level or nonviolent involve patterns of conduct that disrupt public spaces, intimidate workers, and erode a sense of safety. When release is presumed without meaningful consideration of individual history, the burden of managing that risk shifts to frontline workers and law enforcement responding after harm has occurred.

Judges must retain the authority to assess each case individually. Removing that flexibility increases the likelihood of preventable incidents and undermines confidence in the justice system — particularly in environments that rely on safety and order to function. Hawai‘i’s hospitality industry depends on safe, welcoming environments, and policies that limit meaningful intervention undermine both worker safety and visitor confidence. I respectfully urge the Legislature to slow this trajectory and pursue reforms that balance fairness with responsibility, preserve professional judgment, and reflect the operational realities of hospitality, tourism, and public safety across our state.

Respectfully,

Kainoa Stafford

HB-2413-HD-1

Submitted on: 3/13/2026 2:11:19 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Grant Nagata	Individual	Oppose	Written Testimony Only

Comments:

Hello,

My name is Grant Nagata and I oppose this bill HB2413. I believe we should hold people accountable for their decisions and actions. I understand that these are lower level offenses, but if we don't hold these offenders accountable it will embolden them into continuing their criminal habits which deteriorate our communities and into committing more serious crimes.

HB-2413-HD-1

Submitted on: 3/13/2026 3:34:33 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Kyli Catlett	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

Maybe you all need to try protecting law abiding, tax paying citizens instead of catering to criminals. Our communities deserve to be protected, our residents have the basic right to feel safe where they live. However this bill deters that while criminals continue to harm, harass, and threaten the rest of us. If there are limited to no consequences for these offenders how can this behavior change, how will crime decrease in our communities?

This bill's preamble provides proper guidance: *“Defendants are released based on the risks they pose for non-appearance and recidivism, rather than on their financial circumstances.”* Yet the bill fails to give specifics about how to assess those risks.

The most important piece of data, the failure-to-appear rate for those released on their own recognizance, is glaringly absent. How can the legislature proceed with this bill without the proper research?

I hope that HB2413 will fail and not be passed. I also hope that any of you that vote yes on HB2413 get voted out in your next election cycle. Law abiding citizens and victims of these offenders deserve so much better.

HB-2413-HD-1

Submitted on: 3/13/2026 4:05:55 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Erich Wida	Individual	Oppose	Written Testimony Only

Comments:

I am strongly against any bail reform. As a business owner who deals with habitual offenders only to watch them be released immediately it's incredibly frustrating how weak our criminal justice system is already. Now you are trying to weaken it even further. You need to lock these criminals up! Not release them to reoffend again!

HB-2413-HD-1

Submitted on: 3/13/2026 9:50:24 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
J. Kanoe	Individual	Oppose	Written Testimony Only

Comments:

I am extremely worried that criminals will ve released out into the public with little to no reprocuasions simply due to them having committed a "non violent" offence. Who is to say that the next offence won't escalate to something more violent?

I am of the opinion that this is a terrible idea/bill and should not be passed!

HB-2413-HD-1

Submitted on: 3/13/2026 10:11:00 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Kerri Ayabe	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

HB-2413-HD-1

Submitted on: 3/13/2026 10:20:53 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Randall Ayabe	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

HB-2413-HD-1

Submitted on: 3/14/2026 12:15:53 AM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Trish Pundyke	Individual	Oppose	Written Testimony Only

Comments:

I highly oppose this bill.

HB-2413-HD-1

Submitted on: 3/14/2026 4:58:05 AM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Ethan Chang	Individual	Support	Written Testimony Only

Comments:

Committee on Public Safety and Military Affairs

Senator Carol Fukunaga, Chair

Chris Lee, Vice Chair

Saturday, March 14, 2026

Re: Support for H.B. 2413, H.D. 1 Relating to Pretrial Reform

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

I am writing in support of **H.B. 2413, H.D. 1 Relating to Pretrial Reform**. This bill represents an important step towards a more just and fair pretrial system, one guided by research and evidence, rather than fear-based, “tough on crime” rhetoric.

Pretrial incarceration is overused in Hawai’i. Between 55-76% of the population in our jails have not been convicted of any crime and are legally innocent. As the Prison Policy Initiative notes, “a growing body of research shows that using jails to incarcerate people pretrial not only undermines the presumption of innocence, but also causes lasting harm to public safety and public health.”

Other jurisdictions have successfully implemented pretrial or bail reforms that have reduced pretrial population, resulted in cost-savings, all while maintaining community safety.

- For example, in Cass County, Indiana, the average jail population was nearly 50% over capacity with approximately 70% of people held pretrial before their day in court. However, in 2018, the County adopted a number of pretrial programs. These changes reduced the pretrial population by 80% and resulted in a savings of nearly \$1 million in detention costs.

- New Jersey implemented a cash bail reform law in 2017 which “substantially reduced the pretrial population... without harming community safety.”
- In Illinois, jurisdictions across the state experienced a decrease in pretrial incarceration while maintaining rates of appearance in court and without increasing crime rates. Since the law’s implementation, jail populations have decreased by 14 percent in urban counties and 25 percent in rural ones. Significantly, judges are also spending more time considering individual public safety factors. “One study revealed that the time of detention hearings increased after implementation to a median length of 10–30 minutes, compared with 4–6 minutes before. The additional time allows Illinois judges to make the most informed decisions.” <https://www.americanprogress.org/article/illinois-continues-to-lead-nation-with-pretrial-policies-that-center-safety-and-justice/8>

Currently, the Hawai’i Department of Corrections spends approximately \$112,000 annually to incarcerate one adult. Despite this large expenditure, most of our jails are overcrowded, with people experiencing inhumane and violent conditions of confinement and limited access to health care and rehabilitative programs. Instead of spending funds on this most expensive and least effective response to alleged actions, it is critically important to invest in data-driven infrastructure and comprehensive support services. For these reasons, I urge you to pass H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Mahalo for the opportunity to submit testimony in support of this important legislation.

Aloha,

Ethan Chang

Mānoa, O‘ahu

HB-2413-HD-1

Submitted on: 3/14/2026 7:18:05 AM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Jeff Juett	Individual	Oppose	Written Testimony Only

Comments:

HB-2413-HD-1

Submitted on: 3/14/2026 9:02:45 AM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Deven English	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this absolutely ridiculous bill, all this is doing is giving the ability to criminals to continue to rob, steal, use drugs amongst other what you consider "non-violent " crimes, to step it up and be even more brazen and dangerous to the community you are all suppose to protect and serve. We are exactly the opposite, we have become a weak, broken soft on crime state and will continue to get worse. You are already taxing the men and women of law enforcement here in Hawaii and continue to be completely blind to the needs of the state. This bill is complete garbage and needs to be thrown in the trash where it belongs.

HB-2413-HD-1

Submitted on: 3/14/2026 12:08:30 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
kimdonghyeon	Individual	Support	Written Testimony Only

Comments:

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

I am writing in support of H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Many people locked up in our overcrowded jails are accused but not convicted of any crime simply because they cannot afford money bail.

Other states have successfully enacted pretrial reforms and saved taxpayer dollars by investing in robust pretrial services in the community instead of locking people up while awaiting their day in court. It's time for Hawai'i to make similar changes to our two-tiered system of justice based on wealth and implement pretrial "best practices." This will increase fundamental fairness in our criminal legal system and reduce the number of legally innocent people held in our jails without compromising community safety. Please pass H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Thank you,

kimdonghyeon

HB-2413-HD-1

Submitted on: 3/14/2026 12:12:22 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Valerie Weiss	Individual	Support	Written Testimony Only

Comments:

I support this measure.

HB-2413-HD-1

Submitted on: 3/14/2026 12:23:54 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Scott Schultz	Individual	Oppose	Written Testimony Only

Comments:

Aloha... While I have great sympathy for people that are struggling with circumstances and issues that cause them to commit crimes, I have greater sympathy for the many victims of those crimes. Therefore, I vehemently oppose this bill. Thank you for your consideration. Aloha, Scott.

HB-2413-HD-1

Submitted on: 3/14/2026 12:31:15 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Jonathan Simonds	Individual	Support	Written Testimony Only

Comments:

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

I am writing in support of H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Many people locked up in our overcrowded jails are accused but not convicted of any crime simply because they cannot afford money bail.

Other states have successfully enacted pretrial reforms and saved taxpayer dollars by investing in robust pretrial services in the community instead of locking people up while awaiting their day in court. It's time for Hawai'i to make similar changes to our two-tiered system of justice based on wealth and implement pretrial "best practices." This will increase fundamental fairness in our criminal legal system and reduce the number of legally innocent people held in our jails without compromising community safety. Please pass H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Thank you,

Jonathan Simonds

Hilo

HB-2413-HD-1

Submitted on: 3/14/2026 12:32:24 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Cristina Bacchilega	Individual	Support	Written Testimony Only

Comments:

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

I am writing in support of H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Many people locked up in our overcrowded jails are accused but not convicted of any crime simply because they cannot afford money bail. Many of them are not dangerous or guilty of a crime. And even a short time in jail can cause them to lose jobs, housing, or custody of their children.

Other states have successfully enacted pretrial reforms and saved taxpayer dollars by investing in robust pretrial services in the community instead of locking people up while awaiting their day in court.

It's time for Hawai'i to make similar changes to our two-tiered system of justice based on wealth and implement pretrial "best practices." This will increase fundamental fairness in our criminal legal system and reduce the number of legally innocent people held in our jails without compromising community safety.

Please pass H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Thank you,

Cristina Bacchilega

Honolulu, O'ahu

HB-2413-HD-1

Submitted on: 3/14/2026 12:46:58 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
John C Wert III	Individual	Support	Written Testimony Only

Comments:

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

I am writing in support of H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Many people locked up in our overcrowded jails are accused but not convicted of any crime simply because they cannot afford money bail.

Other states have successfully enacted pretrial reforms and saved taxpayer dollars by investing in robust pretrial services in the community instead of locking people up while awaiting their day in court. It's time for Hawai'i to make similar changes to our two-tiered system of justice based on wealth and implement pretrial "best practices." This will increase fundamental fairness in our criminal legal system and reduce the number of legally innocent people held in our jails without compromising community safety. Please pass H.B. 2413, H.D. 1 Relating to Pretrial Reform. And Gov Green won't have to build a bigger or additional jail.

Mahalo,

Prof John C Wert (Ret), Wailuku, Maui

HB-2413-HD-1

Submitted on: 3/14/2026 12:50:51 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Tanya Aynessazian	Individual	Support	Written Testimony Only

Comments:

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

I am writing in support of HB 2413 HD1 Relating to Pretrial Reform. Many people locked up in our overcrowded jails are accused but not convicted of any crime simply because they cannot afford money bail. Other states have successfully enacted pretrial reforms and saved taxpayer dollars by investing in robust pretrial services in the community instead of locking people up while awaiting their day in court. It's time for Hawai'i to make similar changes to our two-tiered system of justice based on wealth and implement pretrial "best practices." This will increase fundamental fairness in our criminal legal system and reduce the number of legally innocent people held in our jails without compromising community safety.

Tanya Aynessazian, Hilo

HB-2413-HD-1

Submitted on: 3/14/2026 1:01:35 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Jennifer Lum	Individual	Support	Written Testimony Only

Comments:

I am writing to express my support for H.B. 2413, H.D. 1, which relates to pretrial reform.

Many individuals confined in our overcrowded jails are merely accused of crimes but not yet convicted, often because they cannot afford bail.

Other states have successfully implemented pretrial reforms and saved taxpayer dollars by investing in strong community-based pretrial services instead of detaining people while they await their court dates. It's time for Hawai'i to adopt similar changes to our unfair justice system that favors wealth and to implement pretrial best practices. This reform will enhance fundamental fairness in our criminal legal system and reduce the number of legally innocent individuals held in our jails, all while ensuring community safety is not compromised.

Please support the passage of H.B. 2413, H.D. 1, relating to pretrial reform.

Mahalo,
Jen Lum
'Ewa Beach

HB-2413-HD-1

Submitted on: 3/14/2026 1:23:37 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Luanna Peterson	Individual	Support	Written Testimony Only

Comments:

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

I write in support of H.B. 2413, H.D. 1, relating to Pretrial Reform.

Across Hawai‘i, too many people sit behind bars not because they have been convicted of a crime, but because they cannot afford the price of freedom. In overcrowded jails, legally innocent people wait for their day in court simply because they lack the wealth to post bail. Justice should not hinge on the size of one’s bank account.

We know that a better path is possible. By investing in strong community-based pretrial services rather than unnecessary detention, many have reduced jail populations, protected public safety, and saved taxpayer dollars. Hawai‘i has the opportunity to follow proven approaches and move beyond a two-tiered system of justice divided by wealth.

Passing H.B. 2413, H.D. 1 would bring Hawai‘i closer to a system rooted in fairness, dignity, and evidence-based best practices. It would reduce the number of legally innocent people held in jail while they await their court date, without compromising the safety of our communities.

I respectfully urge you to support and pass H.B. 2413, H.D. 1.

Mahalo for your time and consideration,

Luanna Peterson Honolulu, HI

HB-2413-HD-1

Submitted on: 3/14/2026 1:35:07 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Abbey Seitz	Individual	Support	Written Testimony Only

Comments:

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

I am writing in support of H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Many people locked up in our overcrowded jails are accused but not convicted of any crime simply because they cannot afford money bail.

Other states have successfully enacted pretrial reforms and saved taxpayer dollars by investing in robust pretrial services in the community instead of locking people up while awaiting their day in court. It's time for Hawai'i to make similar changes to our two-tiered system of justice based on wealth and implement pretrial "best practices." This will increase fundamental fairness in our criminal legal system and reduce the number of legally innocent people held in our jails without compromising community safety. Please pass H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Mahalo,

Abbey

Resident of Palolo

HB-2413-HD-1

Submitted on: 3/14/2026 3:01:26 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Roberta Foster	Individual	Support	Written Testimony Only

Comments:

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

I am writing in support of H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Many people locked up in our overcrowded jails are accused but not convicted of any crime simply because they cannot afford money bail.

Other states have successfully enacted pretrial reforms and saved taxpayer dollars by investing in robust pretrial services in the community instead of locking people up while awaiting their day in court. It's time for Hawai'i to make similar changes to our two-tiered system of justice based on wealth and implement pretrial "best practices." This will increase fundamental fairness in our criminal legal system and reduce the number of legally innocent people held in our jails without compromising community safety. Please pass H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Thank you,

Roberta Foster

Honolulu, Oahu

HB-2413-HD-1

Submitted on: 3/14/2026 3:11:55 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
cheryl burghardt	Individual	Support	Written Testimony Only

Comments:

Chair and Committee Members

I SUPPORT HB 2413 HD1 because is a step toward a **more fair, evidence-based pretrial system in Hawai‘i**. The bill would **prioritize release for eligible nonviolent offenses while maintaining judicial discretion and public safety protections**.

Mahalo for your support of this bill.

Cheryl Burghardt

Nuuanu Oahu

HB-2413-HD-1

Submitted on: 3/14/2026 3:17:17 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Isabella McRae	Individual	Support	Written Testimony Only

Comments:

My name is Isabella McRae, and I submit this testimony in strong support of HB2413 HD1, which requires release on recognizance for those charged with low-level offenses including violations, traffic offenses, nonviolent petty misdemeanors, nonviolent misdemeanors, and nonviolent class C felonies. This bill would also strengthen due process protections in situations where bail or detention is imposed.

Every year, I hear news about prisons being overcrowded and there is discussion about building a new jail, and yet this year in the O‘ahu Community Correctional Center system 74 percent of those being held are being held pretrial. These people who cannot afford bail for minor crimes should not be held just because they can't afford bail. This disproportionately impacts low income communities and costs the state additional money to provide food and pay staff at the jails. Additionally, this will reduce capacity, saving the state the money they would have to pay for the 1 billion dollar super jail.

Reducing the pretrial detention population also is a clear first step to address problems of overcrowding given that the total number of people incarcerated in Hawai‘i is decreasing over time, but our pretrial population is increasing. Before designing a new superjail to replace OCCC, Hawai‘i must enact policies to reduce its jail population.

Research shows that pretrial detention reforms do not compromise public safety and have little impact on court appearance rates (<https://www.prisonpolicy.org/blog/2023/07/06/bail-reform/>). By contrast, unnecessary pretrial detention contributes to overcrowding, staffing issues, and worsening facility conditions. Studies have also found that pretrial detention itself can increase the likelihood of future criminal justice involvement. Even short periods of pretrial detention can have “cascading effects” on an individual, including threatening employment, housing stability, child custody, and health care access. These may contribute to increased likelihood of further involvement with the criminal justice system.

For the above reasons, I respectfully request that the Committee PASS HB2413 HD1.

HB-2413-HD-1

Submitted on: 3/14/2026 3:22:35 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Kendall Krumm	Individual	Support	Written Testimony Only

Comments:

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

I am writing in support of H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Many people locked up in our overcrowded jails are accused but not convicted of any crime simply because they cannot afford money bail.

Other states have successfully enacted pretrial reforms and saved taxpayer dollars by investing in robust pretrial services in the community instead of locking people up while awaiting their day in court. It's time for Hawai'i to make similar changes to our two-tiered system of justice based on wealth and implement pretrial "best practices." This will increase fundamental fairness in our criminal legal system and reduce the number of legally innocent people held in our jails without compromising community safety. Please pass H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Thank you,

Kendall

Kailua, Oahu

HB-2413-HD-1

Submitted on: 3/14/2026 3:35:24 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Mary Lu Kelley	Individual	Support	Written Testimony Only

Comments:

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

I am writing in support of H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Many people locked up in our overcrowded jails are accused but not convicted of any crime simply because they cannot afford money bail.

Other states have successfully enacted pretrial reforms and saved taxpayer dollars by investing in robust pretrial services in the community instead of locking people up while awaiting their day in court. It's time for Hawai'i to make similar changes to our two-tiered system of justice based on wealth and implement pretrial "best practices." This will increase fundamental fairness in our criminal legal system and reduce the number of legally innocent people held in our jails without compromising community safety.

Please pass H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Do the right thing.

Thank you, Mary Lu Kelley Koloa, Kauai

HB-2413-HD-1

Submitted on: 3/14/2026 3:41:16 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Susan Douglas	Individual	Support	Written Testimony Only

Comments:

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

I am writing in support of H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Many people locked up in our overcrowded jails are accused but not convicted of any crime simply because they cannot afford money bail.

Other states have successfully enacted pretrial reforms and saved taxpayer dollars by investing in robust pretrial services in the community instead of locking people up while awaiting their day in court. It's time for Hawai'i to make similar changes to our two-tiered system of justice based on wealth and implement pretrial "best practices." This will increase fundamental fairness in our criminal legal system and reduce the number of legally innocent people held in our jails without compromising community safety. Please pass H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Thank you

HB-2413-HD-1

Submitted on: 3/14/2026 4:46:21 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Eileen Cain	Individual	Support	Written Testimony Only

Comments:

Aloha, Senators,

People should not be punished for not being able to afford to pay bail IF they have not committed an act of violence and are not a danger to the community.

Please support this bill.

Mahalo,

Eileen Cain,

Honolulu

HB-2413-HD-1

Submitted on: 3/14/2026 4:59:20 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

I am writing in support of H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Many people locked up in our overcrowded jails are accused but not convicted of any crime simply because they cannot afford money bail.

Other states have successfully enacted pretrial reforms and saved taxpayer dollars by investing in robust pretrial services in the community instead of locking people up while awaiting their day in court. It's time for Hawai'i to make similar changes to our two-tiered system of justice based on wealth and implement pretrial "best practices." This will increase fundamental fairness in our criminal legal system and reduce the number of legally innocent people held in our jails without compromising community safety. Please pass H.B. 2413, H.D. 1 Relating to Pretrial Reform. Mahalo.

HB-2413-HD-1

Submitted on: 3/14/2026 5:31:56 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Terren Alejado	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose to HB 2413

HB-2413-HD-1

Submitted on: 3/14/2026 5:59:47 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Charlene K. Rowley	Individual	Support	Written Testimony Only

Comments:

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

I am writing in support of H.B. 2413, H.D. 1 Relating to Pretrial Reform. Many people locked up in our overcrowded jails are accused but not convicted of any crime simply because they cannot afford money bail. I know from a recent experience with a friend going through a tough custody battle that this includes vulnerable women and mothers who are not financially independent for minor offenses setting of a difficult and expensive cycle that makes them more vulnerable to losing income, shelter and transportation.

Other states have successfully enacted pretrial reforms and saved taxpayer dollars by investing in robust pretrial services in the community instead of locking people up while awaiting their day in court. It's time for Hawai'i to make similar changes to our two-tiered system of justice based on wealth and implement pretrial "best practices." This will increase fundamental fairness in our criminal legal system and reduce the number of legally innocent people held in our jails without compromising community safety. Please pass H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Thank you,

Charlene Kiana Rowley

Kula, Maui

HB-2413-HD-1

Submitted on: 3/14/2026 6:04:51 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Lauralee Dice	Individual	Support	Written Testimony Only

Comments:

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

I am writing in support of H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Many people locked up in our overcrowded jails are accused but not convicted of any crime simply because they cannot afford money bail.

Other states have successfully enacted pretrial reforms and saved taxpayer dollars by investing in robust pretrial services in the community instead of locking people up while awaiting their day in court. It's time for Hawai'i to make similar changes to our two-tiered system of justice based on wealth and implement pretrial "best practices." This will increase fundamental fairness in our criminal legal system and reduce the number of legally innocent people held in our jails without compromising community safety. Please pass H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Thank you,

Lauralee Dice

1479 Thurston Ave #201

Honolulu, HI 96822

HB-2413-HD-1

Submitted on: 3/14/2026 6:12:16 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
John Fitzpatrick	Individual	Support	Written Testimony Only

Comments:

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

I am writing in **strong support of H.B. 2413, H.D. 1.**

Our current system isn't just a hurdle for the "presumption of innocence"—it's a massive drain on Hawai'i's resources. **When 50-70% of the people in our jails are non-violent pretrial detainees** who haven't been convicted of a crime, we have a crisis of efficiency, not just a crisis of fairness.

The math simply doesn't add up:

- It's expensive: It costs taxpayers over **\$300 per day to keep one person in jail.** Community supervision costs a fraction of that.
- It's unnecessary: States like Illinois and New Jersey have already shown that you can significantly reduce jail populations through these reforms without seeing an increase in crime.
- It's a wealth gap: **No one should be detained solely because they can't afford to buy their way out.**

By passing H.B. 2413, H.D. 1, we can protect the legal rights of our citizens, reduce overcrowding, and stop wasting taxpayer dollars on unnecessary detention. I urge you to support this measure.

Mahalo,
Fitz

HB-2413-HD-1

Submitted on: 3/14/2026 6:13:02 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Martha Evans	Individual	Support	Written Testimony Only

Comments:

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

I am writing in support of H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Many people locked up in our overcrowded jails are accused but not convicted of any crime simply because they cannot afford money bail.

Other states have successfully enacted pretrial reforms and saved taxpayer dollars by investing in robust pretrial services in the community instead of locking people up while awaiting their day in court. It's time for Hawai'i to make similar changes to our two-tiered system of justice based on wealth and implement pretrial "best practices." This will increase fundamental fairness in our criminal legal system and reduce the number of legally innocent people held in our jails without compromising community safety. Please pass H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Thank you,
Martha Evans

Honolulu, O'ahu

HB-2413-HD-1

Submitted on: 3/14/2026 6:18:17 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Beppie Shapiro	Individual	Support	Written Testimony Only

Comments:

HB2413 - would save money currently spent on jailing pre-trial suspects

- would allow defendents to continue their schooling, work, parenting etc so they don't suffer life- and family-changing impacts

- would provide equal justice for those who can afford bail and those who can't

- leaves discretion with judges in specifying pre-trial conditions

PLEASE PASS HB 2413 - Thank you

HB-2413-HD-1

Submitted on: 3/14/2026 6:41:55 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Ann Dorsey	Individual	Support	Written Testimony Only

Comments:

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

I urge you to support H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Many people locked up in our overcrowded jails are accused but not convicted of any crime simply because they cannot afford money bail.

Other states have successfully enacted pretrial reforms and saved taxpayer dollars by investing in robust pretrial services in the community instead of locking people up while awaiting their day in court. It's time for Hawai'i to make similar changes to our two-tiered system of justice based on wealth and implement pretrial "best practices." This will increase fundamental fairness in our criminal legal system and reduce the number of legally innocent people held in our jails without compromising community safety.

Please pass H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Thank you

HB-2413-HD-1

Submitted on: 3/14/2026 6:47:29 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Kencho Gurung	Individual	Support	Written Testimony Only

Comments:

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

I am writing in support of H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Many people locked up in our overcrowded jails are accused but not convicted of any crime simply because they cannot afford money bail.

Other states have successfully enacted pretrial reforms and saved taxpayer dollars by investing in robust pretrial services in the community instead of locking people up while awaiting their day in court. It's time for Hawai'i to make similar changes to our two-tiered system of justice based on wealth and implement pretrial "best practices." This will increase fundamental fairness in our criminal legal system and reduce the number of legally innocent people held in our jails without compromising community safety. Please pass H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Thank you,

Kencho Gurung,
Hilo

HB-2413-HD-1

Submitted on: 3/14/2026 8:39:03 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Greg Puppione	Individual	Support	Written Testimony Only

Comments:

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

My name is Greg Puppione, and I submit this testimony in strong support of HB2413 HD1, which requires release on recognizance for those charged with low-level offenses including violations, traffic offenses, nonviolent petty misdemeanors, nonviolent misdemeanors, and nonviolent class C felonies. This bill would also strengthen due process protections in situations where bail or detention is imposed.

This bill is an important step toward a justice system that does not punish people for their lack of wealth. Today, more than 54 percent of Hawai'i's jail population consists of people who are being held pretrial. At the O'ahu Community Correctional Center, that figure rises to 74 percent. These individuals have not been convicted of any crime, yet they remain incarcerated largely due to the continued reliance on cash bail and limited use of alternative pretrial practices. Reducing the pretrial detention population also is a clear first step to address problems of overcrowding given that the total number of people incarcerated in Hawai'i is decreasing over time, but our pretrial population is increasing. Before designing a new superjail to replace OCCC, Hawai'i must enact policies to reduce its jail population.

Research shows that pretrial detention reforms do not compromise public safety and have little impact on court appearance rates. By contrast, unnecessary pretrial detention contributes to overcrowding, staffing issues, and worsening facility conditions. Studies have also found that pretrial detention itself can increase the likelihood of future criminal justice involvement. Even short periods of pretrial detention can have "cascading effects" on an individual, including threatening employment, housing stability, child custody, and health care access. These may contribute to increased likelihood of further involvement with the criminal justice system.

For the above reasons, I respectfully request that the Committee PASS HB2413 HD1. Mahalo.

HB-2413-HD-1

Submitted on: 3/14/2026 9:24:12 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
pat matsueda	Individual	Support	Written Testimony Only

Comments:

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

I am writing in support of H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Many people are locked up in our overcrowded jails because they cannot afford money bail. Other states have successfully enacted pretrial reforms and saved taxpayer dollars by investing in robust pretrial services in the community instead of locking people up while awaiting their day in court.

Can Hawai'i make similar changes to our two-tiered system of justice based on wealth and implement pretrial "best practices"? This will increase fundamental fairness in our criminal legal system and reduce the number of legally innocent people in jail without compromising community safety.

Please pass H.B. 2413, H.D. 1 Relating to Pretrial Reform. Thank you.

Pat Matsueda

HB-2413-HD-1

Submitted on: 3/14/2026 9:31:34 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Barbara J. Service	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Fukunaga, Vice Chair Lee and committee members,

I am in SD9 and HD18 and stand in strong support of HB2413.

With overcrowding, arguments (including violence) among inmates, even suicide, it is ridiculous for men to remain in any correction facility (especially OCCC, where 76% of the inmates have been charged only with violations, traffic offenses or non-violent petty misdemeanors), it is ridiculous for these men go remain in custody pending trial.

My HOA's employee has been in OCCC since December, 2024, for one of the above reasons. Needless to say, he lost his job AND his wife left him. Who's supporting his family now? How will he explain incarceration to future employers? What does this accomplish?

Please pass this bill.

Mahalo for allowing me to testify.

Barbara J. Service MSW

Child Welfare Supervisor (ret.)

Passionate Kupuna advocate

HB-2413-HD-1

Submitted on: 3/14/2026 10:15:12 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Jackie Keefe	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Fukunaga, Vice Chair Lee, and Members of the Senate Committee on Public Safety and Military Affairs,

My name is Jackie Keefe and I am testifying **in strong support of HB2413 HD1**, which is a step toward a more fair, evidence-based pretrial system. I am deeply disappointed in our State's legal systems' opposition to this bill, as we are supposed to run our judicial system on a presumption of innocence. Many people locked up in our overcrowded jails are accused but not convicted of any crime simply because they cannot afford money bail, while alleged offenders with the means to afford bail do not have to suffer the same fate.

Other states have successfully enacted pretrial reforms and saved taxpayer dollars by investing in robust pretrial services in the community instead of locking people up while awaiting their day in court.

It's time for Hawai'i to make similar changes to our two-tiered system of justice based on wealth and implement pretrial "best practices." This will increase fundamental fairness in our criminal legal system and reduce the number of legally innocent people held in our jails without compromising community safety.

Please pass HB2413 HD1.

Mahalo for the opportunity to testify.

Jackie Keefe, Lahaina

HB-2413-HD-1

Submitted on: 3/14/2026 10:28:49 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Gaye Chan	Individual	Support	Written Testimony Only

Comments:

Those charged with low-level offenses have not been convicted of any crime. They are incarcerated mostly because they cannot afford the cash bail. When how people are treated within the justice system depends on whether the accused has money, it is not justice. Our justice system should not punish people for simply being poor.

HB-2413-HD-1

Submitted on: 3/15/2026 12:19:05 AM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Inam Rahman	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of HB 2413 (Public Safety and Fairness)

Submitted by:

Dr. Inam U. Rahman, MD

Physician and West O‘ahu Resident

Chair, Vice Chair, and Members of the Committee:

I respectfully submit testimony in support of HB 2413, which seeks to improve Hawai‘i’s pretrial justice system while maintaining strong protections for public safety.

A fair and effective pretrial system should focus detention on individuals who pose a genuine risk to community safety or a high likelihood of failing to appear in court. Unfortunately, under the current system, some individuals remain incarcerated before trial primarily because they cannot afford monetary bail rather than because they pose a meaningful risk.

This approach can have unintended consequences. Even a short period of detention can lead to loss of employment, housing instability, and disruption of family responsibilities. These impacts can create additional stress for families and communities and may contribute to broader social and health challenges.

At the same time, it is important that any reform maintain the ability of judges to detain individuals who present a clear threat to public safety. Courts must retain the discretion to make case-by-case determinations based on risk and available evidence.

HB 2413 moves Hawai'i toward a more balanced approach by encouraging risk-based decision-making rather than reliance on financial resources alone. Such reforms can help ensure that detention is reserved for cases where it is truly necessary while allowing lower-risk individuals to remain connected to their jobs, families, and communities while awaiting trial.

With appropriate safeguards, transparency, and ongoing evaluation, Hawai'i can strengthen both public safety and fairness in our justice system.

For these reasons, I respectfully urge the committee to pass HB 2413.

Thank you for the opportunity to provide testimony.

Respectfully,

Dr. Inam U. Rahman, MD

West O'ahu Resident

Former President, Hawai'i Medical Association

HB-2413-HD-1

Submitted on: 3/15/2026 3:47:56 AM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Melissa Barker	Individual	Support	Written Testimony Only

Comments:

Honorable Chair Fukunga, Vice Chair Lee and Members of the Committee,

I am writing to ask that you support HB2413 HD1 which is a step towards a more fair, evidence based pretrial system.

Thank you for your attention and consideration.

Melissa Barker

Kapaa, Hi

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

From: Veronica Moore, Individual Citizen

Date: March 15, 2026

RE: House Bill 2413 HD1
Measure Title: RELATING TO PRETRIAL REFORM.
Report Title: Bail; Pretrial Release; Nonviolent Offenders

To All Concerned,

My name is Veronica Moore and I support House Bill 2413 HD1. Thank you for your consideration.

Sincerely,

Veronica M. Moore

HB-2413-HD-1

Submitted on: 3/15/2026 7:18:16 AM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Leah Laramée	Individual	Support	Written Testimony Only

Comments:

Aloha,

This bill is about keeping our community whole while the justice system catches up with major backlog. the intention of the justice system is to ensure safty and order for our communities but the current system challanges this by removing potentially innocent nonvilolent individuals from their roles in the community. This not only hurts the individual but, taxpayers and the community as a whole. This bill advances our judicial system to a more logcial, compassionate and equitable syste, advancing the implentation of innocent until proven guilty. Please pass this bill.

Mahalo for the oppportunity to testify on this measure.

Aloha,

Leah Laramée

HB-2413-HD-1

Submitted on: 3/15/2026 7:29:53 AM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
wayne zebzda	Individual	Support	Written Testimony Only

Comments:

Aloha

HB-2413-HD-1

Submitted on: 3/15/2026 8:10:23 AM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Marion McHenry	Individual	Support	Written Testimony Only

Comments:

Dear Chair Fukunaga, Vice Chair Lee, and members of the committee,

I am writing in support of HB2413 HD1 relating to pre trial reform.

Many people in our over crowded jails are accused but not convicted of any crime simply because they cannot afford money bail.

Other states have successfully enacted pretrial reforms and saved taxpayer dollars by investing in robust pretrial services in the community instead of locking people up while awaiting their day in court. It is time for Hawai'i to make similar changes to our system and implement pretrial "best practices". This will increase fundamental fairness in our criminal legal system and reduce the number of legally innocent people held in our jails without compromising community safety.

Please pass HB2413 HD1 Relating to Pretrial Reform.

Thank you,

Marion McHenry

Princeville, Kauai

HB-2413-HD-1

Submitted on: 3/15/2026 8:33:42 AM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Dita Škalic	Individual	Support	Written Testimony Only

Comments:

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

I am writing in support of H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Many people locked up in our overcrowded jails are accused but not convicted of any crime simply because they cannot afford money bail.

Other states have successfully enacted pretrial reforms and saved taxpayer dollars by investing in robust pretrial services in the community instead of locking people up while awaiting their day in court. It's time for Hawai'i to make similar changes to our two-tiered system of justice based on wealth and implement pretrial "best practices." This will increase fundamental fairness in our criminal legal system and reduce the number of legally innocent people held in our jails without compromising community safety. Please pass H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Thank you,

Dita Škalic

HB-2413-HD-1

Submitted on: 3/15/2026 9:38:15 AM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Carla Allison	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Fukunaga, Vice Chair Lee and Committee Members,

My name is Carla Allison, and I am in **strong support of HB2413** and ask that you keep this bill moving forward because it is a step toward an **evidence-based** pretrial system for Hawaii.

You'll hear from many who want folks to remain locked up because they believe they are a danger to our community. Their fears, vs the data and full understanding of the issues and this bill, drive their voices in opposition to pretrial reform.

This bill prioritizes release for **eligible nonviolent offenses**. It's not the "get out of jail free card," an argument that feeds the fear of pretrial reform. The bill maintains judicial and public safety protections.

Many people remain in jail before trial because they cannot afford bail, not because they are a danger to our community. HB2413 allows for the detention of anyone posing a real safety or flight risk while encouraging non-monetary release conditions instead of our current unfair cash bail system.

HB2413 is no "get out of jail free card." It offers a workable system based on evidence and experience, instead of fear.

Please support HB2413.

Thank you for your consideration,
Carla Allison - Honolulu

HB-2413-HD-1

Submitted on: 3/15/2026 9:48:45 AM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Leila Morrison	Individual	Support	Written Testimony Only

Comments:

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

I am writing in support of H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Many people locked up in our overcrowded jails are accused but not convicted of any crime simply because they cannot afford money bail.

Other states have successfully enacted pretrial reforms and saved taxpayer dollars by investing in robust pretrial services in the community instead of locking people up while awaiting their day in court. It's time for Hawai'i to make similar changes to our two-tiered system of justice based on wealth and implement pretrial "best practices." This will increase fundamental fairness in our criminal legal system and reduce the number of legally innocent people held in our jails without compromising community safety. Please pass H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Thank you,

Leila Morrison

Kula, Maui

HB-2413-HD-1

Submitted on: 3/15/2026 10:09:51 AM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
William Caron	Individual	Support	Written Testimony Only

Comments:

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

I am writing in **strong support** of HB2413, a measured, evidence-based step toward a more fair and effective pretrial justice system in Hawai‘i.

The Problem: Wealth, Not Risk, Determines Freedom

Currently, too many people remain in jail before trial not because they pose a danger to the community or a flight risk, but simply because they cannot afford to pay for their freedom. This is not justice—it is a wealth-based detention system that undermines the presumption of innocence and penalizes poverty.

The consequences of even a few days in jail are devastating and well-documented. People lose their jobs, their housing, and custody of their children. They miss medications, fall behind on bills, and are cut off from family support. These disruptions do not make our communities safer. In fact, research shows that unnecessary pretrial detention increases the likelihood of future arrests, creating a cycle of incarceration that harms individuals and strains public resources.

The Fiscal Reality: We Cannot Afford the Status Quo

Hawai‘i's jails are overcrowded, with an estimated 50–70% of the incarcerated population consisting of pretrial detainees—individuals who are legally presumed innocent. Housing one person in custody costs the state more than **\$300 per day**, while pretrial supervision and other community-based options cost a fraction of that amount.

Nearly 40 percent of people incarcerated in Hawai‘i's correctional facilities were homeless prior to incarceration. Using jail as a de facto housing system is among the most expensive, and least effective, responses to homelessness. Every dollar spent detaining a low-risk, nonviolent individual awaiting trial is a dollar we cannot spend on housing stability, behavioral health supports, and services that actually strengthen community safety.

The Evidence: Reform Works

HB2413 is not an experiment—it builds on proven models from other jurisdictions. States that have implemented similar reforms have seen positive results without compromising public safety:

- **Illinois** became the first state to completely eliminate cash bail in 2023. Since then, violent crime dropped **7%** and property crime fell **14%**.
- **New Jersey** enacted bipartisan pretrial reforms in 2017. By 2020, violent crime was down **20%**, the jail population plummeted, and court appearance rates remained high.
- **Harris County, Texas**, one of the largest counties in the nation, ended cash bail for most misdemeanors and saw **no corresponding increase in violent crime**.

A 2024 analysis by the Brennan Center confirmed what these jurisdictions have demonstrated: there is **no statistically significant relationship between bail reform and crime rates**. Violent crime trends after reforms present no clear or obvious pattern, and researchers have found no evidence that bail reform increases crime.

What HB2413 Actually Does

This bill is carefully crafted and does not eliminate judicial discretion or ignore public safety concerns. It:

- Creates a presumption of release for defendants charged with violations, traffic offenses, nonviolent petty misdemeanors, nonviolent misdemeanors, and nonviolent class C felonies, subject to reasonable conditions.
- Establishes clear exclusions for specified serious offenses, threats to public safety, and other circumstances where detention is warranted.
- Requires courts to make findings on the record when bail or detention is imposed, ensuring transparency and accountability.
- Mandates ongoing review of continued detention and a prompt hearing if bail cannot be posted, protecting individuals from languishing in jail simply because they cannot afford to pay.
- Requires prosecutors to notify victims of pretrial decisions, ensuring their voices are heard.

The bill's language derives from the recommendations of the 2018 Criminal Pretrial Task Force convened by the Judiciary, reflecting years of careful study and stakeholder input. It creates a "willful flight" standard that is fairer to the arrestee and focuses on ensuring safety and compliance, rather than penalizing isolated failures to appear.

The Judiciary Supports This Approach

The Hawai'i State Judiciary has testified in support of similar legislation, noting that "any pretrial bail reform should be tailored to the presumption of innocence, ensuring the appearance of the defendant, minimizing the risk of danger to the community, and ensuring the equal treatment of individuals regardless of race, wealth, or social class."

The Office of Hawaiian Affairs also supported companion legislation, emphasizing that the changes do not eliminate judicial discretion or remove consideration of offense severity or public safety.

Conclusion

HB2413 is a thoughtful, data-driven reform that will reduce unnecessary incarceration, save taxpayer dollars, and protect the presumption of innocence—all while maintaining public safety. It aligns Hawai‘i with the best evidence and with successful reforms in other states.

I urge this committee to pass HB2413 and take this critical step toward a more just and effective pretrial system.

Mahalo for the opportunity to testify.

HB-2413-HD-1

Submitted on: 3/15/2026 10:10:18 AM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Colleen Rost-Banik	Individual	Support	Written Testimony Only

Comments:

Committee on Public Safety and Military Affairs
Senator Carol Fukunaga, Chair
Chris Lee, Vice Chair
Monday, March 16, 2026 at 3:02PM
Re: Support for H.B. 2413, H.D. 1 Relating to Pretrial Reform

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

My name is Colleen Rost-Banik. I am a Sociology Instructor at the University of Hawaii, Manoa and a resident of Waikiki. I also have been teaching at the Women's Community Correctional Center for the past 8 years. I am writing in strong support of H.B. 2413, H.D. 1 Relating to Pretrial Reform. This bill represents an important step to move towards a more just and fair pretrial system, one guided by research and evidence, rather than fear-based, "tough on crime" rhetoric.

Pretrial incarceration is overused in Hawai'i. Between 55-76% of the population in our jails have not been convicted of any crime and are legally innocent. As the Prison Policy Initiative notes, "a growing body of research shows that using jails to incarcerate people pretrial not only undermines the presumption of innocence, but also causes lasting harm to public safety and public health." Essentially, it is a strategy of criminalizing poverty.

Other jurisdictions have successfully implemented pretrial or bail reforms that have reduced the pretrial and resulted in cost-savings.

- For example, in Cass County, Indiana, the average jail population was nearly 50% over capacity with approximately 70% of people held pretrial before their day in court. However, in 2018, the County adopted a number of pretrial programs. These changes reduced the pretrial population by 80% and resulted in a savings of nearly \$1 million in detention costs.

- New Jersey implemented a cash bail reform law in 2017 which "substantially reduced the pretrial population... without harming community safety."

- In Illinois, jurisdictions across the state experienced a decrease in pretrial incarceration while maintaining rates of appearance in court and without increasing crime rates. Since the law's

implementation, jail populations have decreased by 14 percent in urban counties and 25 percent in rural ones. Significantly, judges are also spending more time considering individual public safety factors. “ One study revealed that the time of detention hearings increased after implementation to a median length of 10–30 minutes, compared with 4–6 minutes before. The additional time allows Illinois judges to make the most informed decisions.”

<https://www.americanprogress.org/article/illinois-continues-to-lead-nation-with-pretrial-policies-that-center-safety-and-justice/9>

Currently, the Hawai'i Department of Corrections spends approximately \$112,000 annually to incarcerate one adult. Despite this large expenditure, most of our jails are overcrowded, with people experiencing inhumane and violent conditions of confinement and limited access to health care and rehabilitative programs. Instead of spending funds on this most expensive and least effective response to alleged actions, it is critically important to invest in data-driven infrastructure and comprehensive support services.

For these reasons, I urge you to pass H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Thank you for the opportunity to submit testimony in support of this important legislation.

Mahalo,
Colleen Rost-Banik, PhD
Honolulu, O'ahu

HB-2413-HD-1

Submitted on: 3/15/2026 10:19:52 AM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Leo Nahe Smith	Individual	Support	Written Testimony Only

Comments:

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

I am writing in support of H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Many people locked up in our overcrowded jails are accused but not convicted of any crime simply because they cannot afford money bail.

Other states have successfully enacted pretrial reforms and saved taxpayer dollars by investing in robust pretrial services in the community instead of locking people up while awaiting their day in court. It's time for Hawai'i to make similar changes to our two-tiered system of justice based on wealth and implement pretrial "best practices." This will increase fundamental fairness in our criminal legal system and reduce the number of legally innocent people held in our jails without compromising community safety. Please pass H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Thank you,
Leo Nahe, Nu'uauu

HB-2413-HD-1

Submitted on: 3/15/2026 10:34:52 AM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Regina Gregory	Individual	Support	Written Testimony Only

Comments:

long overdue

HB-2413-HD-1

Submitted on: 3/15/2026 10:58:53 AM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael Press	Individual	Support	Written Testimony Only

Comments:

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

I support H.B. 2413, H.D.1. This measure promotes the common good by helping ensure that individuals accused of nonviolent offenses are not detained before trial simply because they cannot afford bail, while still allowing courts to detain individuals who pose a real threat to public safety or a risk of willful flight.

Mahalo for your consideration.

HB-2413-HD-1

Submitted on: 3/15/2026 11:23:42 AM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Nandita Sharma	Individual	Support	Written Testimony Only

Comments:

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

I am writing in strong support of HB2413 HD1.

This Bill will address some of the discrimination that is evident (and well-documented) against people without a lot of money in our criminal justice system (the majority of people held in Hawai'i's jails).

Jailing people who have not been convicted of any crime and pose no specific and credible danger to the public simply because they cannot pay cash bail is cruel and corrupt.

It is well past time to pass this Bill!

HB-2413-HD-1

Submitted on: 3/15/2026 11:34:15 AM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Brigitte Leilani Axelrode	Individual	Support	Written Testimony Only

Comments:

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

I am writing in support of H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Many people locked up in our overcrowded jails are accused but not convicted of any crime simply because they cannot afford money bail.

Other states have successfully enacted pretrial reforms and saved taxpayer dollars by investing in robust pretrial services in the community instead of locking people up while awaiting their day in court. It's time for Hawai'i to make similar changes to our two-tiered system of justice based on wealth and implement pretrial "best practices." This will increase fundamental fairness in our criminal legal system and reduce the number of legally innocent people held in our jails without compromising community safety. Please pass H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Thank you,

Brigitte Axelrode

HB-2413-HD-1

Submitted on: 3/15/2026 12:05:33 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
sylvia cabral	Individual	Support	Written Testimony Only

Comments:

prisons overcrowded. do not support private prisons ever. spend funds to give prisoners the amount of money it costs to house them. \$25,000 a year or more? spend that money to keep families together, to buy food, give them security. PLEASE stop the red tape and foolishness of imprisoning people.

HB-2413-HD-1

Submitted on: 3/15/2026 12:22:22 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
RICHARD HOLIBAUGH	Individual	Oppose	Written Testimony Only

Comments:

Hello, thank you for taking the time to read my testimony. I urge you to oppose HB2413. While I do agree with the concept of release on recognizance for defendants charged with certain nonviolent offenses, I do not trust 1. defendants to do the right thing, and 2. for the judiciary to apply the law correctly. Hawaii's criminal justice system has a notorious revolving door. There are way too many repeat offenders arrested, charged, released, and then reoffending before adjudication of their original charge. Just read or listen to any local news source and you will constantly see and hear of defendants with MULTIPLE charges over a period of years. As a correctional professional with over 19 experience in Hawaii at the finest correctional facility in the Pacific, I have seen first hand what the revolving door does to our community and defendants. In my opinion, there are too many individuals in the state of Hawaii who constantly break the law and receive absolutely no sanction. In addition, I do not advocate for locking up individuals and throwing away the key however when a defendant racks up multiple arrests and charges then I feel they must be held accountable for the benefit of the community and for the self-realization of the crime committing individual to change.

Thank you again for reading my testimony.

HB-2413-HD-1

Submitted on: 3/15/2026 12:54:29 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Von Kaanaana	Individual	Support	Written Testimony Only

Comments:

I strongly urge the committee to support HB2413. The disenfranchisement of our MOST vulnerable population creates the very conditions that leads to necessary policing preventing economic stabilization and further barriers in the path of becoming a law abiding citizen.

It is within the committees best interest to support HB2413 because the economics of an island demands that for their to be abundance the most vulnerable must also be flourishing. This is a culturally nuanced observation considering only 20% of the people who live in Hawai'i are Native Hawaiian; meanwhile 40% of incarcerated individuals are Native Hawaiian.

I would like the committee to consider the bigger picture. Eliminating this barrier is the first of a multi step path towards positive prison reform. The State of Hawai'i has an outright obligation to care for our most vulnerable populations which includes the incarcerated, drug addicted, mentally unstable 'undesirables'.

Intervention is a prevention that reduces harm in our community as we transition towards a land of abundance.

HB-2413-HD-1

Submitted on: 3/15/2026 1:18:29 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Lisa Galloway	Individual	Support	Written Testimony Only

Comments:

More jail time is costly to the accused and the taxpayer. Please support this bill. We have better things to do with the funds, like provide better supports to the accused, their families, and those who are victimized by the guilty.

Committee on Public Safety & Military Affairs
Chair Carol Fukunaga
Vice Chair Chris Lee
March 16, 2026 at 3:02PM
Conference Room 016

Re: H.B. 2413 H.D. 1 Relating to Pretrial Reform - SUPPORT

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

I am writing in support of **H.B. 2413 H.D. 1 Relating to Pretrial Reform**, which requires release on recognizance for defendants charged with violations, traffic offenses, nonviolent petty misdemeanors, nonviolent misdemeanors, and nonviolent class C felonies, subject to conditions.

While a cash bail elimination model is the preferred systems approach to reform our pretrial system and reduce the pretrial population as adopted in Illinois and New Jersey, H.B. 2413 H.D. 1 is an incremental step in the right direction for the following reasons:

1. *It aligns with pretrial practices driven by data, not failed "tough on crime" rhetoric.*

- New Jersey [implemented bail reforms](#) and dramatically reduced its jail populations by almost one-half without jeopardizing public safety. Chief Justice Stuart Rabiner of the New Jersey Supreme Court and a former federal prosecutor, has championed these pretrial fairness changes.¹
- Bail reform in [New York](#) led to a substantial reduction in jail incarceration, driven mainly by a [decline in pretrial admissions](#) for low-level and nonviolent charges.
- In Harris County, Texas, bail reform measures that originally passed in 2019 [have spared thousands of low-level offenders from languishing in jail](#), reducing misdemeanor cases from 61,000 in 2015 to 50,000 in 2022. Driven by a federal lawsuit, the reform has also addressed racial disparities by implementing measures to reduce the disproportionate arrest rates of Black residents, who account for 40% of misdemeanor arrests despite making up only 20% of the population.

2. *It aligns with the presumption of innocence in our criminal legal system.*

- The **presumption of innocence is the primary principle that must guide determinations of pretrial release and detention.** A person may not be convicted of a crime unless and until the government proves guilt beyond a reasonable doubt, without any burden placed on the defendant to prove his or her innocence. [Criminal Pre-Trial Task Force of 2018.](#)

¹ <https://www.njcourts.gov/sites/default/files/starledgercolumn.pdf>

- This presumption was most notably set forth by the United States Supreme Court in its decision in United States v. Salerno, which stated “[i]n our society, liberty is the norm, and detention prior to trial or without trial is the carefully limited exception.” The Court determined that pretrial detention may be imposed for arrestees charged with certain felonies only when the government demonstrates by clear and convincing evidence, after an adversary hearing, that no release conditions “will reasonably assure...the safety of any other person and the community.” [Criminal Pre-Trial Task Force of 2018](#).

3. It reduces reliance on the use of money bond for low-level offenses, and perpetuation of an unjust two-tiered criminal legal system based on wealth.

- According to ACLU of Hawaii’s As Much Justice as You Can Afford Report (2019), about 88% of the time a person accused of a crime must pay cash or bond to be released. This creates a two-tiered system of release where “the wealthy walk free, while the working poor sit in jail.”
<https://www.acluhi.org/app/uploads/2018/01/aclu-of-hawaii-bail-report.pdf>;
https://www.acluhi.org/app/uploads/drupal/sites/default/files/field_documents/bail-report-summary.pdf

4. It will contribute to reducing the pretrial population in our jails.

- Reducing the pretrial population will reduce overcrowding in two of our jails, due to alarmingly high rates of pretrial detention based on an unjust two-tiered legal system that allows people with wealth to buy a "get out of jail" card.
- Nearly 59% of the people in Hawaii’s jails are pretrial status as of March 2, 2026. OCCC and HCCC, are severely overcrowded, driven by high rates of legally innocent people incarcerated while awaiting their day in court.
<https://dcr.hawaii.gov/wp-content/uploads/2026/03/Pop-Reports-Weekly-2026-03-29.pdf>

Facility	Design Capacity	Operational Capacity	Total Population	Pretrial Felonies & Pretrial Misdemeanors	Pretrial Percentage of Total Population
OCCC O’ahu	628	954	910	670	73%
HCCC Hawai’i	206	221	286	167	58%
MCCC Maui	209	301	227	107	47%
KCCC Kauai	110	128	84	48	57%

5. It recognizes the value of liberty and freedom, and the harms that result from pretrial detention - whether for a day or longer periods of time.

- Pretrial detention harms and punishes people who are legally innocent and their loved ones; separating parents and caregivers from their children.
- Carceral settings are places of violence. In Hawaii's jails, people held pretrial detention have experienced inhumane overcrowded conditions, death by suicide, assaults, and murder.²
- According to Vera, "people jailed pretrial because they cannot make bail are more likely to *lose their jobs, fall behind on rent, and lose custody of their children.*" Vera also points to studies concluding that "even two days in jail, as a result of the unjust criminal legal system trapping the most vulnerable, can have detrimental effects to a person's wellbeing, destabilizing them and making it more likely they will be targeted and arrested again in the future."

6. Pretrial reform makes fiscal sense.

- Reducing the number of people in our jails due to pretrial reforms will reduce the costs of operation for the Department of Corrections, and ultimately the financial burden on taxpayers.
- Hawai'i spends over \$300 a day or \$112,000 to incarcerate one adult annually.
- If an incarcerated person has complex medical needs, the cost to the Department of Corrections and taxpayers increases to an average of \$600,000 to \$900,000 annually.
- The cost of supportive housing³, behavioral health treatment, substance use treatment, job training, education and restorative justice programs in the community are substantially less expensive and more effective than pretrial detention.

For these reasons, I urge you to pass **H.B. 2413 H.D. 1 Relating to Pretrial Reform**. Thank you for the opportunity to submit testimony to advance sound policies in Hawai'i!

Sincerely,
Carrie Ann Shirota, Esq.
Honolulu, Hawai'i

² <https://www.civilbeat.org/2026/03/state-agrees-to-settle-lawsuit-over-oahu-jail-suicide/>;

<https://www.civilbeat.org/2026/03/state-agrees-to-settle-lawsuit-over-oahu-jail-suicide/>

³<https://www.acluhi.org/app/uploads/2025/09/Reimagining-Public-Safety-Budget-Recommendations-State-of-Hawaii-2025-CITED-Final-031225.pdf>

NEW JERSEY OPINION Chief justice: Bail reform puts N.J. at the forefront of fairness | Opinion Posted on January 9, 2017 at 9:33 AM Star-Ledger

Guest Columnist By Stuart Rabner

<https://www.njcourts.gov/sites/default/files/starledgercolumn.pdf>

Before signing the Bail Reform Act of 1966, President Lyndon B. Johnson spoke of the need to reform a justice system in which some criminal defendants could post bail and buy their freedom while others would languish in jail before trial -- not because they were guilty or likely to flee, but because they were poor. The scales of justice, Johnson observed, were weighted "not with fact, nor law, nor mercy," but with money.

A half-century later, that problem is still with us. As recently as 2012, a study of New Jersey's county jail population revealed that 1 in 8 inmates were in jail because they couldn't make bail of \$2,500 or less. They didn't pose a risk of danger or flight but sat in jail because they didn't have enough money to post even a modest amount of bail. Meanwhile, defendants who posed serious risks to public safety could be released if they had access to money.

In 2016 -- as in 1966 -- money typically decided who was released before trial and who sat in jail until trial began.

There is a better way.

On Jan. 1, New Jersey's criminal justice system started to adapt to its most significant transformation in decades. We shifted from a system that relied heavily on monetary bail to one that objectively measures the risk defendants pose on two levels: Will they show up for trial? Will they commit a crime on release? Under the new risk-based system, those who present a substantial risk of danger or flight can be detained pending trial. Those who don't will be released on conditions that pretrial services officers will monitor.

Why does this matter? Because whether a defendant is released pretrial is one of the most significant decisions in the criminal justice system. There are real consequences for poor defendants -- often members of minority groups -- who pose little risk but sit in jail for weeks and months while they are presumed innocent. During that period, they may lose jobs when they fail to show up for work. They may lose contact with family members. They may lose custody of children. And the cost to taxpayers to house a low-risk defendant can be \$100 or more a day.

In his speech in 1966, the president cited examples of how the bail system punished people simply for being poor. Johnson recalled a defendant who spent two months in jail

and lost his job, his car and his family, only to later win an acquittal. Another defendant spent 54 days in jail because he could not post \$300 bail for a traffic offense that carried a maximum sentence of five days.

Time spent in jail can also become an incentive for a defendant to plead guilty and receive a sentence for time served. Studies show that defendants held pretrial plead guilty more often, are convicted more often, are sentenced to prison more often and receive harsher prison sentences than those who are released pretrial.

The consequences are equally grave at the other end of the spectrum. Some defendants charged with serious offenses pose a great risk that they will commit new crimes or try to intimidate or retaliate against witnesses. Their pretrial release raises a genuine concern about public safety.

For those and other reasons, a national movement is underway to reform the criminal justice system. For several years, New Jersey has been at the forefront of that change.

Criminal justice reform in our state has had broad-based support. In 2012, Gov. Chris Christie publicly called for an amendment to the state constitution to allow for pretrial detention. In 2013, the Judiciary formed the Joint Committee on Criminal Justice, comprising representatives from all three branches of government. The committee's 33 members included the attorney general and county prosecutors, the public defender and private defense attorneys, counsel for the ACLU, judges and staff. A year later, many of the committee's recommendations were adopted by the Legislature, with the strong backing of Senate President Stephen Sweeney (D-Gloucester) and Assembly Speaker Vincent Prieto (DHudson), and signed into law by the governor.

The public took the next major step. In November 2014, more than 60 percent of New Jersey voters approved a constitutional amendment that gave judges, for the first time, the ability to detain defendants to ensure their appearance in court and protect the safety of the community. New Jersey Criminal Justice Reform Overview [link to posted video <https://www.youtube.com/watch?v=pKkquuM3-lg>]

Since then, all parts of the criminal justice system have been hard at work to make reform a reality. A risk-assessment tool has been developed in partnership with the Laura and John Arnold Foundation; that tool has been validated with data from thousands of actual New Jersey cases. Pilot programs in three vicinages trained staff and tested new technology. The Supreme Court adopted court rules to implement the law. The attorney general issued guidelines to law enforcement statewide. And the administrative director of the courts, public defender, director of the Division of Criminal Justice and others led 15

seminars for a total of more than 3,000 county officials throughout the state to train stakeholders about the new law and foster coordination across the justice system.

Here's how it will all work. On Jan. 1, the court system began using the risk-assessment tool to help judges make more informed decisions about pretrial release. To predict whether a defendant poses a low, moderate or high level of risk, pretrial services officers now review each defendant's criminal history, record of prior court appearances and other objective information -- as they will in an estimated 70,000 cases per year. Officers then make a recommendation to the judge.

Most defendants will be released pretrial on a range of conditions that will not include money bail. For low-risk defendants, the court may simply direct an officer to send a text message or place a phone call to remind defendants when they must appear in court.

Defendants who pose greater risks may be placed on electronic monitoring. Those considered a serious threat to public safety or risk of flight will be detained. Judges can also modify conditions of release based on new circumstances.

Defendants who are detained will be subject to the new law's speedy trial provisions, which impose time limits for when a defendant must be indicted and when a trial must begin.

In recent years, some jurisdictions have successfully implemented a risk-based approach. In Lucas County, Ohio, for example, nearly twice the number of defendants are being released pretrial on conditions without bail. During that time, the percentage of defendants who skipped a court date has been dramatically reduced, and the number of defendants arrested while on release has been cut in half.

The rate of violent crimes committed by defendants on pretrial release has also gone down. Like all changes, the reforms underway will be hard to achieve. They will succeed only with the continued cooperation among partners throughout the criminal justice system and the continued support of all branches of government.

We have made great strides -- collectively - - so far, and there is more work ahead of us. Together, we can build a better, fairer and safer system of criminal justice in New Jersey.

Stuart Rabner is chief justice of the New Jersey Supreme Court. He chaired the Joint Committee on Criminal Justice. Bookmark NJ.com/Opinion. Follow on Twitter [@NJ_Opinion](https://twitter.com/NJ_Opinion) and find [NJ.com Opinion](https://www.facebook.com/NJ.com/Opinion) on Facebook.

HB-2413-HD-1

Submitted on: 3/15/2026 2:00:32 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Nathan Leo Braulick	Individual	Support	Written Testimony Only

Comments:

Mahalo,

Nathan Leo Braulick

HB-2413-HD-1

Submitted on: 3/15/2026 2:27:59 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Nelson	Individual	Support	Written Testimony Only

Comments:

Aloha,

I would encourage you to support this bill.

Thank you, Elizabeth Nelson

Kaneohe

WRITTEN TESTIMONY IN OPPOSITION

HB 1516 HD1 – Relating to Pretrial Release

HB 2413 HD1 – Relating to Pretrial Reform

HB 2494 – Relating to Criminal Justice Reform

Submitted by: William L. Wong, CPA, PFS, RIA
Certified Public Accountant • Registered Investment Adviser • Financial Planner
Real Estate Developer • Entrepreneur • Owner & Managing Member, KBXtreme LLC

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

My name is **William L. Wong, CPA, PFS, RIA**. I respectfully submit this testimony in **strong opposition** to House Bill 1516 HD1, House Bill 2413 HD1, and House Bill 2494.

I am a Certified Public Accountant, Registered Investment Adviser, financial planner, real estate developer, and entrepreneur. I am also the owner and managing member of **KBXtreme LLC**, a family entertainment center that serves thousands of residents and visitors each year. Our facility is frequented by many children, families, and community groups, and maintaining a safe environment for our patrons and employees is one of my highest priorities.

I was honored to be named the **National winner of the U.S. Small Business Administration's Accountant Advocate of the Year (1999)**. I have also served as **Taxation Chair of the Governor's Task Force on Regulatory Relief** and as a **member of the Taxation Working Group of the Economic Revitalization Task Force for the State of Hawaii**. Throughout my career I have advocated for small businesses and policies that strengthen communities and local economies.

As the owner of a public facility serving families and children, I see firsthand how closely community safety and economic vitality are connected. Families must feel confident bringing their children to public venues, employees must feel safe in their workplaces, and small businesses must be able to operate in communities where laws are enforced consistently and responsibly.

HB 1516 HD1 would replace judicial discretion in bail determinations with a rigid financial formula that may rely on unverified self-reported information. **HB 2413 HD1** would require release on recognizance for many offenses labeled "nonviolent," even where the facts of a case may present risks to public safety or to the integrity of the justice process. **HB 2494** would significantly limit the longstanding authority of police officers to make warrantless arrests based on probable cause, introducing vague standards that may create uncertainty and increased litigation.

Well-intended reforms should not inadvertently weaken the tools necessary to maintain public safety or undermine the effective functioning of the justice system. The safety of our communities often depends on the careful judgment and experience of judges and law enforcement professionals.

For these reasons, I respectfully urge the Committee to **defer these measures and carefully reconsider the potential impacts of HB 1516 HD1, HB 2413 HD1, and HB 2494**.

Mahalo for the opportunity to submit testimony.

Respectfully submitted,

William L. Wong, CPA, PFS, RIA
Owner and Managing Member, KBXtreme LLC
Kailua■Kona, Hawai■i

HB-2413-HD-1

Submitted on: 3/15/2026 2:42:50 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Jessica Kuzmier	Individual	Support	Written Testimony Only

Comments:

Aloha, I am writing in support of HB2413 because I believe it will introduce more fairness into our criminal legal system. Mahalo for your consideration.

HB-2413-HD-1

Submitted on: 3/15/2026 3:12:47 PM

Testimony for PSM on 3/16/2026 3:02:00 PM



Submitted By	Organization	Testifier Position	Testify
Lindsay Roth	Individual	Support	Written Testimony Only

Comments:

I strongly support **HB2413**.

This bill advances important **pretrial justice reforms** by reducing the use of cash bail for low-level, nonviolent offenses and prioritizing release on recognizance with appropriate conditions. The current reliance on monetary bail often results in individuals being detained simply because they cannot afford to pay, rather than because they pose a risk to public safety.

HB2413 helps ensure that pretrial decisions are based on **actual risk and community safety rather than financial means**, while still allowing courts to impose bail or detention when there is a credible threat or risk of flight.

By reducing unnecessary pretrial incarceration for nonviolent offenses, this measure promotes fairness, protects the presumption of innocence, and helps reduce strain on Hawai'i's correctional system.

For these reasons, I respectfully urge the Legislature to **pass HB2413**.

Mahalo for the opportunity to testify.



HEARING:

Monday, March 16, 2026 at 3:02 pm
Conference Room 016 & Videoconference

TESTIMONY IN SUPPORT OF HB 2413, HD 1 - RELATING TO PRETRIAL REFORM.

Aloha Chair Fukunaga, Vice Chair Lee, Senator Hashimoto for my district, and Members of the Committee,

My name is Christine Andrews. I am a long-term resident of Wailuku, Maui and an attorney licensed in Hawaii for over 25 years. I write you today in strong support of HB 2413, HD 1, Relating to Pretrial Reform, which requires release on recognizance for defendants charged with violations, traffic offenses, nonviolent petty misdemeanors, nonviolent misdemeanors, and nonviolent class C felonies, subject to conditions, and establishes exclusions for specified offenses, threats to public safety, and certain other circumstances. House Bill 2413, HD1 also requires findings when bail or detention is imposed, ongoing review of continued detention or conditions, and a prompt hearing if bail cannot be posted, and requires prosecutors to notify victims of pretrial decisions.

As a Maui resident, I will focus on the impacts of the current pretrial system on Maui County. According to the Criminal Justice Research Institute Hawaii 2025 Annual Report, in the Second Circuit, Maui County, there were 3,941 arrests in Fiscal Year 2025. There were an average of **328 arrests** per month. The most serious offense in an arrest was most frequently misdemeanors (37%), followed by class C felonies (29%), petty misdemeanors (22%), class B felonies (9%), and class A felonies (3%).¹ The raw numbers are 563 petty misdemeanors, 733 misdemeanors, 385 class C felonies, 93 class B felonies, and 16 class A felonies.

There were 1,984 **criminal case filings** in the Second Circuit, Maui County in Fiscal Year 2025. There were an average of 165 case filings per month. The most serious offense in a case was most frequently misdemeanors (30%), followed by class C felonies (29%), petty misdemeanors (27%), class B felonies (11%), and class A felonies (3%).² The raw numbers are 527 petty misdemeanors, 604 misdemeanors, 577 class C felonies, 222 class B felonies, and 54 class A felonies.

For cases filed in the Circuit Court of the Second Circuit in Fiscal Year 2025, 32% of defendants were released at the conclusion of the **first pretrial hearing**, 52% were in custody, and 16% were out of custody. For cases in which the most serious offense was a:

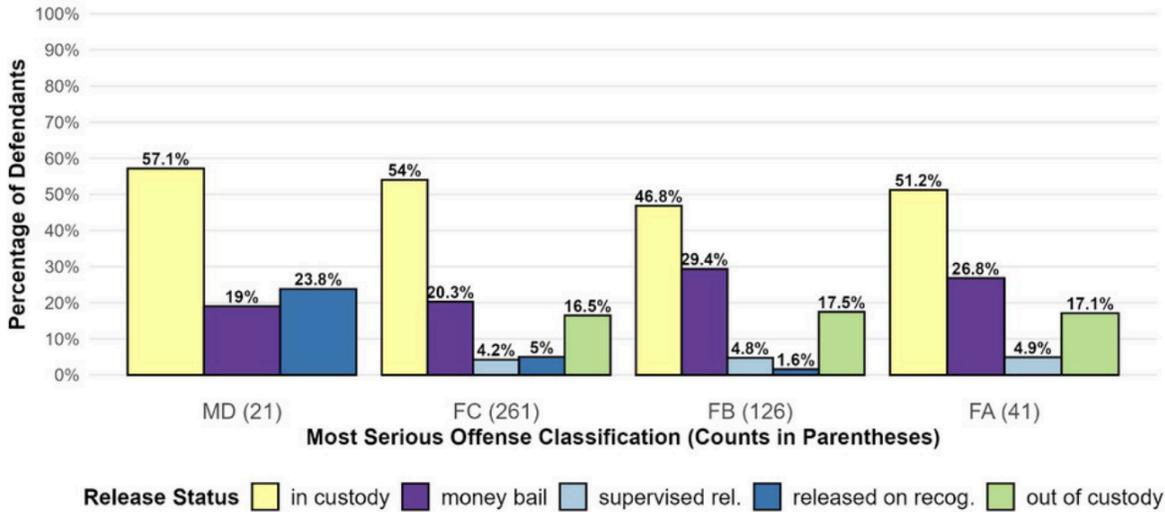
- **misdemeanor, 57.1% of defendants were in custody,**
- class C felony, 54.0% of defendants were in custody,
- class B felony, 46.8% of defendants were in custody,
- class A felony, 51.2% of defendants were in custody.³

¹ Criminal Justice Research Institute Hawaii 2025 Annual Report, p 25. Available at: https://www.courts.state.hi.us/wp-content/uploads/2025/12/RPT-CJRI-Annual-Report-2025_FINAL.pdf#:~:text=The%202025%20annual%20report%20summarizes,data%20and%20research%20to%20criminal

² Ibid at 33.

³ Ibid at 41.

Percentage of Defendants Who Were Released at Their First Hearing by the Most Serious Offense for Second Circuit FY 2025 Circuit Court Cases (Total n = 449)

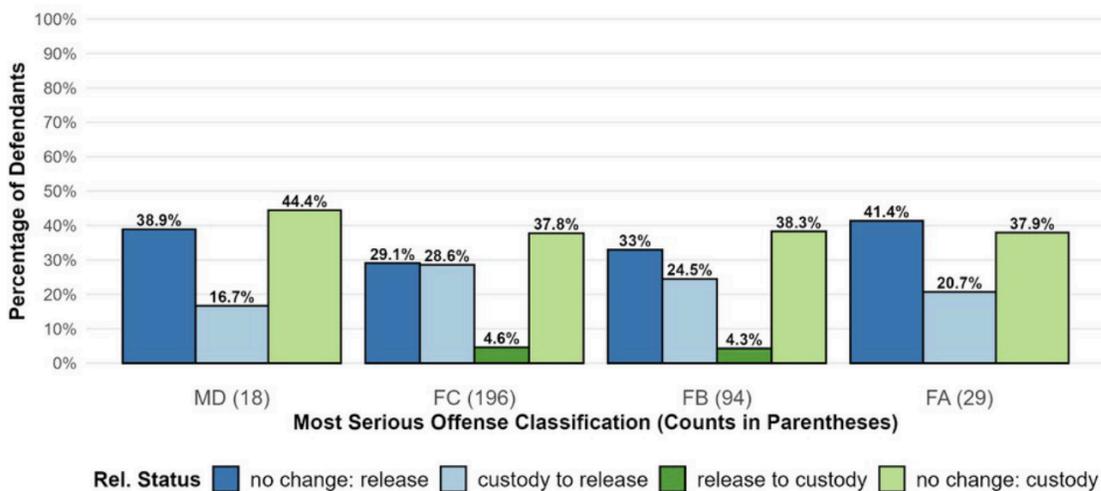


I think that the above graph, from page 41 of the Report, is a really significant visual for the purposes of pretrial reform. **There were more people held in custody after their first hearing for misdemeanors (57.1%) than there were for any other offense.** What purpose does this serve other than to criminalize poverty without even a trial? Families torn apart, jobs lost, potentially irreversible economic harm that serves no public purpose and comes with significant incarceration costs.

For cases filed in the Circuit Court of the Second Circuit in Fiscal Year 2025, **38% of defendants remained in custody 90 days after their first pretrial hearing**, 32% remained on release, 26% went from custody to release, and 4% went from release to custody. For cases in which the most serious offense was a:

- **misdemeanor, 44.4% of defendants remained in custody**
- class C felony, 37.8% of defendants remained in custody
- class B felony, 38.3% of defendants remained in custody
- class A felony, 41.4% of defendants remained on release⁴

Percentage of Defendants Whose Release Status Changed 3 Months after the First Hearing by the Most Serious Offense for Second Circuit FY 2025 Circuit Court Cases (Total n = 337)



⁴ Ibid at 54.

This image from page 54 of the Report helps visualize that, **in Maui County, three months, 90 days, after their first hearing, more people were held in custody with misdemeanors as their highest offense than any other offense type.**

These individuals have not been convicted of any crime, yet they remain incarcerated largely due to the continued reliance on cash bail and limited use of alternative pretrial practices. Reducing the pretrial detention population also is a clear first step to address problems of overcrowding given that the total number of people incarcerated in Hawai'i is decreasing over time, but our pretrial population is increasing.

Research shows that pretrial detention reforms do not compromise public safety and have little impact on court appearance rates. By contrast, **unnecessary pretrial detention contributes to overcrowding, staffing issues, and worsening facility conditions.** Studies have also found that pretrial detention itself can increase the likelihood of future criminal justice involvement. Even short periods of pretrial detention can have devastating impacts on an individual, including job loss, homelessness or housing instability, loss of child custody, and loss of health care access. These all may contribute to increased likelihood of further involvement with the criminal justice system.

The time for meaningful pretrial reform is now. I request your vote in support of HB 2413, HD1 to bring justice to the criminal justice system.

Mahalo for your support,

Christine Andrews, JD
Wailuku, Maui

LATE

HB-2413-HD-1

Submitted on: 3/15/2026 3:43:25 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Georgia L Hoopes	Individual	Support	Written Testimony Only

Comments:

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

I am writing in support of H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Many people locked up in our overcrowded jails are accused but not convicted of any crime simply because they cannot afford money bail.

Other states have successfully enacted pretrial reforms and saved taxpayer dollars by investing in robust pretrial services in the community instead of locking people up while awaiting their day in court. It's time for Hawai'i to make similar changes to our two-tiered system of justice based on wealth and implement pretrial "best practices." This will increase fundamental fairness in our criminal legal system and reduce the number of legally innocent people held in our jails without compromising community safety. Please pass H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Thank you,

Georgia Hoopes, Kalaheo

LATE

HB-2413-HD-1

Submitted on: 3/15/2026 4:00:46 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Lori Kizer	Individual	Support	Written Testimony Only

Comments:

I'm writing in Support of HB2413 HD1 relating to pretrial reform. Mahalo. Lori Kizer, Kapaa

LATE

HB-2413-HD-1

Submitted on: 3/15/2026 4:13:05 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
ROBERT J FINLEY	Individual	Oppose	Written Testimony Only

Comments:

We in Waikiki have been working with HPD and the City Prosecutor to reduce the criminal activity using the Safe and Sound program. This bill may defeat our multi year efforts to protect the residents, visitors and businesses from crime in our neighborhood.

If passed we may join the mainland cities that have seen crime run rampant with the no bail policy.

I strongly oppose it.

LATE

HB-2413-HD-1

Submitted on: 3/15/2026 4:42:35 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Nicholas Chagnon	Individual	Support	Written Testimony Only

Comments:

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

I am writing in support of H.B. 2413, H.D. 1 Relating to Pretrial Reform. This bill represents an important step to move towards a more just and fair pretrial system, one guided by research and evidence, rather than fear-based, “tough on crime” rhetoric. Pretrial incarceration is overused in Hawai’i. Between 55-76% of the population in our jails have not been convicted of any crime and are legally innocent. As the Prison Policy Initiative notes, “a growing body of research shows that using jails to incarcerate people pretrial not only undermines the presumption of innocence, but also causes lasting harm to public safety and public health.” Other jurisdictions have successfully implemented pretrial or bail reforms that have reduced the pretrial and resulted in cost-savings.

- For example, in Cass County, Indiana, the average jail population was nearly 50% over capacity with approximately 70% of people held pretrial before their day in court. However, in 2018, the County adopted a number of pretrial programs. These changes reduced the pretrial population by 80% and resulted in a savings of nearly \$1 million in detention costs.
- New Jersey implemented a cash bail reform law in 2017 which “substantially reduced the pretrial population... without harming community safety.”
- In Illinois, jurisdictions across the state experienced a decrease in pretrial incarceration while maintaining rates of appearance in court and without increasing crime rates. Since the law’s implementation, jail populations have decreased by 14 percent in urban counties and 25 percent in rural ones. Significantly, judges are also spending more time considering individual public safety factors. “One study revealed that the time of detention hearings increased after implementation to a median length of 10–30 minutes, compared with 4–6 minutes before. The additional time allows Illinois judges to make the most informed decisions.”
<https://www.americanprogress.org/article/illinois-continues-to-lead-nation-with-pretrial-policies-that-center-safety-and-justice/> 8 Currently, the Hawai’i Department of Corrections spends approximately \$112,000 annually to incarcerate one adult. Despite this large expenditure, most of our jails are overcrowded, with people experiencing inhumane and violent conditions of confinement and limited access to health care and rehabilitative programs. Instead of spending funds on this most expensive and least effective response to alleged actions, it is critically important to invest in data-driven infrastructure and comprehensive support services. For these

reasons, I urge you to pass H.B. 2413, H.D. 1 Relating to Pretrial Reform. Thank you for the opportunity to submit testimony in support of this important legislation.

Sincerely,

Nicholas Chagnon, Honolulu HI

LATE

HB-2413-HD-1

Submitted on: 3/15/2026 4:50:04 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Marcia Kemble	Individual	Support	Written Testimony Only

Comments:

Greetings Committee Members,

I am writing in support of HB2413, H.D. 1 Relating to Pretrial Reform. Many people locked up in our overcrowded jails are accused but not convicted of any crime simply because they cannot afford money bail. Other states have successfully enacted pretrial reforms and saved taxpayer dollars by investing in robust pretrial services in the community instead of locking people up while awaiting their day in court. Hawai'i should also make similar changes to our two-tiered system of justice based on wealth and implement pretrial best practices. This will increase fundamental fairness in our criminal legal system and reduce the number of legally innocent people held in our jails without compromising community safety.

Mahalo for your attention.

Marcia Kemble

Makiki

LATE

HB-2413-HD-1

Submitted on: 3/15/2026 5:09:06 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Shannon Auld	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

My name is Shannon, and I am submitting this testimony in support of this measure.

I am the partner and sponsor of an incarcerated individual currently housed at the Oahu Community Correctional Center. Through this experience, I have seen firsthand the severe impact that prolonged pretrial detention and excessive bail can have on individuals and families.

Many people remain incarcerated for extended periods while awaiting trial, not because they have been convicted of a crime, but because they cannot meet extremely high bail conditions. This situation raises serious concerns about fairness and the protections guaranteed under Article I of the Hawai'i State Constitution, including protections against excessive bail and the right to due process.

Pretrial detention should not function as punishment before a person has had their day in court. Reasonable reforms that ensure fair bail practices and timely court proceedings are essential to maintaining public confidence in our justice system.

For these reasons, I respectfully urge the committee to support this measure.

Mahalo for your time and consideration.

Sincerely,

Shannon

Honolulu, Hawai'i

LATE

HB-2413-HD-1

Submitted on: 3/15/2026 5:15:41 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
William Daubner	Individual	Oppose	Written Testimony Only

Comments:

I am a 19 year veteran of HPD. This bill would make our community less safe. It will cause a revolving door of disorderliness, drunks, and people that would be immediately back on the street if arrested instead of in jail. There is no outcry or need for this bill to become law. It is unnecessary and detrimental to enforcing the law. Don't pass this bill.

Testimony in Strong Opposition to HB 2413, H.D. 1

LATE

Relating to Pre-Trial Reform

Dennis M. Dunn

Kailua, Hawai'i 96734

dennismdunn47@gmail.com

Date: Monday, March 16, 2026, 3:02 p.m., Room 016

To: Senate Committee on Public Safety and Military Affairs

Chair: Senator Carol Fukunaga

Vice Chair: Senator Chris Lee

Good afternoon, Chair Fukunaga, Vice Chair Lee, and Members of the Committee.

My name is Dennis Dunn. I am the retired Director of the Victim Witness Kokua Services in the Honolulu Prosecuting Attorney's Office. I respectfully submit this testimony in strong opposition to HB 2413, H.D. 1, Relating to Criminal Justice Reform, based on more than fifty years of experience assisting crime victims.

Overview of the Bill and Core Concern

HB 2413, H.D. 1 would require that individuals charged with violations, traffic offenses, nonviolent petty misdemeanors, nonviolent misdemeanors, and nonviolent Class C felonies be released on their own recognizance at arraignment and plea, subject to the general conditions of release set forth in HRS §804-7.4.

This bill appears to be based on the unsupported belief that Hawai'i judges are failing to properly apply Act 179 and that legislative mandates are therefore necessary to compel broader releases without bail. The bill further penalizes courts that do not follow these mandates by requiring written findings in each case.

My primary concern is that this measure essentially mandates release decisions before courts and law enforcement have sufficient time or information to assess the individual defendant, the facts of the case, or the defendant's criminal history.

Risks to Victim Safety

Many offenses covered by this bill may involve serious underlying conduct, including domestic violence, sexual assault, stalking, or terroristic threatening, even when the charged offense is relatively minor, such as harassment.

In these cases, context matters, including the relationship between the victim and the offender, the offender's prior history of similar conduct, and patterns of escalating or repeated abuse.

Release on recognizance may be entirely inappropriate where victim safety is at risk. Bail and release conditions can be critical tools to prevent further harm to specific victims and to the public at large.

The bill's lack of clarity regarding excluded offenses creates additional risk through inconsistent interpretation, particularly for offenses such as Harassment by Stalking and Violation of Privacy, where ongoing danger to victims is inherent.

Inadequate Time and Resources for Risk Assessment

This bill imposes accelerated timelines that make meaningful risk assessment unrealistic. Law enforcement and intake services would be deprived of adequate time to evaluate a defendant's prior conduct and threat level.

The Intake Service Center is already struggling to meet existing bail report timelines. A further compressed process invites tragic outcomes

Victim Notification Provisions Are Unworkable

Although the bill references victim notification, it fails to require that victim safety concerns be considered before release decisions are made.

The bill appears to dramatically expand victim notification requirements while shifting the entire burden to prosecutors' offices. The SAVIN system is not connected to the Judiciary or police cellblocks, requiring notifications to be handled manually.

These mandates would require significant increases in staffing for Victim Witness Assistance Programs, yet the bill contains no funding appropriation.

Conclusion

For all these reasons, HB 2413, H.D. 1 is unwise, unworkable, and dangerous to victim safety. It undermines individualized judicial decision-making, strains already limited resources, and prioritizes speed over safety.

I respectfully urge the Committee to hold HB 2413, H.D. 1.

Mahalo.

LATE

HB-2413-HD-1

Submitted on: 3/15/2026 5:34:26 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Toni Floerke	Individual	Support	Written Testimony Only

Comments:

Committee: Senate Committee on Public Safety & Military Affairs

Hearing Date/Time: Monday, March 16, 2026, at 3:02pm

Place: Conference Room 016 & Via Videoconference

Re: Testimony in SUPPORT of HB2413 HD1 Relating to Pretrial Reform

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

My name is Toni Floerke, and I submit this testimony in strong support of HB2413 HD1, which requires release on recognizance for those charged with low-level offenses including violations, traffic offenses, nonviolent petty misdemeanors, nonviolent misdemeanors, and nonviolent class C felonies. This bill would also strengthen due process protections in situations where bail or detention is imposed.

This bill is an important step toward a justice system that does not punish people for their lack of wealth. Today, more than 54 percent of Hawai'i's jail population consists of people who are being held pretrial. At the O'ahu Community Correctional Center, that figure rises to 74 percent. These individuals have not been convicted of any crime, yet they remain incarcerated largely due to the continued reliance on cash bail and limited use of alternative pretrial practices. Reducing the pretrial detention population also is a clear first step to address problems of overcrowding given that the total number of people incarcerated in Hawai'i is decreasing over time, but our pretrial population is increasing. Before designing a new superjail to replace OCCC, Hawai'i must enact policies to reduce its jail population.

Research shows that pretrial detention reforms do not compromise public safety and have little impact on court appearance rates. By contrast, unnecessary pretrial detention contributes to overcrowding, staffing issues, and worsening facility conditions. Studies have also found that pretrial detention itself can increase the likelihood of future criminal justice involvement. Even short periods of pretrial detention can have "cascading effects" on an individual, including threatening employment, housing stability, child custody, and health care access. These may contribute to increased likelihood of further involvement with the criminal justice system.

For the above reasons, I respectfully request that the Committee PASS HB2413 HD1.

Sincerely,

Toni Floerke

Kapolei, HI

Please vote in favor of this bill

LATE

HB-2413-HD-1

Submitted on: 3/15/2026 5:46:52 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Shay Chan Hodges	Individual	Support	Written Testimony Only

Comments:

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

I am writing in support of H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Many people locked up in our overcrowded jails are accused but not convicted of any crime simply because they cannot afford money bail.

Other states have successfully enacted pretrial reforms and saved taxpayer dollars by investing in robust pretrial services in the community instead of locking people up while awaiting their day in court. It's time for Hawai'i to make similar changes to our two-tiered system of justice based on wealth and implement pretrial "best practices." This will increase fundamental fairness in our criminal legal system and reduce the number of legally innocent people held in our jails without compromising community safety. Please pass H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Thank you,

Shay Chan Hodges, Maui, Hawaii

LATE

HB-2413-HD-1

Submitted on: 3/15/2026 5:48:26 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Shantel Fuller	Individual	Support	Written Testimony Only

Comments:

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

My name is Anthony T. Fuller, and this testimony is submitted on my behalf by Shantel because I am currently incarcerated at Oahu Community Correctional Center and do not have direct access to the online testimony system.

I respectfully support HB2413 because the current bail system has resulted in prolonged pretrial detention for many individuals who have not been convicted of any crime. In my own situation, I have been held for an extended period while awaiting trial, with bail set at \$330,000, despite the fact that my cases have not yet gone to trial and have repeatedly been continued. Under Article I, Section 11 of the Hawaii State Constitution, excessive bail is prohibited, yet many pretrial detainees remain incarcerated primarily because they cannot afford bail.

Pretrial detention should not become a substitute for punishment before conviction. Many individuals, including myself, have family support, community ties, and proposed sponsors willing to assist with supervised release. However, when bail is set at levels that effectively guarantee continued detention, the constitutional presumption of innocence is undermined.

Legislation that promotes fair bail practices and expands meaningful consideration of supervised release would help ensure that pretrial detention is used only when truly necessary, rather than based on financial ability. Measures like HB2413 can help restore balance to the system and protect the constitutional rights of individuals who are still presumed innocent under the law.

Mahalo for your time and consideration.

Respectfully submitted,

Anthony T. Fuller

Submitted on his behalf by Shantel

LATE

HB-2413-HD-1

Submitted on: 3/15/2026 7:28:15 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Jacob Wiencek	Individual	Oppose	Written Testimony Only

Comments:

Aloha Committeemembers,

Time and time again, the people of Hawaii have registered their strong opposition to soft on crime policies. This pre-trial "reform" is failed bail reform by any other name. There is a real challenge to public safety and order that this proposal, if passed, would exacerbate. Let's stop while we're ahead. I **STRONGLY** urge this committee to **REJECT** this bad proposal!

LATE

HB-2413-HD-1

Submitted on: 3/15/2026 7:43:53 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Ilima DeCosta	Individual	Oppose	Remotely Via Zoom

Comments:

Aloha to the Chair, Vice Chair and Committee members for this opportunity to share my testimony, urging you to vote "Nay" on HB2413, Relating to Pretrial Reform.

As an individual who has been targeted for violent crime during a recent relationship, I do not believe that allowing individuals accused of committing any degree of violence - especially domestic violence against an intimate partner - to remain free without any bail. That's just unsafe.

I understand that the writer of the bill and perhaps many of the introducers may not have experienced being the target of someone else's violence, but I do.

I not only know what it's like to lose a child to domestic related gun violence, I have recently experienced being the target of an intimate partner's violence.

Someone whom I had cared for and allowed to live in my home - who claimed they needed my love and support while they recover from alcohol use disorder, turned out to be an abuser.

Multiple times the police were called to our residence, and each time my ex was let out of jail he used his problems with alcohol as an excuse to come back and abuse me.

When the abuse occurred in public, I realized he had crossed a line and I ended the relationship. This was not before he had been convicted of domestic violence, violating a stay away order and breaching the terms of his probation. I stood by this man until it was clear that he had been using me for a place to live.

While the data is clear that some types of crimes are down, violent crimes against women spiked in 2020 and has remained high since that time. In order for the writers of the bill and its proponents to ensure the safety of Hawai'i's women, it is best to proceed with caution.

While I appreciate that the system of justice is one that maintains innocence until proven guilty, try telling that to the woman who is trying to raise children or maintain a job while being harassed, stalked at work, and abused by a violent man.

For me, my ability to flee from my abuser - literally running for my life by moving out of Honolulu - was only made possible because my abuser couldn't post bail. Under the system

being proposed, my abuser would have likely been out of jail far sooner and my ability to leave safely would have been jeopardized.

It's bad enough that I had to move and he gets to remain in Honolulu, but at least I am alive. I am alive because of the system currently in place - a system that requires bail.

I urge this committee to maintain a system requiring individuals who are accused of committing any degree of violent crime to either post bail or remain in jail. Please vote "Nay" to HB2413 or any scheme that would allow those accused of violence to roam the streets and potentially commit more violent crimes. Mahalo.

LATE

HB-2413-HD-1

Submitted on: 3/15/2026 8:12:39 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Doug Klunder	Individual	Support	Written Testimony Only

Comments:

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

My name is Doug Klunder, and I submit this testimony in strong support of HB2413 HD1, which requires release on recognizance for those charged with low-level offenses including violations, traffic offenses, nonviolent petty misdemeanors, nonviolent misdemeanors, and nonviolent class C felonies.

This bill would go a long way towards addressing two serious issues with the state's criminal justice system.

First is Hawaii's chronic jail overcrowding problem. Currently, a huge percentage--over half--of the state's jail population is pretrial. That means our jails are crammed full of people, over half of whom have been convicted of nothing. This bill would significantly reduce that overcrowding, improving conditions (and expenses) significantly.

Second, and equally important, is reduction in the substantial harms caused to people who are merely accused--but not convicted--of criminal behavior. Incarceration can literally ruin somebody's life, causing them to lose employment, housing, and relationships. Later exoneration, with charges dismissed or acquittals, do nothing to correct these harms. These harms fall disproportionately on those who can least afford them; the wealthy can post bail, but others have literally no choice but to watch their lives be ruined due to lack of funds, regardless of innocence. Without a compelling societal reason to inflict those harms--such as conviction--it is our obligation to avoid harming individuals. Research shows that there is no such compelling societal reason. Bail reform does not compromise public safety nor does it significantly change court appearance rates.

Accordingly, I respectfully request that the Committee PASS HB2413 HD1.

Sincerely,

Doug Klunder

LATE

HB-2413-HD-1

Submitted on: 3/15/2026 8:21:13 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Sylvie Madison	Individual	Oppose	Written Testimony Only

Comments:

Strong Opposition to HB2413 HD1 – Pretrial Reform

Rep. Kahaloa and Members of the House,

I strongly oppose HB2413 HD1.

When even the State of Hawai‘i Organization of Police Officers (SHOPO) opposes a bill, that should be a warning sign.

This measure weakens accountability by requiring release on recognizance for many offenses, including certain Class C felonies. At a time when communities are already dealing with rising crime, disorder, and homelessness, this sends the wrong message to both offenders and law-abiding residents.

Equally troubling is that legislation with this level of impact has moved forward without meaningful public input. There have been no town halls and no serious effort to ask residents whether they support these changes. The last one from reps in District 6 & 7 was in the election year 2024.

Is this really the direction you want for the future of Hawai‘i and for your own children’s communities?

Please vote **NO on HB2413 HD1.**

Sylvie Madison
Kailua Kona, Hawai‘i

LATE

HB-2413-HD-1

Submitted on: 3/15/2026 9:21:01 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Jesse Hutchison	Individual	Support	Written Testimony Only

Comments:

I submit this testimony in strong support of HB2413 HD1, which requires release on recognizance for those charged with low-level offenses including violations, traffic offenses, nonviolent petty misdemeanors, nonviolent misdemeanors, and nonviolent class C felonies. This bill would also strengthen due process protections in situations where bail or detention is imposed.

This bill is an important step toward a justice system that does not punish people for their lack of wealth. Today, more than 54 percent of Hawai'i's jail population consists of people who are being held pretrial. At the O'ahu Community Correctional Center, that figure rises to 74 percent. These individuals have not been convicted of any crime, yet they remain incarcerated largely due to the continued reliance on cash bail and limited use of alternative pretrial practices. Reducing the pretrial detention population also is a clear first step to address problems of overcrowding given that the total number of people incarcerated in Hawai'i is decreasing over time, but our pretrial population is increasing. Before designing a new superjail to replace OCCC, Hawai'i must enact policies to reduce its jail population.

Pretrial detention reforms do not compromise public safety and have little impact on court appearance rates. By contrast, unnecessary pretrial detention contributes to overcrowding, staffing issues, and worsening facility conditions. Studies have also found that pretrial detention itself can increase the likelihood of future criminal justice involvement. Even short periods of pretrial detention can have "cascading effects" on an individual, including threatening employment, housing stability, child custody, and health care access. These may contribute to increased likelihood of further involvement with the criminal justice system.

For the above reasons, I respectfully request that the Committee PASS HB2413 HD1.

LATE

HB-2413-HD-1

Submitted on: 3/15/2026 9:23:37 PM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Keahi Kuikahi	Individual	Oppose	Written Testimony Only

Comments:

Someone had to be foolish to introduce a bill like this. When misguided laws like these are proposed, everyone ends up suffering except the person who actually commits the crime.



Opposed to HB 2413

Aloha Chair Fukunaga, Vice Chair Lee, and Members of the Senate Public Safety and Military Affairs Committee,

I've been a resident of Waikiki for the past 15 years, have been involved as a volunteer with the HPD Community Policing Program, and am **strongly opposed to HB 2413**.

I'm primarily opposed because **the bill is too vague**.

For example, the bill states: ...

“Defendants are released based on the risks they pose for non-appearance and recidivism, rather than on their financial circumstances”

What exactly does that mean?

Plain and simple, a judge should be deciding who's released on bail based on the nature and circumstances of each specific case.

We don't need another wishy-washy bill that further convolutes Hawaii's criminal system, seemingly in favor of the criminals.

Sincerely,

John Bell
Waikiki

LATE

HB-2413-HD-1

Submitted on: 3/16/2026 7:20:25 AM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Raelyn Reyno Yeomans	Individual	Support	Written Testimony Only

Comments:

Strong support.

LATE

HB-2413-HD-1

Submitted on: 3/16/2026 8:55:46 AM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Nanea Lo	Individual	Support	Written Testimony Only

Comments:

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

I am writing in support of H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Many people locked up in our overcrowded jails are accused but not convicted of any crime simply because they cannot afford money bail.

Other states have successfully enacted pretrial reforms and saved taxpayer dollars by investing in robust pretrial services in the community instead of locking people up while awaiting their day in court. It's time for Hawai'i to make similar changes to our two-tiered system of justice based on wealth and implement pretrial "best practices." This will increase fundamental fairness in our criminal legal system and reduce the number of legally innocent people held in our jails without compromising community safety. Please pass H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Me ke aloha 'āina,

Nanea Lo, 96826

Sierra Club of Hawai'i Member

Hawai'i Workers Center Board Member

Clean Elections Hawai'i Member

Honolulu Tenants Union Member

350 Hawai'i Member

Carbon Cashback Hawai'i Member

Hawai'i Tax Fairness Coalition Member

LATE

HB-2413-HD-1

Submitted on: 3/16/2026 8:55:50 AM

Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
KEALA FUNG	Individual	Support	Written Testimony Only

Comments:

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

I am writing in support of H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Many people locked up in our overcrowded jails are accused but not convicted of any crime simply because they cannot afford money bail.

Other states have successfully enacted pretrial reforms and saved taxpayer dollars by investing in robust pretrial services in the community instead of locking people up while awaiting their day in court. It's time for Hawai'i to make similar changes to our two-tiered system of justice based on wealth and implement pretrial "best practices." This will increase fundamental fairness in our criminal legal system and reduce the number of legally innocent people held in our jails without compromising community safety. Please pass H.B. 2413, H.D. 1 Relating to Pretrial Reform.

Thank you,

Keala Fung

Honolulu Oahu

LATE

HB-2413-HD-1

Submitted on: 3/16/2026 11:55:35 AM
Testimony for PSM on 3/16/2026 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Cindy Ajimine	Individual	Oppose	Written Testimony Only

Comments:

Honorable Committee Chair & Members:

I am writing to STRONGLY OPPOSE this bill as written.

When the various State Attorney Offices AND Police Chiefs OPPOSE a bill, that raises big red flags! Please listen, take their advice & amend the bill to actually serve the people of Hawaii. The crime in Hawaii is getting so dangerous & causing many to leave. If that is your intent, then I guess we will know by your vote.

Thank you.