

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

Testimony to the Thirty-Third Legislature, 2026 Regular Session

Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

Tuesday, March 24, 2026 at 9:45 a.m.
State Capitol, Conference Room 016 & Videoconference

By

Michelle D. Acosta
Deputy Chief Court Administrator
District Court of the First Circuit

Bill No. and Title: House Bill No. 2494, H.D. 1, Relating to Criminal Justice Reform.

Purpose: Establishes factors under which officers may arrest and detain persons without a warrant for petty misdemeanors and violations, and requires officers to document the justification for the arrests. Amends the circumstances under which officers may issue citations in lieu of arrest. Requires officers to issue citations in lieu of arrest for certain petty misdemeanors and violations, unless public safety or flight risks are present or the alleged offense involves operating a vehicle under the influence of an intoxicant or the abuse of family or household members. Requires the Judiciary to promulgate a standardized citation form and updates the required information for citations. Requires the Criminal Justice Research Institute to submit reports. Effective 7/1/3000. (HD1)

Judiciary's Position:

The Judiciary takes no position on the intent of the proposed legislation and provides the following comments with respect to the impact of the bill on Judiciary operations.

The proposed legislation requires the Judiciary to disseminate a newly redesigned citation form for use by police no later than July 1, 2027. The legislative changes to the form of the citation will require time to research, design, and implement a new citation for effective data sharing between law enforcement agencies, the Criminal Justice Research Institute and the court reminder system, as well as changes to the Judiciary Information Management System (“JIMS”).



The Judiciary would also need to dispose of existing criminal citations and procure revised citations. In light of the significant changes and additions required by the legislation, the Judiciary respectfully requests that the firm implementation date be delayed to no earlier than January 1, 2028.

The Judiciary respectfully suggests that the following language on page 9, lines 13-15 be deleted in its entirety:

“(13) Available options for citation resolution and options for persons unable to afford any fines or costs imposed; and”

Petty misdemeanors and misdemeanors are criminal in nature. They are categorically different from parking tickets and infractions. For petty misdemeanors and misdemeanors, there are no “options” for resolution *prior* to arraignment. While plea offers are sometimes conveyed by the prosecuting entity at arraignment or thereafter, plea offers are not made by law enforcement officers or listed on citations. Thus, “options” for citation resolution of misdemeanors and petty misdemeanors do not exist at the time citations are issued, and suggesting otherwise might lull persons into believing that appearing in court for arraignment is optional – which it is not. Indeed, if a person fails to appear in court for arraignment, a bench warrant may issue for the person’s arrest, leading to the very situation (i.e., an arrest) that other portions of this bill seek to avoid.

In view of the legislature’s interest in expanding the use of citations in lieu of arrest, and considering the growing use of technology by law enforcement agencies, the Judiciary would like to offer for consideration the idea of forming a working group to explore alternatives to traditional paper citations. Hand-held devices capable of printing citations—such as the e-citation tools already used by the Maui Police Department and the Honolulu Police Department in certain areas for parking and traffic infractions—are becoming increasingly common. Given this trend, it may be worthwhile to consider transitioning from a paper-based citation system to an electronic one before traditional paper citations become outdated.

Thank you for the opportunity to testify on this measure.

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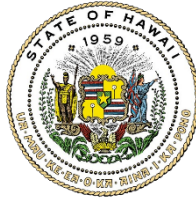
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March 23, 2026

HB2494 HD1: RELATING TO CRIMINAL JUSTICE REFORM

Chair Rhoads, Vice Chair Gabbard and Members of the Committee on Judiciary

The Office of the Public Defender (OPD) **supports HB2494 HD1**. This measure seeks to conserve the limited resources of understaffed police departments, decrease costs to the State by decreasing the number of people who are unnecessarily held in custody prior to trial and decrease overcrowding in correctional facilities by allowing officers to have the flexibility of issuing citations in lieu of arrest for certain petty misdemeanor offenses and violations.

HB2494 HD1 amends Hawaii Revised Statutes (HRS) § 803-5 to create a presumption that officers issue a citation in lieu of warrantless arrest for petty misdemeanors or violations. When an officer decides to effect a warrantless arrest for a petty misdemeanor or violation, the statute delineates factors that justify the arrest and requires the officer to record which of the factors justified the arrest. It is important to note that HB2494 HD1 does not deprive officers of the discretion to arrest persons, even for more minor offenses. HB2494 HD1 amends HRS § 803-6 to clarify that even for these more minor offenses, that warrantless arrests may be appropriate if (1) the person has not offered satisfactory evidence of the person's identity or, (2) the person will not appear in court at the time designated or, (3) the person has an outstanding arrest warrant that would justify the person's detention or give an indication that the person might fail to appear in court or, (4) the offense is of such a nature that there will be further police contact. Thus, officers may still arrest someone who reasonably poses a risk to public safety or who is unlikely to show up to court on their own.

The use of citation in lieu of arrest is the norm rather than the exception among other states¹ due to the imbalance between the costs and benefits of arrest for low-level offenses. Any perceived benefits from arrests for low level offenses is far outweighed by the benefits of allowing citations in lieu of arrest for such offenses.

An arrest can have significant consequences for the arrestee. The most obvious consequence is the loss of liberty until the person has an opportunity to either post bail or appear in court to ask for release. As most persons charged with low level offenses are not sentenced to jail terms, any period of pretrial incarceration is unnecessarily detrimental to the person. Even short periods of incarceration can cause persons to lose their jobs or valuable earnings. For lower-income clients, like those serviced by the OPD, even a loss of a few hours of earnings can create a significant financial burden. If the arrestee is a parent their arrest can also create childcare issues, especially for parents with no support network.

Law enforcement agencies currently face significant staffing shortages. Effecting an arrest requires that multiple officers spend hours at the scene and at the station processing the arrestee and preparing paperwork. This means that fewer officers are available in the community. The diversion of officers to process an arrest for a low-level offense takes officers off patrol and out of the community, thereby compromising public safety.

The needless arrest of persons for low-level offenses also affects correctional facilities. Correctional centers in Hawai'i are overcrowded and keeping low level offenders who do not present any danger to the community is a waste of space. There is also a significant financial burden to the State associated with the costs of incarceration. Holding persons in correctional facilities who do not present a danger to the community is a waste of money.

HB2494 HD1 will bring Hawai'i in line with the majority of states that have recognized that allowing the issuance of citations in lieu of arrest for low level offenses does not compromise public safety and encourages efficiency in the criminal justice system. Thank you for the opportunity to comment on this measure.

¹ All states allow issuance of citations in lieu of arrest for misdemeanor or petty offenses. Eight states permit citations for some felonies. Seven states allow citations for crimes or offenses without specifying the offense level. Over half the states have a presumption of issuing citations rather than arrest for certain crimes under certain circumstances. "Citation in Lieu of Arrest," National Conference of State Legislatures (updated March 18, 2019). <https://www.ncsl.org/civil-and-criminal-justice/citation-in-lieu-of-arrest>



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

ON THE FOLLOWING MEASURE:

H.B. NO. 2494, H.D. 1, RELATING TO CRIMINAL JUSTICE REFORM.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Tuesday, March 24, 2026

TIME: 9:45 a.m.

LOCATION: State Capitol, Room 016

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

Chair Rhoads and Members of the Committee:

The Department of the Attorney General (Department) opposes this bill.

The stated purpose of this bill is to reduce the number of arrests made in criminal cases by: (1) amending the factors under which law enforcement officers may arrest and detain persons without a warrant for petty misdemeanors and violations, (2) requiring law enforcement officers to record the factors that justified a warrantless arrest for certain petty misdemeanors and violations, (3) amending the circumstances under which law enforcement officers may issue citations in lieu of arrest, (4) requiring law enforcement officers to issue citations in lieu of arrest for certain petty misdemeanors and violations, subject to a limited set of exceptions, and (5) improving court appearance rates by redesigning the citation form and updating required information fields.

Limiting arrests to the seven criteria enumerated in the amendments to section 803-5(b), Hawaii Revised Statutes (HRS), would significantly impede law enforcement officers' ability to resolve the situations they encounter in the community. Arrest authority must be left to officer discretion to preserve public safety and the swift administration of justice. There are several petty misdemeanor offenses that may never meet the seven enumerated criteria that would therefore not be subject to arrest. These would include, but are not limited to: Harassment, section 711-1106, HRS, Disorderly Conduct, section 711-1101, HRS, Theft in the Fourth Degree, section 708-733, HRS,

Criminal Property Damage in the Fourth Degree, section 708-823, HRS, Criminal Trespass in the Second Degree, section 708-814, HRS, Indecent Exposure, section 707-734, HRS, and Criminal Contempt of Court, section 710-1077 (non-appearance for court as instructed), HRS. Law enforcement officers need discretion to de-escalate situations via arrest even when they cannot reasonably predict that "there will be further police contact . . . in the immediate future" or that the defendant "must be detained to prevent bodily injury." Page 4, lines 17-21.

Additionally, the initiation of a criminal action via an arrest secures positive identifications by way of the booking process and thereby ensures adjudication of the correct offender. These positive identifications are necessary to provide the foundation required for holding habitual offenders accountable via enhanced sentencing for repeat offenders. See Habitual Property Crime, section 708-803, HRS.

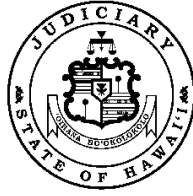
Arrest information is stored by the Hawaii Criminal Justice Data Center (HCJDC) and is accessible by law enforcement, prosecutors, the courts, and the various county Intake Service Centers (i.e., those who are tasked with the preparation of pre-trial bail reports), for purposes of assessing a person's dangerousness, likelihood to appear for court, risk of recidivism, or other considerations. HCJDC does not receive any information when citations are issued, and criminal history records are not updated with these charges. Such offenses are only reported to HCJDC following conviction and only if the court specifically orders the defendant to complete the identification and booking process that occurs upon arrest (and the defendant complies with that order).

Moreover, once these cases reach the court system, every petty misdemeanor arrest may be called into question. This may prompt an increase in court hearings to adjudicate motions to suppress evidence and/or dismiss cases based on an alleged illegal arrest, which might have nothing to do with the facts or merits of the case. Because the bill does not provide an appropriate remedy, when an arrest falls outside of the seven enumerated criteria, different courts could use different standards, leading to different remedies and inconsistent rulings. Inconsistent rulings by judges, with no appropriate remedy, will likely lead to unintended consequences such as key evidence

being precluded from trial or dismissal of cases for failing to note which category formed the basis for arrest.

The Department is very concerned about these and other unintended consequences that will undoubtedly arise. The potential repercussions of restricting law enforcement officers' discretion to arrest in petty misdemeanor cases would be detrimental to public safety and the welfare of our community.

Thank you for the opportunity to testify on this bill; we respectfully request that this bill be held.



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

Testimony to the Thirty-Third Legislature, 2026 Regular Session

Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

Tuesday, March 24, 2026, 9:45 a.m.
State Capitol, Conference Room 016

By

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

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 2494, H.D. 1, Relating to Criminal Justice Reform.

Purpose: Establishes factors under which officers may arrest and detain persons without a warrant for petty misdemeanors and violations, and requires officers to document the justification for the arrests. Amends the circumstances under which officers may issue citations in lieu of arrest. Requires officers to issue citations in lieu of arrest for certain petty misdemeanors and violations, unless public safety or flight risks are present or the alleged offense involves operating a vehicle under the influence of an intoxicant or the abuse of family or household members. Requires the Judiciary to promulgate a standardized citation form and updates the required information for citations. Requires the Criminal Justice Research Institute to submit reports. Effective 7/1/3000.

The Criminal Justice Research Institute's Position:

The Criminal Justice Research Institute (CJRI), which is administratively attached to the Judiciary, respectfully offers **comments** on House Bill No. 2494, H.D. 1, which requires CJRI to submit a report, with findings, on the use of criminal citations under Hawai‘i Revised Statutes section 803-6, to the legislature no later than twenty (20) days prior to the convening of the regular sessions of 2027, 2028, and 2029.



House Bill No. 2494, H.D. 1, Relating to Criminal Justice Reform
Senate Committee on Judiciary
Tuesday, March 24, 2026 at 9:45 a.m.
Page 2

CJRI was established by Act 179 (2019) and is authorized to study all areas of the criminal justice system. CJRI will work with the Judiciary and other necessary criminal justice agencies to analyze data and produce reports to the Legislature on the use of criminal citations in the State. Analysis conducted by CJRI will consist of data listed in H.B. 2494, H.D. 1: 1) the number of criminal citation cases filed with the Judiciary including analysis by most serious offense level and by county, 2) the number of charges in criminal citation cases, and 3) the length of the pretrial period for criminal citation cases. Based on current resources, CJRI can provide research support for this request by applying its knowledge of statewide criminal justice data and research analysis. Currently, CJRI has access to data to fulfill these obligations by working with the pretrial database and reporting system. Additionally, CJRI will work to determine if additional analysis can be conducted to further understand the use of criminal citations in the State. CJRI may need to request data from other agencies at a later date to conduct additional analyses that are not specifically mandated in this bill.

Thank you for the opportunity to comment on H.B. 2494, H.D. 1.



OFFICE OF HAWAIIAN AFFAIRS

‘Ōlelo Hō‘ike ‘Aha Kau Kānāwai

TESTIMONY IN SUPPORT OF HOUSE BILL 2494 HD1

RELATING TO CRIMINAL JUSTICE REFORM

Ke Kōmike ‘Aha Kenekoa o ka Ho‘okolokolo

(Senate Committee on Judiciary)

Ke Kapitala ‘o Hawai‘i

(Hawai‘i State Capitol)

Malaki 24, 2026

9:45 AM

Lumi 016

Aloha e Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary:

The Office of Hawaiian Affairs (OHA) **SUPPORTS HB2494 HD1** which reduces unnecessary arrests for misdemeanors, petty misdemeanors, and violations by expanding the use of citations in lieu of arrest and requiring documentation when custodial arrest is used. OHA appreciates recent amendments which restored language requiring the last four digits of the offender's social security number to be included on the citation, if available, required the Criminal Justice Research Institute to submit reports to the Legislature before the Regular Sessions of 2027, 2028, and 2029 on the use of criminal citations, and required criminal justice agencies to provide the necessary data for the reports.

OHA supports policies that promote fairness, proportionality, and effective use of public safety resources. Arrest is among the most serious forms of government intervention and carries immediate and lasting consequences, including loss of employment, housing instability, family disruption, and increased likelihood of deeper justice system involvement. These consequences may occur even when an individual is presumed innocent and ultimately not convicted. This measure appropriately reinforces citation in lieu of arrest as the default response for low-level offenses, while preserving law enforcement discretion to arrest when necessary to protect public safety or ensure court appearance. This balanced approach reflects longstanding recommendations from Hawai‘i’s Pretrial Task Force and aligns with evidence-based practices that safely reduce unnecessary detention while maintaining accountability.

Reducing unnecessary arrests also supports more effective allocation of limited public safety resources. Custodial arrests require significant officer time, transportation, booking, and detention capacity, while citation-based approaches allow law enforcement to focus resources on serious offenses and community safety priorities. For Native Hawaiians who are disproportionately represented throughout Hawai‘i’s criminal legal system, reducing unnecessary custodial arrests is particularly important. Policies that limit avoidable justice system contact help reduce cumulative system involvement and support pathways to stability, employment, and community well-being. This bill represents a

practical and evidence-based reform that strengthens proportionality, improves system efficiency, and supports fair and effective public safety practices.

For these reasons, the Office of Hawaiian Affairs respectfully urges this Committee to **PASS HB2494 HD1**. Mahalo nui for the opportunity to provide testimony on this important measure.

JOSH GREEN, M.D.
GOVERNOR



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MARTHA TORNEY

HON. MICHAEL A. TOWN (ret.)

TO: The Honorable Karl Rhoads, Chair
The Honorable Mike Gabbard, Vice Chair
Senate Committee on Judiciary

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

SUBJECT: House Bill 2494, House Draft 1, Relating to Criminal Justice Reform
Hearing: Tuesday, March 24, 2026; 9:45 a.m.
State Capitol, Room 016

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

The Hawai'i Correctional System Oversight Commission (HCSOC) **supports in part** House Bill 2494, House Draft 1, relating to criminal justice reform which represents an important step toward reducing unnecessary incarceration by prioritizing citations in lieu of arrest for low-level offenses.

Unnecessary custodial arrests for petty misdemeanors and violations contribute directly to correctional system overcrowding in Hawaii. Many individuals arrested for low-level offenses do not pose a significant public safety risk, yet arrests often result in pretrial detention due to inability to afford bail. Even short periods of incarceration increase correctional population pressures, strain staffing and facility resources, and contribute to system inefficiencies.

It is important to note that incarceration can cause serious collateral consequences, including disruption to employment, housing, and family stability. These harms often occur before any determination of guilt and can have lasting impacts on individuals and their families. Expanding the use of citations instead of arrest allows individuals to remain in the community while still ensuring accountability through the court process. This approach reduces the number of people entering correctional facilities unnecessarily and helps preserve limited correctional capacity for individuals who present genuine risks to public safety. For these reasons, the Commission supports in part House Bill 2494, House Draft 1.

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.

March 24, 2026

Senate Committee on Judiciary
HB 2494, HD1, Relating to Criminal Justice Reform



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

The **State of Hawai'i Organization of Police Officers (SHOPO)** respectfully **opposes HB 2494, HD1**, which establishes factors under which officers may arrest and detain persons without a warrant for petty misdemeanors and violations, and requires officers to document the justification for the arrests and amends the circumstances under which officers may issue citations in lieu of arrest. It requires officers to issue citations in lieu of arrest for certain petty misdemeanors and violations, unless public safety or flight risks are present or the alleged offense involves operating a vehicle under the influence of an intoxicant or the abuse of family or household members.

SHOPO recognizes and appreciates the Legislature's interest in ensuring fair and consistent enforcement practices. However, we are concerned that this measure would unduly restrict the professional discretion that police officers must exercise in real-time situations. These decisions often involve rapidly evolving conditions, including concerns about public safety, the behavior of the individual involved, the presence of victims or witnesses, and the likelihood that a person will comply with a citation or appear in court. SHOPO believes that existing law appropriately provides officers with the flexibility needed to determine when a citation is appropriate and when an arrest is necessary. Maintaining that discretion allows officers to respond to the unique facts of each situation and helps ensure that public safety remains the primary consideration.

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. 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)

**DEPARTMENT OF THE PROSECUTING ATTORNEY
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**THE HONORABLE KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY
Thirty-Third State Legislature
Regular Session of 2026
State of Hawai`i**

March 24, 2026

RE: H.B. 2494, H.D.1; RELATING TO CRIMINAL JUSTICE REFORM.

Chair Rhoads, Vice Chair Gabbard, and members of the Senate Committee on Judiciary, the Department of the Prosecuting Attorney for the City and County of Honolulu submits the following testimony in **opposition** to H.B. 2494, H.D.1.

This bill permits warrantless arrests for a petty misdemeanor or violation only in four enumerated cases. It also requires the officer to record which factor justified the arrest.

H.B. 2494, H.D.1 creates loopholes for criminals, burdensome paperwork for the police, and danger to the public.¹ HRS § 803-6 currently authorizes officers to issue citations in lieu of arrest for non-felony offenses. It first requires officers to account for the risk of non-appearance, any outstanding arrest warrants, the likelihood of resumed police contact, and the danger to others.

H.B. 2494, H.D.1 is unlikely to change the proportion of citations and arrests. At present, all warrantless arrests must be reviewed by a judge for probable cause within forty-eight hours. Officers already attach a written declaration outlining the specific facts supporting probable cause. The reason for an arrest—rather than a citation—is almost always apparent from the factual circumstances recited in the declaration.

If this bill seeks express incantation of its statutory factors, then it simply adds an administrative burden on officers with no corresponding gain in the quality of policing. It also mischaracterizes the incentives for arrest. Arresting an individual represents a significant commitment of the officer's time and energy. The arrestee must be secured, transported, or

¹ See Daniel Hugo, *ACLU Hawai'i Misinformed on Warrantless Arrest Bill*, HONOLULU CIVIL BEAT (Community Voice) (Apr. 10, 2025), available at <https://www.civilbeat.org/2025/04/aclu-hawai%CA%BBi-misinformed-onwarrantless-arrests-bill/> (discussing similar bill introduced last session).

booked. The officer must write an arrest report, along with a separate declaration to the presiding judge. And very often, arrests are dangerous. In short, the incentives for citation over arrest are already strong. Arrests are largely driven by legitimate concerns about public safety, which already must be articulated before a neutral and impartial magistrate.

Encouraging officers to forego the inconveniences and hazards of necessary arrests does not make crime or criminality disappear. It simply leaves the problem with the public.

Thank you for the opportunity to testify

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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN OPPOSITION TO HOUSE BILL 2494, HOUSE DRAFT 1

A BILL FOR AN ACT
RELATING TO CRIMINAL JUSTICE REFORM

COMMITTEE ON JUDICIARY
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

Tuesday, March 24, 2026 at 9:45 a.m.
Via Videoconference
State Capitol Conference Room 016
415 South Beretania Street

Honorable Chair Rhoads, Vice-Chair Gabbard and Members of the Committee on Judiciary: The County of Hawai'i, Office of the Prosecuting Attorney respectfully submits the following testimony **in opposition** to House Bill 2494, House Draft 1.

Although our office appreciates the intent of this legislation and acknowledges the need to address overcrowding concerns at our prisons and jails, we do not believe this measure is a necessary or effective means to do so. Police officers already have the authority to initiate a criminal case by issuing a citation in lieu of an arrest where appropriate. We do not believe that placing additional burdens and restrictions on police officers is a viable solution to jail overcrowding.

HB 2494, HD 1 was drafted with the intent to limit police officers from making warrantless arrests for most petty misdemeanor offenses or violations except where the officer can establish certain factors justifying an arrest, and requiring officers to document the justification used.

HB 2494, HD 1 would amend Section 803-5, HRS, to limit the longstanding power of police officers to make a warrantless arrest when the officer has probable cause to believe a suspect has committed an offense against the laws of the State of Hawai'i. This police power to make a warrantless arrest based on probable cause has been available to law enforcement officers in Hawai'i relatively unchanged for over a century—it is a rule of law that is older than statehood.

The power to make a warrantless arrest under HRS § 803-5 is already subject to significant limitations on its use, as a limited exception to the general rule that a person may not

be arrested without a warrant issued by a magistrate. For example, the Hawai'i Supreme Court has held that there is a "temporal restriction" on the police power to make a warrantless arrest.¹

HB 2494, HD 1 would directly affect the ability of police and prosecutors to keep the peace and to enforce laws covering offenses against persons, property, and public order which have significant community impact, including but not limited to theft, shoplifting, criminal property damage, disorderly conduct, harassment, indecent exposure, and open lewdness.

HB 2494, HD 1 would make it illegal for a police officer to arrest based upon probable cause alone for a petty misdemeanor or violation, and would instead require that the officer choose and identify one or more additional qualifying factors that the officer is "reasonably satisfied" apply, including that the person has not offered satisfactory evidence of the person's identity, that the person will not appear in court, that the person has an outstanding arrest warrant, that there will be further police contact, or that the person must be detained to prevent bodily injury to self or others. This requirement will create a substantial and undue additional burden upon our police officers in their already-difficult role of keeping the peace and preserving public order.

We are also concerned that if enacted, uncertainty as to how HB 2494, HD 1 would be applied would encourage a wave of litigation in the courts. The existence of probable cause to make a warrantless arrest under HRS § 803-5 is determined by an objective legal test, which is defined in law. Judges have extensive experience in applying this test, and extensive case law ensures consistency in its application. Under HB 2494, HD 1, however, legality of many arrests would no longer turn on whether there was probable cause, but instead on whether the arresting officer was "reasonably satisfied" at the time of arrest that the suspect would not appear in court, that there would be a likelihood of further police contact, that an arrest was necessary to prevent bodily injury, or other factors. HB 2494, HD 1 provides little guidance as to how a court should determine if an officer was "reasonably satisfied" of a factor justifying arrest or the standard of proof to be applied, which will encourage litigation.

A primary reason that an arrest is the default method of initiating a criminal action is because of the fundamental need to positively identify the person who is being charged with a crime and brought before a court. Obtaining positive identification is especially important where individuals repeatedly commit petty crimes, triggering the possibility of repeat offender enhancements such as for habitual property offenders. For these enhancements to be available, it must be possible to prove the suspect's identity beyond a reasonable doubt in conjunction with every offense and every conviction. The process of arrest and booking allows police to use biometric identifiers to ensure the identity of a suspect and is the only way to consistently hold repeat offenders accountable.

The County of Hawai'i, Office of the Prosecuting Attorney remains committed to pursuing justice with integrity and commitment. For the foregoing reasons, the County of Hawai'i, Office of the Prosecuting Attorney respectfully **opposes** the passage of House Bill 2494, House Draft 1. Thank you for the opportunity to testify on this matter.

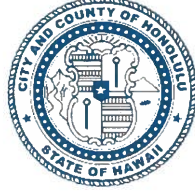
¹ State v. Keawe, 107 Hawai'i 1, 108 P.3d 304 (2005).

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

801 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 • WEBSITE: www.honolulu.org

LATE

RICK BLANGIARDI
MAYOR
MEIA



RADE K. VANIC
INTERIM CHIEF
KAHU MĀKA'I KŪIKAWA

AARON TAKASAKI-YOUNG
BRANDON NAKASATO
INTERIM DEPUTY CHIEFS
NĀ HOPE LUNA NUI MĀKA'I KŪIKAWA

OUR REFERENCE AP-SK

March 24, 2026

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

Dear Chair Rhoads and Members:

SUBJECT: House Bill No. 2494, H.D. 1, Relating to Criminal Justice Reform

I am Andre Peters, Major of the Training Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD opposes House Bill No. 2494, H.D. 1, Relating to Criminal Justice Reform.

The HPD appreciates the intent of this bill as it attempts to address overcrowding in correctional facilities. However, suspects solely arrested for these low offenses, such as Disorderly Conduct, Harassment, Theft in the Fourth Degree, Criminal Property Damage in the Second Degree, and Indecent Exposure, are rarely transported and housed at the O'ahu Community Correctional Center (OCCC) for a significant amount of time.

In most cases, when the police are called for these offenses, it may require immediate intervention and action by the officers to stop unlawful conduct or further harm. The bill does offer some latitude for our officers by allowing them to detain someone to prevent bodily injury to that person or another person. If an officer has already placed handcuffs on a subject to detain them, reasonable suspicion has already presented itself to do so to protect life and property. However, this would be a quick assessment by the officer, and the person detained may not be the suspect in each scenario. If, through an investigation, another person is determined to be the suspect and satisfies the four enumerated criteria in this bill, the officer would issue a citation and leave. These actions are not victim-centered and leaves them in fear, eroding the trust in the HPD.

This bill is unfairly directed at our residentially challenged community. Our officers are fully engaged in their community and are aware of who their district's residentially challenged persons (RCP) are. The officer should not use their knowledge of that individual to satisfy the language in this bill. A valid form of identification would be satisfactory

The Honorable Karl Rhoads, Chair
March 24, 2026
Page 2

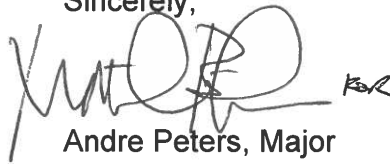
evidence of a person's identity. In our experience, most RCPs do not have identification on them and have either been arrested or have active outstanding warrants.

This bill is also highly subjective as it requires the officer to assume that, (1) the person will not appear in court, and (2) that there will be further police contact on or about the date in question or in the immediate future. In the police academy, we teach our recruits that their decisions should be made on facts and not assumptions or speculation. Passage of this bill would require retraining for our recruits and sworn officers in the laws of arrest. For decades, our officers were instructed that probable cause was sufficient for a warrantless arrest, and it should continue as such. As with probable cause, there is case precedent and law that guide our officers' decisions. Guessing is not a fair and impartial way to base an important decision that could affect someone's life.

Officers already have discretion whether to cite or arrest after a decision based on the totality of the circumstances is determined. To reduce the officer's discretion by implementing these four enumerated criteria only complicates their already difficult job. Currently, our officers can issue citations for criminal offenses. There are blocks provided to write in the HRS section numbers, but we agree that an electronic citation form would be best to ensure legibility.

The HPD urges you to oppose House Bill No. 2494, H.D. 1, Relating to Criminal Justice Reform, and thanks you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read "Andre Peters", with a small "KPR" monogram to the right.

Andre Peters, Major
Training Division

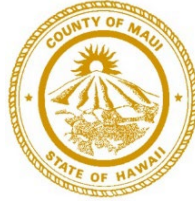
APPROVED:

A handwritten signature in black ink, appearing to read "Wade K. Vanic", written over a horizontal line.
Wade K. Vanic
Interim Chief of Police

RICHARD T. BISSEN, JR.
Mayor

ANDREW H. MARTIN
Prosecuting Attorney

SHELLY C. MIYASHIRO
First Deputy Prosecuting Attorney



DEPARTMENT OF THE PROSECUTING ATTORNEY
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TESTIMONY ON
H.B. 2494 HD1
RELATING TO CRIMINAL JUSTICE REFORM

March 23, 2026

The Honorable Karl Rhoads
Chair
The Honorable Mike Gabbard
Vice Chair
and Members of the Committee on Judiciary

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

The Department of the Prosecuting Attorney, County of Maui respectfully submits the following comments **in opposition to H.B. 2494 HD1, Relating to Criminal Justice Reform**, and requests that the measure be deferred. This measure: 1) prevents police officers from making a warrantless arrest of a person for a petty misdemeanor or violation offense unless the officer is “reasonably satisfied” that the person meets one of seven specific criteria, and 2) requires that a person be cited instead of arrested for any petty misdemeanor or violation offense except Operating a Vehicle Under the Influence of an Intoxicant or Abuse of Family or Household Member.

We oppose this measure for a number of reasons. First, the mandatory citation requirement for petty misdemeanor and violation offenses does not contemplate scenarios where an arrest is necessary for public safety. Offenses such as Simple Trespass, Disorderly Conduct, Criminal Trespass in the Second Degree, Indecent Exposure and Theft in the Fourth Degree are all “non-violent” petty misdemeanor or violation offenses where, similar to the warning citations issued in Abuse of Family or Household Member cases, even the temporary removal of an offender from the scene of an incident via the arrest process reduces the likelihood of retaliation, confrontation and other after-the-fact incidents. Moreover, public confidence in law enforcement and the criminal justice system is increased when citizens can see that offenders are arrested and removed from the scene of the crime rather than issued a citation and immediately released.

Second, we are concerned that adding an additional statutory analysis requirement to a potential arrest/citation scenario would result in additional pre-trial challenges requiring additional prosecution and judicial resources to litigate without any significant benefit. For example, every petty misdemeanor or violation arrest would potentially involve an evidentiary defense motion to suppress evidence on the grounds that the arresting officer lacked a sufficient statutory basis to arrest the defendant.

Third, the seven criteria authorizing a warrantless arrest are not flexible enough to handle scenarios that may not meet the proposed arrest criteria but would still require a person's arrest as a matter of public safety. Again, such non-violent offenses as Simple Trespass, Disorderly Conduct, Criminal Trespass in the Second Degree, Indecent Exposure and Theft in the Fourth Degree may have no explicit indication that an offender will fail to show up at court or continue to violate the law if cited and not arrested. However, even the temporary removal of an offender from the scene of an incident via the arrest process reduces the likelihood of retaliation, confrontation and other after-the-fact incidents.

For these reasons, the Department of the Prosecuting Attorney, County of Maui **opposes the passage of H.B. 2494 HD1 and requests that the measure 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.

Rebecca V. Like
Prosecuting Attorney



Keola Siu
First Deputy
Prosecuting Attorney

OFFICE OF THE PROSECUTING ATTORNEY

County of Kaua'i, State of Hawai'i

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Victim/Witness Program 808-241-1898 or 800-668-5734

LATE

The Honorable Karl Rhoads, Chair
Senate Committee on Judiciary
Thirty-third State Legislature
Regular session of 2026
State of Hawai'i
March 23, 2026

RE: HB 2494 HD 1. Relating to Criminal Justice Reform

Dear Chair Rhoads and Members of the Senate Committee on the Judiciary:

Thank you for the opportunity to provide testimony **OPPOSING** this bill, which would require officers to issue citations in lieu of arrest for certain offenses. While the goal of reducing unnecessary arrests is noble, this bill goes too far by mandating citations in lieu of arrest for petty misdemeanors and violations and by imposing additional, rigid factors officers must satisfy before making an arrest. In doing so, it unduly burdens law enforcement, curtails officer discretion, and risks undermining public safety.

First, the bill assumes that arrests for petty misdemeanor offenses "contribute to overcrowding in correctional facilities." That assumption does not reflect reality. Our jails are not filled with individuals arrested solely for petty misdemeanors. This legislation therefore addresses a problem that does not meaningfully exist, while creating new risks in day-to-day policing.

Second, the bill significantly restricts officer discretion by requiring officers to affirmatively evaluate and justify arrest decisions based on a limited set of prescribed factors. Those factors do not capture the full range of circumstances officers routinely encounter in the field, including rapidly evolving situations, crimes in progress, or behavior that is escalating toward violence. Police intervention – including arrest – is often necessary to immediately halt unlawful conduct, protect victims, or prevent further harm.

Third, three of the required considerations – whether or not a person will appear in court at a designated time, whether the person committed an offense

that will result in further police contact on that date or in the immediate future, and whether the person must be detained to prevent bodily injury to themselves or another person – are inherently difficult, and sometimes impossible, to predict at the time of contact. Officers must make real-time decisions based on limited information. This bill sets them up for second-guessing based on hindsight, rather than supporting sound judgment based on training and experience.

Fourth, the bill raises serious concerns about implementation and liability. It is unclear what process exists to review allegedly unlawful arrests under this framework. The bill also creates ambiguity as to whether officers could face liability or discipline for perceived inconsistency in arrest decisions – particularly when different officers respond to similar but not identical situations. This uncertainty will discourage lawful arrests even when public safety requires them.

Finally, while citations can be an appropriate tool in many cases, mandating their use removes flexibility from officers who must tailor responses to individual circumstances. Justice and public safety are not one-size-fits-all mandates. For these reasons, our Office **OPPOSES** this bill. Thank you for the opportunity to testify.



March 20, 2026

Senator Karl Rhoads
Senator Mike Gabbard
Senate Committee on Judiciary
Hawaii State Legislature

Opposition to HB2494 HD1

Dear Senator Rhoads, Senator Gabbard and Members of the Senate Committee on Judiciary,

Thank you for the to provide comments in opposition to HB2494 HD1.

The directors of security for 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, civil defense, and county and state entities to safeguard hotel employees, guests, students, and the broader community. Our goal is to maintain the safe, welcoming environment that Hawaii's tourism economy relies on.

Hospitality security teams frequently encounter individuals who have been lawfully trespassed from property due to threatening or disruptive conduct, who later return in violation of those notices. When enforcement mechanisms provide limited deterrence or accountability for repeat violations, these situations can escalate, and place additional strain on those hospitality employees responsible for maintaining a safe environment.

Mandating citation for certain offenses, including criminal trespass, as HB2494 HD1 would allow, may significantly reduce deterrence for individuals who repeatedly violate trespass notices at hotels and other visitor-facing locations.

The Kohala Coast Resort Association (KCRA) and HISSPA support balanced, data-driven criminal justice reform. However we believe HB2494 HD1 moves Hawaii's in a direction that reduces accountability, limits professional discretion, and increases risk in public-facing environments. We respectfully urge you to defer this measure.

Sincerely,

A handwritten signature in black ink that reads "Stephanie P. Donoho".

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

March 20, 2026

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Senate Committee on the Judiciary
Hawaii State Legislature

Testimony in Opposition of HB 2494 HD1

Organization: Fairmont Orchid
Position: Oppose
Bill: HB2494 HD1
Subject: Relating to Criminal Justice Reform

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 Rhoads, Vice Chair Gabbard and Members of the Senate Committee on the Judiciary

On behalf of the Fairmont Orchid, we respectfully submit testimony in opposition to **HB 2494 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 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 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 coworkers.

Bill-Specific Concern

- **HB2494 HD1:** Mandating citation for certain offenses, including criminal trespass, may significantly reduce deterrence for individuals who repeatedly violate trespass notices at hotels and other visitor-facing location

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



NYU School of Law
40 Washington Square South
New York, NY 10012

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P: 212.992.6950
W: policingproject.org

HAWAI'I SENATE COMMITTEE ON JUDICIARY

HEARING:

Public Hearing on H.B. 2494, March 24, 2026

DATE OF TESTIMONY:

March 23, 2026

TESTIMONY OF THE POLICING PROJECT AT NYU SCHOOL OF LAW IN SUPPORT OF H.B. 2494, H.D. 1

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

The decision whether to arrest a given member of the community is one of the most important ones routinely made by law enforcement officers. It not only affects the liberty and wellbeing of the person arrested, but also expends law enforcement's limited resources. Moreover, officers' decisions about who to arrest and why can support or harm the crucial relationship between a community and its police department. Although arrests are necessary in some instances to preserve public safety or ensure that an individual appears in court, a growing body of evidence indicates that arrests are also overused.¹ Particularly in relatively minor cases, such as those involving only a petty misdemeanor or violation, a citation in lieu of an arrest is an effective alternative that creates less disruption for the potential arrestee and reduces the burden on law enforcement. Despite this evidence, Hawai'i grants officers the ability to arrest someone without a warrant in more situations than most other states in the nation.

H.B. 2494 enacts reasonable restrictions, similar to those already found in many other states, that would ensure that officers do not spend resources arresting people for low-level offenses unless there is an articulable public safety reason to believe an arrest is needed. The bill also takes steps to ensure citations are maximally effective by including research-backed changes to the citation form designed to guarantee more people show up to their court hearings. These changes represent a step toward more effective and fairer policing. We applaud this measure and urge its passage.

¹ See, e.g., Rachel A. Harmon, *Why Arrest?*, 115 Mich. L. Rev. 307 (2016), available at <https://repository.law.umich.edu/mlr/vol115/iss3/1/>; The American Law Institute, Principles of Policing, § 4.05 Minimizing the Intrusiveness of Stops and Arrests, available at <https://web.archive.org/web/20250419135411/https://www.policingprinciples.org/chapter-4/4-05-minimizing-intrusiveness-of-stops-and-arrests/>.

States Have Prevented Unnecessary Arrests Through Requirements to Issue Citations for Low-Level Offenses

Regardless of the offense charged or the circumstances involved, the immediate costs and consequences of an arrest are the same. An individual loses their liberty for, at a minimum, hours or days while they are booked, processed, and waiting for potential pretrial release. In addition, the arrest itself can negatively affect everything from an individual's employment to their psychological well-being. It can also cause harm to any minor children or others in the community that rely on or care for the person being arrested. For the law enforcement officer or officers involved, the arrest can take hours of their valuable time—hours in which they are not otherwise able to patrol, respond to calls, or investigate more serious offenses. Detaining these arrestees also can inflate jail costs and exacerbate jail overcrowding. Although such costs are well worth incurring when arresting people for serious offenses or involving dangerous situations, they are frequently disproportionate to the stakes involved in many low-level offenses.

Fortunately, an arrest is not the only option for officers responding to low-level offenses and minor disturbances. The disparity between the costs associated with an arrest and the public safety implications of low-level offenses has led every single state to permit law enforcement officers to issue a citation in lieu of an arrest for at least some offenses.² This includes Hawai'i, which authorizes law enforcement officers to issue a citation in some situations involving a misdemeanor, petty misdemeanor, or violation. These citations begin the criminal process just like an arrest does, but through a written order to appear in court at a designated period of time, rather than the time-consuming and resource-depleting process of arresting and potentially holding that person until their court date.

Many states have further addressed the imbalance between the costs and benefits of arrests for cases involving only low-level offenses by creating presumptions that officers will issue citations for these offenses, rather than conduct a warrantless arrest. These states may authorize warrantless arrests only in cases involving felonies or more serious misdemeanor offenses, situations involving an immediate threat of harm, or individuals presenting articulable flight risks.³ Other states authorize an arrest for lower-level offenses, but direct officers to use their discretion to issue citations unless one or more factors relating to safety or flight risks are present.⁴

Hawai'i, however, provides no similar statutory guidance to officers on when they should issue citations instead of making warrantless arrests. Instead, with the exception of minor traffic violations, law enforcement officers are authorized by law to conduct a warrantless arrest for any offense, no matter how minor, whether the offense was committed in the officer's presence or not.

² See, "Citation in Lieu of Arrest," National Conference of State Legislatures, available at <https://www.ncsl.org/civil-and-criminal-justice/citation-in-lieu-of-arrest>.

³ See, e.g., Massachusetts [M.G.L. 276 § 28](#) (providing a list of misdemeanors for which a warrantless arrest is permitted); Montana [M.C.A. § 46-6-311](#) (authorizing warrantless arrests only where conduct is ongoing or there are existing circumstances requiring immediate arrest); and Pennsylvania [42 Pa. Code 8902](#) (authorizing arrest for low level misdemeanors only if there is ongoing conduct that endangers people or property).

⁴ See, e.g., Minnesota [R. Crim. P. 6.01](#) (requiring a citation in lieu of arrest in misdemeanor cases unless there are safety or flight risks); Ohio [O.R.S. 2935.26](#) (prohibiting arrests for minor misdemeanors unless there are safety or flight risks); and Virginia [Va. Code Ann. 19.2-74](#) (requiring immediate release on a citation of anyone arrested for low level offenses unless there are safety or flight risks).

This is one of the most expansive statutory grants of discretion to make warrantless arrests in the nation. States as varied as Florida, Vermont, Georgia, and Washington State, have all rejected this approach and, in the process, shown that providing stricter parameters for when officers can use their warrantless arrest authority (and when they should instead issue citations) is consistent with public safety and support for law enforcement.⁵

H.B. 2494 Prioritizes Public Safety and Flight Risks During Arrest Decisions

H.B. 2494 reflects the national consensus that using police to arrest people for a subset of low-level offenses is frequently an unnecessary, costly response. Notably, H.B. 2494 leaves untouched law enforcement officers' authority to conduct warrantless arrests in all cases involving a felony or misdemeanor offense. Likewise, the bill explicitly excludes petty misdemeanors involving drunk driving or domestic violence from its citation requirements, addressing the concerns that law enforcement raised last legislative session. In all of these more serious cases, officers retain blanket authority to conduct warrantless arrests.

H.B. 2494 instead focuses on situations involving, at worst, only a nonexempt petty misdemeanor—offenses that frequently result in no jail time and have penalties capped at 30 days in jail. Even for these more minor offenses, H.B. 2494 directs officers that warrantless arrests may be appropriate if the person has failed to offer satisfactory evidence of their identity, will not appear in court, has outstanding warrants, is likely to have continuing contact with the police, *or* presents a risk of injury to themselves or others. In other words, officers can still arrest anyone who poses a risk to public safety or who is unlikely to show up for court on their own. But where those risks are not present and the case is likely to be resolved without ever needing to place someone in custody (or for only a short period of time), the law provides needed guidance to officers about when to use a more efficient citation instead. The interests of justice are still served, but without the additional costs and consequences of an arrest – and with much greater clarity for law enforcement.

For those situations in which an arrest still occurs for a petty misdemeanor or violation, H.B. 2494 further requires the officer involved to select their justification. This not only ensures that officers are carefully considering the necessity of an arrest in each of these instances, but provides valuable data too. This information will allow the community to better understand why officers are arresting individuals for these offenses and potentially identify arrest trends or other information useful for policymakers working to further improve policing in Hawai'i.

The collection of this information will not burden law enforcement. An arrest and booking typically take over an hour to complete; selecting an arrest justification from among a few available options adds only seconds to this process, a negligible addition. While many officers already include this kind of information in their police reports, the new requirement in H.B. 2494 is nevertheless essential because it creates a uniform system of data recording, a necessary step for policymakers to see the big picture on arrests, not just the facts of a particular case.

⁵ See, Florida [Fla. Stat. 901.15](#); Georgia [Ga. Code 17-4-20](#); Vermont [Vt. R. Crim. P. 3](#); and Washington State [R.C.W. 10.31.100](#).

Similarly, a provision tasking the criminal justice research institute with publishing an annual report assessing how criminal citations are being used in the state will help further improve the use of citations in lieu of arrest. Specifically, this requirement will ensure that crucial information about criminal citations is collected and analyzed, and that it makes it into the hands of policymakers. This will facilitate more informed policymaking and more effective policy when it comes to citations.

H.B. 2494 Will Make Citations More Effective, Improving Court Appearance Rates

A successful citation policy does not just dictate which offenses or circumstances result in a citation in lieu of an arrest, but makes citations themselves more effective. The type and placement of information on the citation form itself can have a remarkable impact on how frequently the form gets its recipients to appear for initial court dates. Research has shown that relatively simple redesigns of court forms can boost court appearance rates significantly. For example, in New York, a redesign of the ticket form for violations and low-level misdemeanors resulted in a 13% reduction in the rate of missed court appearances.⁶ H.B. 2494 follows this research by requiring that Hawai'i's citation form include information demonstrated to get more citation recipients to court more reliably, such as a person's phone number and email address (which can be entered into a court reminder system). In addition, the citation itself is required to be redesigned in an evidence-based manner that further improves court appearance rates. These changes will reduce the number of individuals who miss their required court dates, improving outcomes for them, court efficiency, and public safety more generally.

H.B. 2494 Does Not Impair Law Enforcement, Prosecutor, or Court Operations

Concerns that H.B. 2494 will somehow limit the ability of law enforcement to capably respond to the multitude of different scenarios they face in the field are unfounded. In earlier testimony on this measure, opponents objected on the basis that an arrest is often necessary to: 1) stop ongoing criminal conduct or de-escalate a situation; 2) protect victims; or 3) identify suspects. But all three of these situations are covered by H.B. 2494, which ensures an arrest remains possible in each, no matter the offense. Specifically, the bill's plain language authorizes arrests when any of the following are true:

- 1) **There's a likelihood of police conduct in the immediate future.** This factor ensures police can stop ongoing—or even future—criminal conduct, including any that might have a victim;
- 2) **It's necessary to prevent bodily injury to someone.** This factor further guarantees police can protect current and potential future victims; *or*
- 3) **The person fails to offer satisfactory evidence of their identity.** This factor makes clear that police can always make an arrest if necessary to identify a suspect.

⁶ Cooke, Brice, et al. Using Behavioral Science to Improve Criminal Justice Outcomes: Preventing Failures to Appear in Court, ideas 42 & University of Chicago Crime Lab (2018), available at <https://www.ideas42.org/wp-content/uploads/2018/03/Using-Behavioral-Science-to-Improve-Criminal-Justice-Outcomes.pdf>.

In addition, as noted above, the bill also entirely exempts more serious offenses, including all felonies, misdemeanors, and drunk driving or domestic violence petty misdemeanors from its citation provisions. Thus, the exact scenarios that law enforcement has raised as times when an arrest might be necessary have already been anticipated and authorized in the text of the bill.

There is no reasonable basis to believe that officers could not quickly and capably use H.B. 2494's citation factors in the field. In practice, each of the five factors is a routine, important law enforcement consideration that officers make whenever they consider an arrest, regardless of the state of the law. And the law already explicitly directs officers to consider three of the five factors when deciding how to respond to someone for a low-level offense. The existence of an outstanding warrant, the likelihood of future police contact, and the likelihood the person won't appear in court are factors officers must already consider when deciding whether to make an arrest or issue a citation-in-lieu-of-an-arrest under H.R.S. 803-6. Any suggestion that officers will be confused or otherwise unable to apply H.B. 2494's factors ignores existing practices and does a disservice to those law enforcement officers.

Likewise, H.B. 2494 will not overburden prosecutors or the court system with spurious defense motions. Defendants already have a right to challenge every single one of the arrests covered by H.B. 2494 based on the absence of probable cause. Indeed, whether or not H.B. 2494 becomes law, defendants are still going to occasionally challenge their arrests, and prosecutors and judges will still have to consider the legality of officers' actions. Far from some kind of flaw to be legislated around, such challenges are, in fact, the whole point of our justice system, which aims to ensure authorities only take away someone's liberty when absolutely necessary. Further, the existing right to challenge an arrest has hardly ground the justice system to a halt in Hawai'i, and the addition of a small set of factors will not shift the fundamental calculus involved or significantly alter this process. Other states have had restrictions on warrantless arrests on the books for years or even decades and their courts have been able to capably incorporate these factors into court proceedings. Hawai'i can do the same.

H.B. 2494 transforms Hawai'i's incredibly broad statutory discretion to make warrantless arrests into a more tailored approach. By creating a presumption of citations, rather than arrests, for a subset of petty misdemeanors and violations, this bill prioritizes effective law enforcement responses that create only a fraction of the disruption or costs of an arrest. It bolsters this policy change by requiring research-backed improvements to the citation form that will further increase court appearance rates and citation effectiveness. We thank the Committee for their consideration of this important piece of legislation and urge you to recommend passage of this bill.



JOHN PELLETIER
CHIEF OF POLICE

POLICE DEPARTMENT

COUNTY OF MAUI

55 MAHALANI STREET
WAILUKU, MAUI, HAWAII 96793
TELEPHONE: (808) 244-6400
FAX: (808) 244-6411



WADE M. MAEDA
DEPUTY CHIEF OF POLICE

March 23, 2026

LATE

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
and Members
Judiciary Committee
The Thirty-Third Legislature
Hawai'i State Capitol
415 South Beretania Street
Honolulu, HI 96813

SUBJECT: Testimony in opposition of H.B. 2494 HD1, Relating to Criminal Justice Reform

Dear Chair Rhoads, Vice Chair Gabbard, and committee members,

We are writing to respectfully submit testimony on Hawaii House Bill 2494 HD1 as being opposed to the current language, but supportive of the general intent of the bill.

For House Bill 2494 HD1, we are concerned about the subjective language which asks officers to essentially predict whether a person will appear in court and whether there is a likelihood of further police contact "on or about the date in question, or in the immediate future." We are concerned that these standards will be difficult for our officers to fairly and accurately assess, which may result in arrest vs. citation decisions being inconsistent or based on speculation.

We are also concerned that this bill's mandatory citation requirement for petty misdemeanor and violation offenses is not flexible enough for the dynamic situations our officers regularly encounter during their shifts. A citation relies heavily on an offender's voluntary compliance. In certain circumstances, such as a repeat shoplifter or an intoxicated individual who refuses to leave an establishment, an arrest is a more effective tool to safeguard public safety. Even a short detention may prevent subsequent unlawful behavior that could impact victims, witnesses, or the broader community.

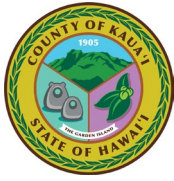
While we support House Bill 2494 HD1's intent to encourage citations in low-risk scenarios, we believe the current language makes it difficult for our officers to use discretion during arrest vs. citation decisions and thus ensure public safety in circumstances where an arrest may be necessary. For these reasons, we respectfully oppose the measure in its present form.

Page 2

Sincerely,

A handwritten signature in black ink, appearing to be 'N. Angell', written over the typed name.

Captain Nicholas Angell
Quality Assurance Division
Maui Police Department



POLICE DEPARTMENT

COUNTY OF KAUA'I



DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

RUDY TAI, CHIEF OF POLICE
MARK T. OZAKI, DEPUTY CHIEF OF POLICE

March 23, 2026

The Honorable Senator Karl Rhoads, Chair
And Honorable Members of the Committee on Judiciary
Hawai'i State Capitol
415 South Beretania Street
Honolulu, HI 96813

LATE

RE: Testimony in Opposition to HB 2494 HD1, Relating to Criminal Justice Reform

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

On behalf of the Kaua'i Police Department, I am submitting testimony **OPPOSING HB 2494 HD1**, which would expand requirements related to issuing citations in lieu of arrest and impose additional statutory conditions and documentation requirements on arrest decisions.

While the bill aims to reduce unnecessary arrests, it does so by imposing rigid statutory criteria that unduly restrict officer discretion, create operational uncertainty, and raise liability concerns that may ultimately impact public safety. HB 2494 HD1 asserts that arrests contribute to resource strain, pretrial detention, and correctional overcrowding; however, correctional populations are more significantly driven by serious offenses and repeated noncompliance with court orders. As a result, this measure may have limited impact on those issues while introducing new risks to day-to-day policing.

The bill requires officers to justify arrests based on specified factors and to document those determinations. In practice, these judgments must often be made rapidly and with limited information in dynamic and evolving situations. This framework invites after-the-fact second-guessing of reasonable on-scene decisions rather than appropriately deferring to officer training and experience.

Additionally, expanding mandates for citation in lieu of arrest reduces the flexibility officers need to respond to the totality of circumstances, including escalating behavior, ongoing offenses, or the need to immediately protect involved parties.

For these reasons, the Kaua'i Police Department respectfully urges the Committee to **OPPOSE HB 2494 HD1**. Thank you for the opportunity to provide testimony.

Respectfully submitted,

Rudy Tai
Chief of Police
Kaua'i Police Department



Gerard C. Gibson
President
Hawai'i Hotel Alliance

March 23, 2026

Senator Karl Rhoads
Senator Mike Gabbard
Senate Committee on Judiciary
Hawaii State Legislature

Dear Senator Rhoads, Senator Gabbard and Members of the Senate Committee on Judiciary,

Re: Opposition to HB2494 HD1

My name is Jerry Gibson, and I am the President of Hawai'i Hotel Alliance (HHA), the state's leading voice promoting the health of Hawai'i's hotel industry and the communities we serve. With over 33,000 hotel and lodging rooms represented by HHA. Our members work in close partnerships with law enforcement, civil defense, county and state departments to keep our hotel's employees, guests and communities safe. We rely on a secure and welcoming environment for our tourism industry and economy to thrive.

The hospitality security teams repeatedly encounter individuals who have been lawfully trespassed from the property due to threatening or disruptive behavior, only to have them return. When enforcement restrictions are placed to limit their deterrence and/or accountability for repeated violations, this can cause escalated encounters and a strain on security staff and personnel that are responsible for the safety of the hotel and lodging areas. We urge you to oppose HB2494 HD1.

Thank you for your time.

Mahalo Nui Loa,

Jerry Gibson
President
Hawai'i Hotel Alliance



LAW ENFORCEMENT ACTION PARTNERSHIP

ADVANCING JUSTICE AND PUBLIC SAFETY SOLUTIONS

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Transitions Coordinator
Minnesota, USA

Chief Thomas Thompson (Ret.)
Ohio, USA

Date: March 24, 2026

Re: HB 2494 - Relating to Criminal Justice Reform

Position: SUPPORT

To: Senate Judiciary Committee

Distinguished Members of the Committee,

On behalf of Law Enforcement Action Partnership (LEAP), I write in strong support of HB 2494. This legislation would require officers to issue citations in lieu of arrests for certain low-level misdemeanors. We support HB 2494 because it would help reduce unnecessary incarceration, improve police-community relations, and allow our finite law enforcement resources to be focused on the greatest threats to public safety.

LEAP is an international nonprofit group of police, prosecutors, judges, and other criminal justice professionals who speak from firsthand experience serving in the justice system. Our mission is to make communities safer by promoting alternatives to arrest and incarceration, addressing the root causes of crime, and working towards healing police-community relations.

Law enforcement professionals know firsthand that arrests for minor offenses are not only unnecessary, but counterproductive. When people are arrested for low-level misdemeanors, they could be jailed pretrial and share cells with people who committed more serious crimes, which exposes them to both violence and a “school for criminals”. Being incarcerated in this environment has destabilizing effects. After spending just 3 days in jail, a person's [likelihood of being rearrested nearly doubles](#). People who spend time in jail are also more likely to [lose their job](#), have their [driver's license suspended](#), and [become homeless](#).

Unnecessary arrests for low-level misdemeanors also damage police-community trust. When police arrest someone who does not pose a public safety risk for a

LawEnforcementActionPartnership.org

Formerly known as Law Enforcement Against Prohibition

petty crime, entire families and communities can grow to distrust law enforcement. When people distrust the police, they [are less likely to report crimes or serve as witnesses](#). Law enforcement needs cooperation from the communities they serve in order to do the job effectively. Using citation in lieu of arrest would rebuild trust by showing the public that officers are fair, reasonable, and dedicated to protecting the communities they serve.

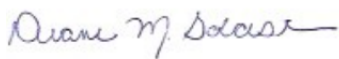
Hawaii has the opportunity to expand citations in lieu of arrests by passing HB 2494. This legislation would require law enforcement officers to issue citations – instead of processing an arrest – for certain low-level misdemeanors, such as minor traffic offenses, disorderly conduct, petty theft, or failure to appear in court. The legislation would not bar police from arresting suspects who are deemed a danger to the public, a flight risk, or if the offense involves drunk driving or domestic violence.

HB 2494 would allow our finite law enforcement resources to be focused on the greatest threats to public safety. On average, it takes an officer about [24 minutes to issue a citation, compared to about 86 minutes to arrest someone](#). Each time an officer arrests someone for a low-level misdemeanor, they spend valuable time that could be used to address serious crimes instead. Nationally, [over two-thirds of law enforcement professionals support citations in lieu of arrests](#), because we understand these policies allow us to do our jobs more effectively and efficiently.

In short, we support HB 2494 because it would decrease unnecessary incarceration, improve law enforcement-community relations, and allow public safety resources to be focused on the most pressing threats to public safety.

Thank you for the opportunity to share our perspective in support of HB 2494. We appreciate the committee's consideration of this legislation.

Respectfully,



Lt. Diane Goldstein (Ret.)
Redondo Beach Police Department, CA
Executive Director, The Law Enforcement Action Partnership

Committee: Judiciary
Hearing Date/Time: Tuesday, March 24, 2026, at 9:45am
Place: Conference Room 016 & Via Videoconference
Re: **Testimony of the ACLU of Hawai'i in SUPPORT of HB2494 HD1 Relating to Criminal Justice Reform**

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

The ACLU of Hawai'i **supports HB2494 HD1**, which establishes factors under which officers may arrest and detain someone without a warrant for petty misdemeanors and violations, and requires law enforcement officers to document the justification for the arrests. The bill also amends the circumstances under which officers may issue citations in lieu of arrest and requires officers to issue citations in lieu of arrest for certain petty misdemeanors and violations. Finally, the bill requires the Judiciary to promulgate a standardized citation form and update the required information for citations.

In December of 2018, the Hawai'i State Judiciary's Criminal Pretrial Task Force issued a report that suggested that the legislature "**revise HRS § 803-6 to reinforce that police and law enforcement officers have discretion to issue citations for traffic offenses, violations, petty misdemeanor and misdemeanor offenses, instead of effecting an arrest. In addition, discretion should be broadened for officers to issue citations in lieu of arrest for appropriate non-violent Class C felonies.**"

An arrest can significantly impact an individual as well as their family and community. Law enforcement should make such arrests only where absolutely necessary. Research shows that being arrested makes people more likely to have reduced income (and job prospects) over their lifetime,¹ more likely to drop out of school,² and more likely to experience trauma and mental health challenges.³ If an arrest leads to being detained pretrial, research shows that even one day in jail increases chances of future

¹ The Wall Street Journal. As Arrest Records Rise, Americans Find Consequences Can Last a Lifetime, August 18, 2014. <https://www.wsj.com/articles/as-arrest-records-rise-americans-find-consequences-can-last-a-lifetime-1408415402>

² Kirk, D. S., & Sampson, R. J. (2013). Juvenile Arrest and Collateral Educational Damage in the Transition to Adulthood. *Sociology of Education*, 86(1), 36-62. <https://doi.org/10.1177/0038040712448862>

³ Sugie, N. F., & Turney, K. (2017). Beyond Incarceration: Criminal Justice Contact and Mental Health. *American Sociological Review*, 82(4), 719-743. <https://doi.org/10.1177/0003122417713188>

recidivism.⁴ In contrast, studies show that young people given a citation instead of being arrested have lower recidivism rates.⁵ **Given that approximately 60% of our jail population is currently pretrial,** Hawai‘i is best served if individuals who do not need to be detained are kept out of jail facilities.

Use of citations also increases opportunities for police to de-escalate an encounter, rather than immediately relying on punitive options. This may lead fewer use-of-force incidents and improve relations with the community.⁶ Experience from other jurisdictions also suggests that use of citations instead of arrests does not increase crime. A study that looked at the impact of Washington DC’s citation in lieu of arrest policy noted: “*our findings suggest that the Washington, DC, MPD was able to implement the citation release program—reducing the jail population and transmission of COVID-19—without exacerbating crime.*”⁷ Those arguing that use of citations will somehow cause a spike in crime would do well to provide an example.

Citations in lieu of arrests are also commonly used by police, and potentially beneficial. **A 2016 study, the first of its kind, by the International Association of Chiefs of Police found that: “the use of citation in lieu of arrest is a widespread and longstanding tool in American law enforcement, with nearly 87% of agencies engaged in the practice; over 80% of those for ten years or more. Law enforcement agencies are using citation for nearly a third of all incidents, most often for disorderly conduct, theft, trespassing, driving under suspension, and possession of marijuana. Nearly two-thirds of law enforcement officials have a positive view of citation. Very few respondents (fewer than 2%) indicated a negative view of the practice.”**⁸

Relying on citations also saves officers time. A 2005 study in Gwinnet County, Georgia, found that an officer could issue a field citation and return to service, on average, in 35 minutes. An officer making a custodial arrest and obtaining an arrest warrant was out of service for 107 minutes (127 minutes if he or she needed to go all the way to the

⁴ The Hidden Costs of Pretrial Detention Revisited, 2022.

<https://craftmediabucket.s3.amazonaws.com/uploads/HiddenCosts.pdf>

⁵ Florida Department of Juvenile Justice, 2021

<https://www.djj.state.fl.us/content/download/23236/file/Civil%20Citation%20Best%20Practices%202021.pdf>

⁶ The International Association of Police Chiefs. Citations in Lieu of Arrest Project.

<https://www.theiacp.org/projects/citation-in-lieu-of-arrest>

⁷ Riddell, J. R., Jacobs, B. A., & Krajewski, A. T. (2024). Catch and release: Testing the effect of a citation release policy on crime in Washington, DC. *Criminology & Public Policy*, 23, 491–513.

<https://doi.org/10.1111/1745-9133.12659>

⁸ Ibid Note 6. A nationally representative sample of 1,300 law enforcement agencies was used, accounting for key variables such as region (Mountain Pacific, North Atlantic, North Central, and South) and size of population served (small, medium, and major)

courthouse to obtain it). Other studies, like one in Illinois, have confirmed similar findings.

Further, twenty-six states explicitly allow police to issue a citation instead of arrest for some or all offenses. Ten states – including red states like Louisiana, Kentucky, and Nebraska – enforce a presumption that officers will use a citation instead of an arrest for certain offenses.⁹

The ACLU of Hawai‘i asks that you support HB2494 HD1.

Mahalo,

Josh Frost

Josh Frost

Policy Advocate

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 Citations In Lieu of Arrest. <https://dcjusticelab.org/library/policing/citation-in-lieu-of-arrest/>

Dennis M. Dunn
Kailua, Hawaii 96734

Re: H.B. 2494, H.D. 1, Relating to Criminal Justice Reform

Date: Tuesday, March 24, 2026

9:45 a.m., Room 016

To: Senate Committee on Judiciary

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Good morning, Chair Rhoads, Vice Chair Gabbard, and members of the Senate Judiciary Committee.

My name is **Dennis Dunn**. I am the retired Director of **Victim Witness Kokua Services** in the Honolulu Prosecuting Attorney's Office, having served for **44 years**, and prior to that I was a volunteer **Victim Advocate with People Against Rape**. Based on that experience, I am testifying today in **strong opposition to H.B. 2494, H.D. 1**.

I. HB 2494, H.D. 1 Creates Dangerous Barriers to Necessary Law Enforcement Action

H.B. 2494, H.D. 1 would impose **onerous new procedural requirements** on police officers making arrests for **petty misdemeanor offenses**. This broad-brush approach is deeply flawed because many so-called "petty" misdemeanors are **far from minor** and often involve individuals who pose an **immediate danger to victims and the community**. In addition, records of offenses resulting in only the issuance of a Citation may not appear on an individual's criminal history since most criminal justice databases require supporting fingerprint records to incorporate an offense into their records. Citations, which do not involve fingerprinting a suspect, therefore will be completely left off an individual's criminal history records.

For example:

- **Harassment**, a petty misdemeanor involving offensive touching, is frequently charged in cases where a **violent assault has occurred**, but the evidence falls just short of proving Assault in the Third Degree, or where the charge has been **pled down**.
- Some harassment cases involve conduct that is essentially an **attempted sexual assault**, stopped only by intervention before it meets the legal threshold for Sexual Assault.

- Repeated **harassing telephone calls**, often sexual in nature, can severely **terrorize and traumatize victims**, yet may fall short of the evidence required to charge Terroristic Threatening.

Throughout my career, I have seen countless cases like these. In each instance, **arrest and bail are clearly warranted**. By adding unnecessary paperwork and justification requirements, this bill risks **discouraging officers from making arrests**, thereby allowing dangerous individuals to remain at large and continue preying on the community.

II. New Procedural Requirements Will Lead to Improper Case Dismissals

Equally troubling is that HB 2494, H.D. 1 introduces **additional arbitrary procedural requirements** that invite **collateral legal challenges** based solely on technical defects.

In Hawai'i's already **under-resourced criminal justice system**, cases are frequently dismissed not because of a lack of evidence or witnesses, but because of minor procedural errors—an “uncrossed t or undotted i.” For example, thousands of cases are dismissed each year due to **HRPP Rule 48 deadlines**, only to be re-filed, further overwhelming our courts.

This bill will compound that problem by:

- Increasing dismissals for purely procedural reasons
- Encouraging failures to appear, leading to **bench warrants**
- Adding to the **thousands of unexecuted warrants** already backlogged
- Ultimately forcing courts to dismiss even more cases due to delay

The result will be the **untimely and inappropriate release of individuals who pose real and unjustifiable risks** to their victims and to public safety.

III. Elimination/Reduction of Bail Harms Victims

Finally, the reduction of bail requirements under HB 2494, H.D. 1 will deprive victims of **one of the few effective means of restitution collection**. When bail is posted, it can be applied upon conviction to satisfy **restitution owed to victims**. Removing or weakening this mechanism further disadvantages victims who have already suffered harm.

Conclusion

For all these reasons, HB 2494, H.D. 1 will:

- Undermine effective law enforcement
- Increase procedural dismissals
- Overwhelm an already strained judicial system
- Eliminate critical criminal history information due to lack of fingerprints

- Place victims and the public at greater risk

I respectfully urge this Committee to **please defer H.B. 2494, H.D. 1.**

Mahalo for the opportunity to testify.

HB-2494-HD-1

Submitted on: 3/20/2026 8:30:28 PM

Testimony for JDC on 3/24/2026 9:45:00 AM

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 HB2494, a measured and necessary reform to Hawai'i's warrantless arrest practices. This bill establishes clear factors for when officers may arrest without a warrant for petty misdemeanors and violations, and—critically—requires officers to document the justification for such arrests. It also expands the circumstances under which citations must be issued in lieu of arrest, reserving custodial arrest for situations where public safety or flight risk genuinely requires it.

The Problem: Unnecessary Arrests for Low-Level Offenses

Currently, Hawai'i law grants broad discretion to law enforcement officers to make warrantless arrests for petty misdemeanors and violations. This discretion, while sometimes necessary, has led to outcomes that benefit no one: individuals are arrested and jailed for low-level, nonviolent offenses, often for hours or days, only to be released with little to show for the experience but a criminal record, lost wages, and disrupted family lives.

These unnecessary arrests strain our jails, divert police resources from more serious public safety concerns, and impose devastating collateral consequences on individuals who pose no threat to public safety. Studies have consistently shown that pretrial detention—even for a few days—increases the likelihood of job loss, housing instability, and future arrests. It punishes poverty and instability rather than addressing the root causes of low-level offending.

What HB2494 Does

HB2494 addresses this problem through a clear, structured framework:

1. Establishes Factors for Warrantless Arrest: The bill defines the circumstances under which officers may arrest and detain persons without a warrant for petty misdemeanors and violations, and requires officers to document their justification for such arrests. This creates accountability and ensures that custodial arrest is reserved for situations where it is genuinely necessary.

2. Amends Citation Requirements: The bill revises the circumstances under which officers may issue citations in lieu of arrest, expanding the situations where citation is the presumptive response. Officers must issue citations for certain petty misdemeanors and violations unless:

- Public safety or flight risks are present;
- The alleged offense involves operating a vehicle under the influence of an intoxicant; or
- The alleged offense involves abuse of family or household members.

This strikes the right balance: preserving officer discretion where safety concerns exist, while establishing a clear presumption of citation for low-level, nonviolent offenses.

3. Standardizes Citation Forms: The bill requires the Judiciary to promulgate a standardized citation form and updates the required information for citations. Standardization reduces errors, ensures consistency across jurisdictions, and makes it easier for individuals to understand their rights and obligations.

4. Requires Reporting: The bill requires the Criminal Justice Research Institute to submit reports on the implementation and outcomes of these reforms. This ensures transparency and allows the Legislature to assess whether the law is achieving its intended goals.

Why This Matters

The reforms in HB2494 are not radical—they are common sense. Many jurisdictions across the country have adopted similar policies, recognizing that arresting and jailing people for low-level offenses does not improve public safety. It wastes resources, destabilizes families, and erodes trust between law enforcement and the communities they serve.

At the same time, the bill preserves officer discretion for situations where public safety is genuinely at risk. It does not handcuff law enforcement; it simply ensures that when a custodial arrest is made for a low-level offense, there is a documented justification.

A More Just, More Effective System

HB2494 moves Hawai‘i toward a criminal legal system that reserves its most intrusive tools—custodial arrest and pretrial detention—for situations where they are truly needed. For low-level, nonviolent offenses, a citation is sufficient to ensure accountability without the devastating collateral consequences of jail.

I urge this committee to pass HB2494 and take this important step toward a fairer, more effective criminal justice system.

Mahalo for the opportunity to testify.

HB-2494-HD-1

Submitted on: 3/22/2026 5:41:22 PM

Testimony for JDC on 3/24/2026 9:45:00 AM

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

Comments:

To: The Honorable David A. Tarnas, Chair; The Honorable Mahina Poepoe, Vice Chair; and House Committee on Judiciary and Hawaiian Affairs

From: Lois Kim

Subject: In Support of House Bill 2494, Relating to Criminal Justice Reform

Dear Chair Tarnas, Vice-Chair PoePoe and Committee Members:

I am writing in support of H.B. 2494, which seeks to reduce unnecessary arrests for low-level offenses by allowing law enforcement to issue citations in lieu of arrest, unless there are public safety or flight risk concerns.

I write this as both a professional in the behavioral health system, managing a crisis stabilization center, and as someone with lived experience in the criminal justice system. I have seen firsthand how disruptive an arrest can be for individuals who are trying to build stability in their lives. Arrests can interrupt employment, create housing instability, and leave lasting barriers to future job opportunities.

Consider a woman leaving a domestic violence situation with no financial support. She secures an entry-level job but is then arrested for being in a park after hours because she has nowhere safe to go. That single arrest could cost her employment and set her back even further. Situations like this are not rare, they are happening in our community every day. Policies like H.B. 2494 can help prevent these unnecessary setbacks.

This bill reflects what many of us in the field already know: arrests for petty misdemeanors and violations often cause more harm than the offenses themselves. They destabilize employment, housing, and family systems, particularly for individuals already living paycheck to paycheck.

From a systems perspective, this bill also reduces strain on law enforcement and correctional facilities. I have seen overcrowded facilities, overextended officers, and a bottlenecked judicial system. Requiring citations in appropriate cases is a practical step toward addressing these challenges while maintaining public safety.

I urge you to pass H.B. 2494. This is a common-sense reform that reduces unnecessary harm, uses resources more efficiently, and better reflects the realities faced by individuals in our communities.

Lois Kim

To: Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Committee on Judiciary

From: Veronica Moore, Individual Citizen

Date: March 23, 2026

RE: House Bill 2494 HD1
Measure Title: RELATING TO CRIMINAL JUSTICE REFORM.
Report Title: Judiciary; Arrests; Warrantless; Citations; Reports

To All Concerned,

My name is Veronica Moore and I support House Bill 2494 HD1. Your consideration is appreciated. Thank you.

Sincerely,

Veronica M. Moore