



OFFICE OF HAWAIIAN AFFAIRS

TESTIMONY IN SUPPORT OF HOUSE BILL 2494

RELATING TO CRIMINAL JUSTICE REFORM

Ke Kōmike Hale o ka Ho‘okolokolo a me ke Kuleana Hawai‘i

(House Committee on Judiciary & Hawaiian Affairs)

Ke Kapitala ‘o Hawai‘i

(Hawai‘i State Capitol)

Pepeluali 19, 2026

2:00 PM

Lumi 325

Aloha e Chair Tarnas, Vice Chair Poepoe, a me Members of Ke Kōmike Hale o ka Ho‘okolokolo a me ke Kuleana Hawai‘i:

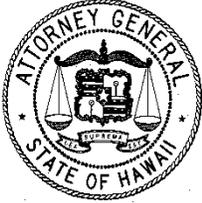
The Office of Hawaiian Affairs (OHA) **SUPPORTS HB2494** which reduces unnecessary arrests for misdemeanors, petty misdemeanors, and violations by expanding the use of citations in lieu of arrest and requiring documentation when custodial arrest is used.

OHA 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.

HB2494 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**.

Mahalo nui for the opportunity to provide testimony on this important measure.



**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, RELATING TO CRIMINAL JUSTICE REFORM.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

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

LOCATION: State Capitol, Room 325

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

Chair Tarnas 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 15-17.

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.

Finally, the amendments to the citation form in section 803-6(e)(3) proposing the removal of the last four digits of the offender's social security numbers in a citation will contribute to identification issues in court and in the charging of subsequent cases involving the same offender, as discussed above. See page 8, lines 12-13. This information, when available, is necessary to ensure proper identification of offenders.

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

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

Thursday, February 19, 2026 at 2:00 PM
State Capitol, Conference Room 325

By

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

Bill No. and Title: House Bill No. 2494, 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.

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 and other law enforcement agencies 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.

Additionally, the Judiciary notes that a number of the proposed revisions to section 803-6 of the Hawai‘i Revised Statutes (H.R.S.) in the newly numbered subsection (e) may have some unintended consequences. Operationally, exclusion of the last four digits of the offender’s social security number on the citation form will likely result in the inability of the Judiciary to match offenders in the Judiciary Information Management System resulting in cases not being linked to the same offender. As a result, law enforcement and prosecuting entities may not be able to determine whether a person may be charged as a repeat offender. Likewise, criminal defense attorneys may not be able to determine whether a person is currently on probation or has other pending charges that might be impacted by a new change.

Further, inclusion of “options” for resolution and options for persons unable to afford fines and fees at the top of the citation could be misleading for offenders. Petty misdemeanors and misdemeanors are criminal in nature, and there are no “options” for resolution prior to arraignment and plea. Unlike parking and traffic infractions -- which can be paid without ever appearing in court, and for which a request for reduction of a fine or conversion of a fine to community service can be made in writing and without a hearing -- such “options” are not available in criminal cases without a court appearance or hearing.

In light of the legislature’s desire to broaden the use of citations in lieu of arrest and the expanding use of technology by law enforcement agencies, the Judiciary would like to respectfully suggest that a working group be created to explore alternatives to traditional paper citations. Hand-held devices which print citations, such as the e-citations used by the Maui Police Department and Honolulu Police Department in certain locations for parking and traffic infractions, are becoming more common amongst law enforcement agencies. The Judiciary remains open to a shift from a paper based citation system to an electronic based citation system before traditional paper citations become obsolete.

Thank you for the opportunity to testify on this measure.

JOSH GREEN, M.D.
GOVERNOR



STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION
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235 S. Beretania Street, 16th Floor
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(808) 587-4160

MARK PATTERSON
CHAIR

CHRISTIN M. JOHNSON
OVERSIGHT COORDINATOR

COMMISSIONERS
HON. R. MARK BROWNING (ret.)

HON. RONALD IBARRA (ret.)

MARTHA TORNEY

HON. MICHAEL A. TOWN (ret.)

TO: The Honorable David A. Tarnas, Chair
The Honorable Mahina Poepoe, Vice Chair
House Committee on Judiciary & Hawaiian Affairs

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

SUBJECT: House Bill 2494, Relating to Criminal Justice Reform
Hearing: Thursday, February 19, 2026; 2:00 p.m.
State Capitol, Room 325

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

The Hawai'i Correctional System Oversight Commission (HCSOC) **supports in part** House Bill 2494, 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.

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.

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February 19, 2026

HB 2494: RELATING TO CRIMINAL JUSTICE REFORM

Chair Tarnas, Vice Chair Poepoe and Members of the Committee on Judiciary and Hawaiian Affairs:

The Office of the Public Defender (OPD) **supports HB 2494**. 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.

HB 2494 amends Hawai'i 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. This documentation requirement promotes transparency, accountability, and thoughtful exercise of discretion.

HB 2494 also amends HRS § 803-6 to clarify that for minor offenses, citations should be the default. At the same time, warrantless arrests remain authorized where appropriate, including where a person has not offered satisfactory evidence of identity, will not appear in court at the time designated, has an outstanding arrest warrant, where further police contact is anticipated, or where detention is necessary to prevent bodily injury. Arrests also remain authorized for operating a vehicle under the influence of an intoxicant and for abuse of family or household members.

Thus, officers retain the ability to arrest individuals who reasonably pose a risk to public safety or who are unlikely to appear in court.

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 benefit from custodial arrest for minor offenses is often outweighed by the financial, human, and systemic costs associated with pretrial detention. Allowing officers to issue citations in lieu of arrest does not compromise public safety and encourages efficiency in the criminal justice system.

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 can require multiple officers to spend prolonged periods of time 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 strains 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.

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>

HB 2494 also modernizes the citation process by requiring the Judiciary to promulgate a standardized citation form designed to improve court appearance rates, facilitate data collection, and provide clearer notice to individuals regarding their obligations. The OPD strongly supports the inclusion of information concerning available options for citation resolution, including options for individuals who are unable to afford fines or costs imposed.

For many of OPD's clients, financial instability is a central challenge. A citation that results solely in the imposition of fines or fees can unintentionally create cascading consequences, including additional penalties for nonpayment, license suspensions, or further court involvement. By clearly informing individuals of alternative resolution options and ability-to-pay considerations, this measure promotes fairness and helps ensure that poverty does not become the basis for deeper entanglement in the criminal legal system. Providing resolution options beyond simple monetary payment supports accountability while recognizing the economic realities faced by many in our community.

HB 2494 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.

The Office of the Public Defender **supports** HB 2494.

Thank you for the opportunity to comment on this measure.



JOHN PELLETIER
CHIEF OF POLICE

POLICE DEPARTMENT

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WADE M. MAEDA
DEPUTY CHIEF OF POLICE

February 17, 2026

Representative David A. Tarnas, Chair
Representative Mahina PoePoe, Vice Chair
and Members

Judiciary and Hawaiian Affairs
The Thirty-Third Legislature
Hawai'i State Capitol
415 South Beretania Street
Honolulu, HI 96813

SUBJECT: Testimony in support of H.B. 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 standardize the use of citations in lieu of arrest for petty misdemeanors and violations in Hawaii. While I support the overall intent of the bill, I wish to provide testimony focused on strengthening the language within Section 803-6 (as amended by this bill) regarding the criteria for arrests, specifically concerning the subjective nature on page 6, section (b), number's (2) and (4).

Re: Section (2) – “The person will not appear in court at the time designated”

This particular standard is subjective as it asks an officer to essentially guess whether an individual will show up to court in the future. The officer is rendering a kind of judgment that may be influenced by bias, appearance, or temporary life circumstances such as the person being unsheltered, rather than facts.

Instead of asking officers to guess whether someone will show up to court, the bill should focus on facts. Even then, things like past missed court dates can be hard for officers in the field to check in the moment. A court reminder system is a simpler and fairer way to help people get to court than relying on an officer's judgment.

Re: Section (4) - "The offense is of such nature that there will be further police contact on or about the date in question, or in the immediate future"

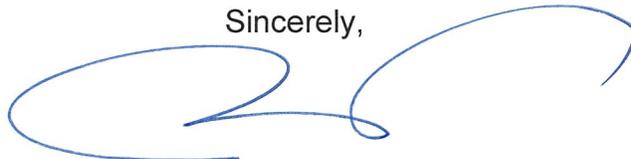
Again, this language is broad and subjective. Tying the “nature of the offense” to a prediction of “further police contact” risks encouraging profiling and preemptive detention, rather than responding to a specific act that has already occurred. It is also unclear how “immediate future” can be defined or applied consistently.

Allowing, a narrowing of the provision to rely on clear, objective, and observable conduct that has already occurred, where the person is actively engaged in conduct that is causing immediate and demonstrable harm to others or property, and an arrest is necessary to stop the harm.

H.B. 2494 is a proactive approach to criminal justice reform that aligns with national best practices. By narrowing the subjective language on page 6, section (b), number's (2) and (4), we can ensure that law enforcement retains the necessary tools for public safety while upholding the constitutional rights of individuals and reducing unnecessary pretrial detention.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Pelletier", with a large, sweeping flourish extending to the right.

For JOHN PELLETIER
Chief of Police

KELDEN B.A. WALTJEN
PROSECUTING ATTORNEY

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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN OPPOSITION TO HOUSE BILL 2494

A BILL FOR AN ACT
RELATING TO CRIMINAL JUSTICE REFORM

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Representative David A. Tarnas , Chair
Representative Mahina Poepoe, Vice Chair

Thursday, February 19, 2026 at 2:00 p.m.
Via Videoconference
State Capitol Conference Room 325
415 South Beretania Street

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

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 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 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

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

HB 2494 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 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 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, 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 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.

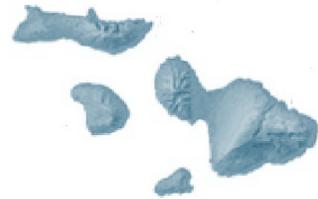
A primary reason that an arrest is the default method of initiating a criminal action is because of the fundamental need to positively identify the person who is being charged with a crime and brought before a court. Obtaining positive identification is especially important where individuals repeatedly 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. Thank you for the opportunity to testify on this matter.

RICHARD T. BISSEN, JR.
Mayor

ANDREW H. MARTIN
Prosecuting Attorney

SHELLY C. MIYASHIRO
First Deputy Prosecuting Attorney



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TESTIMONY ON
H.B. 2494
RELATING TO CRIMINAL JUSTICE REFORM

February 18, 2026

The Honorable David A. Tarnas
Chair
The Honorable Mahina Poepoe
Vice Chair
and Members of the Committee on Judiciary and Hawaiian Affairs

Chair Tarnas, Vice Chair Poepoe, 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, 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 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 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.

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

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

February 18, 2026

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

Chair Tarnas, Vice Chair Poepoe, and members of the House Committee on Judiciary and Hawaiian Affairs, the Department of the Prosecuting Attorney for the City and County of Honolulu submits the following testimony in opposition to H.B. 2494.

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 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 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 booked. The officer must write an arrest report, along with a separate declaration to the presiding

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-on-warrantless-arrests-bill/> (discussing similar bill introduced last session).

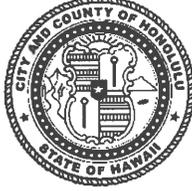
judge. And very often, arrests are dangerous. In short, the incentives for citation over arrest are already strong. Arrests are largely driven by legitimate concerns about public safety, which already must be articulated before a neutral and impartial magistrate.

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.

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

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OUR REFERENCE **AP-SM**

February 19, 2026

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

Dear Chair Tarnas and Members:

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

While we support reducing unnecessary incarceration, this bill significantly limits officer discretion by requiring citations instead of arrests for most petty misdemeanors and violations. This approach poses serious public safety risks, as many of these offenses, such as harassment or disorderly conduct, can escalate quickly. An immediate arrest will often prevent further harm.

In addition, this bill mandates new documentation and citation systems, requiring extensive training and technology upgrades that strain already limited budgets. Finally, reducing arrests for certain offenses may erode community confidence, sending the message that these crimes are not taken seriously and leaving victims feeling unprotected.

The Honorable David A. Tarnas, Chair
and Members
February 19, 2026
Page 2

The HPD urges you to oppose House Bill No. 2494, Relating to Criminal Justice Reform.

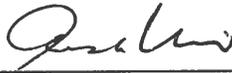
Thank you for the opportunity to testify.

Sincerely,



Andre Peters, Major
Training Division

APPROVED:



Rade K. Vanic
Interim Chief of Police



February 17, 2026

Representative David Tarnas
Chair, House Committee on Judiciary and Hawaiian Affairs
415 South Beretania St.,
Honolulu, HI 96813

Re: In Support of HB2494 (Tarnas): Relating to Criminal Justice Reform

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

ideas42 is pleased to support HB2494 regarding the use of citation in lieu of arrest and specific changes to the citation form to increase court appearance rates. Our research and experience working with state and local jurisdictions demonstrates that **simple improvements to the design of the citation form will improve compliance, to the benefit of everyone involved.**

ideas42 is a non-profit with deep expertise in human behavior. Through our (Un)warranted initiative, we help state and local jurisdictions around the country test and implement new practices specifically to improve court appearance rates. We work with policymakers to codify practices proven to significantly decrease missed court dates.

By improving the citation form, Hawai'i can reduce avoidable court backlogs, warrants, arrests, and incarceration that result when people accidentally miss court. Increasing citation compliance relieves needless pressures on courts, law enforcement, jails, budgets, taxpayers, individuals, families, and employers.

1. Research Supporting Simple Improvements to Citation Forms

A key finding of (Un)warranted's work is that simple, common sense **improvements to court date forms can reduce missed appearances by 13%**, as detailed in this *Science* [article](#).

These changes increase compliance because people do not always understand the requirements. Common reasons for missing court include [not being aware of the court date](#), or [being confused by the information provided](#). When court date information is buried below administrative data, people have trouble finding it. Improved citation forms, where key information is listed at the top, are shown to directly [increase people's ability to find and remember their court date](#).

Increased compliance is itself significantly impactful for all citations issued across the state. An additional benefit of improving citation forms in Hawai'i is that by including a field for collecting cell phone numbers and email addresses, **these forms can also help fuel court reminders that have proven to [reduce nonappearance by 20-40%](#).**

The Hawai'i State Judiciary offers [Court Date eReminders](#) via text or email. This legislation will support future expansion of its reach by increasing phone number collection across the state. This will allow more court reminders to be sent, further reducing missed court and avoiding the

unnecessary burdens that preventable absences create for Hawai'i and the government at all levels.

2. Improved Citation Forms Save Money, Reduce Workloads, and Improve Outcomes

This bill delivers concrete value for Hawai'i governments. (Un)warranted conservatively estimates that a [single missed court date costs](#) \$1,496 in government resources when a warrant is issued. For individuals who unintentionally miss court, the estimated loss is \$1,354 from missed wages, fines, benefits, and other impacts. Even when missing court doesn't result in arrest or incarceration—but instead delayed fine payments or driver's license suspensions—the costs of preventable missed court dates create serious problems for everyone involved.

By making requirements, instructions, and consequences as clear as possible, Hawai'i can help people avoid misunderstanding the citation and missing the deadline—and prevent the unnecessary escalation to higher fines, driver's license suspensions, arrests, or incarceration.

When these problems are avoided, everyone benefits. Individuals are better able to provide for themselves and their families, while Hawai'i will see fewer additional violations of the law, faster case resolution, and significant savings of taxpayer resources.

3. The Specific Value of Proposed Citation Form Changes

The following explains the relevance of specific proposed amendments in HB2494, Section 3:

(d)(1) Facilitate data collection and sharing, including between law enforcement agencies, the criminal justice research institute, and any court reminder system managed by the judiciary:

Among other benefits, this will allow the contact information collected on the form to be used for reminders, further improving appearance rates.

(d)(2) Maximize the rate at which persons appear in court in response to the citation, by adhering to research and best practices on form design to improve court appearance rates:

Our research provides the models proven to reduce missed court dates. The three most important citation practices include: placing all court date information at the top, stating the primary consequences of not appearing in court or resolving the citation beforehand, and providing key information in plain language to help people follow up. ideas42 would be pleased to provide models to Hawai'i, along with pro bono expert guidance, to help streamline the improvement process and ensure the changes deliver real, measurable impact in practice.

(e)(3) The offender's cell phone number and electronic mail address, if available:

ideas42 recommends that law enforcement officers proactively request—rather than require—contact information. Agencies have seen clear benefits, including fewer warrant-based arrests, of collecting phone numbers, and simple prompts can make the request easier. We would be happy to share additional details.

(e)(7) A notice of the time [and], date, and location for court appearance:

Including the location, and all court date information at the top of the form, will make it clearer and easier for people to appear in court.

(e)(12) Available options for citation resolution and options for persons unable to afford any fines or costs imposed:

People are more likely to understand and resolve their cases when options are clearly provided, rather than requiring them to take additional steps to seek information on their own. In practice, citation notices that include options for those unable to afford imposed fines have led to [higher response rates by the deadline](#).

A well-designed citation form can provide streamlined information at the top of the form to help people understand whether they must appear or can resolve before the court date along with the possible consequences of not complying, while placing more detail on options on the back side of the form. An example of this is from the [State of California, where they recently redesigned their citation form](#) with support from ideas42 to follow the evidence and provide information that helps people understand their obligations, based on the offense type, in a digestible way.

(e)(13) The phone number and internet address of the court for questions or additional information relating to the court appearance:

Behavioral science research consistently proves that by reducing steps and making it easier for people to get the information they need, they are more likely to follow through and do so.

(e) To the extent practicable, the citation shall place information described in paragraphs (7), (11), (12), and (13) at the top of the citation, before other administrative fields.

Placing key information and consequences at the top of a citation has been shown to increase court appearance rates. When information is prominently positioned, people are more likely to notice, remember, and comply. Research shows that readers focus first on the top of a document. They often stop reading once they encounter administrative details, assuming those sections are intended for government use rather than containing instructions for them.

In summary, ideas42 strongly supports HB2494 (Tarnas) because improving the citation form alone will deliver substantial benefits to Hawai'i. By also collecting contact information that can be used to expand Hawai'i's Court Date eReminder program, those benefits will be multiplied—preventing even more missed court dates.

Please do not hesitate to contact me at alissa@ideas42.org with any questions, or for models or guidance on court date notification forms, including the citation form, and reminders. We would be honored to be a resource at any time.

Sincerely,

Alissa Fishbane
Managing Director, ideas42



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Free Markets. Real Solutions.
www.rstreet.org

Testimony from:

Jillian E. Snider, Resident Senior Fellow of Criminal Justice and Civil Liberties, R Street Institute

Testimony in Support of HI H.B. 2494, “Relating to Criminal Justice Reform.”

February 19, 2026

House Judiciary & Hawaiian Affairs Committee

Chairman Tarnas and members of the committee,

My name is Jillian E. Snider, and I am a resident senior fellow of criminal justice and civil liberties at the R Street Institute, a nonprofit, nonpartisan, public policy research organization. Our mission is to engage in policy research and outreach to promote free markets and limited, effective government in many areas, including the criminal justice system. That is why today’s hearing is of special interest to us.

In addition to my current role, I am also a Lecturer at John Jay College of Criminal Justice and a retired police officer from the New York City Police Department. My career in law enforcement showed me firsthand the operational realities of arrest processing, and HB 2494 would enable Hawai’i to modernize its approach to low-level offenses by expanding the use of citations in lieu of arrest for petty misdemeanors and violations.

At its core, H.B. 2494, narrows when custodial arrest is necessary for petty misdemeanors and violations, establishing citation in lieu of arrests as the default while retaining clear, documented exceptions. The bill does not alter felony enforcement or eliminate officer discretion; it simply aligns arrest authority with risk, accountability, and efficient use of limited law enforcement and correctional resources.

The significance of this legislation lies in its impact of how scarce law enforcement resources are deployed. Officers currently spend a disproportionate amount of time processing low-level offenses, diverting attention from serious and violent crimes that pose the greatest risk to public safety. By reducing unnecessary custodial arrest, H.B. 2494 allows agencies to reallocate time and personnel toward proactive policing, investigations, and victim-centered work that more directly protects Hawai’i’s communities.

The most compelling operational argument for this legislation is time. In 2024, U.S. law enforcement made approximately 7.5 million arrests, yet only about 22 percent involved violent crime or other serious offenses—including assaults, weapons possession, sex offenses, and crimes against families—

meaning nearly four out of five arrests were for non-violent, low-level offenses, underscoring why citation in lieu of arrest policies can preserve public safety while reducing unnecessary custodial arrests.ⁱ Hawai'i mirrors this national pattern. In 2024, even when violent crime, other assaults, weapons offenses, sex offenses, and offenses against family and children are combined, they account for approximately 16 percent of all arrests statewide, meaning more than eight in ten arrests involved low-level, non-violent, or public-order offenses—exactly the category of cases where citation in lieu of arrest can yield the greatest public safety return on limited officer time.ⁱⁱ This misallocation of resources directly impairs law enforcement's capacity to prevent and solve crimes that genuinely threaten public safety.ⁱⁱⁱ As someone who has worked patrol shifts, I can attest that the hours spent transporting, booking, and processing individuals for minor offenses represent time not spent on proactive policing, community engagement, or investigating serious crime.

This operational efficiency is particularly critical given the severe workforce challenges facing law enforcement nationwide. A 2024 survey found that 70 percent of agencies reported greater hiring difficulties compared to five years ago, with dozens of the nation's largest departments shrinking by 10 percent or more.^{iv} Hawai'i faces its own version of this workforce crisis, particularly in correctional facilities. A recent report by the Hawai'i Correctional System Oversight Commission documented that the state has 434 vacant positions out of 1,535 authorized officer positions across eight prisons and jails—a vacancy rate of 28 percent.^v This chronic understaffing forces corrections officers to work mandatory 16- or 24-hour shifts, with the system paying out more than \$18 million in overtime last fiscal year simply to ensure essential posts are manned.^{vi} The survey found that about 60 percent of staff developed serious health conditions due to job stress, with more than 40 percent of jail staff reporting depression and 8 percent seriously contemplating suicide in the past year.^{vii}

These correctional workforce challenges are directly relevant to H.B. 2494. Every unnecessary arrest for a petty misdemeanor or violation adds another person to Hawaii's already overcrowded jails, exacerbating the workload on exhausted correctional staff and consuming taxpayer resources that could be directed toward more serious public safety needs.^{viii}

Beyond time and resource savings, citations reduce risk of harm to both officers and citizens. More officers are injured or killed during arrests than during any other police activity, and research consistently demonstrates a strong relationship between the level of force used during an encounter and the probability of officer injury.^{ix} Because citations are briefer, involve less physical contact, and are less confrontational than custodial arrests, they present reduced injury risk. Jurisdictions that have reduced arrests for low-level offenses experienced overall declines in non-violent crime, not increases, demonstrating that citation programs enhance rather than compromise public safety.^x

H.B. 2494's approach is appropriately calibrated. The bill creates a default presumption favoring citation for low-level offenses while preserving officer discretion for circumstances where arrest is genuinely necessary. Officers retain arrest authority when the person cannot provide satisfactory identity verification, when there are reasonable grounds to believe the person will not appear in court, when outstanding warrants exist, when further police contact on the same issue is likely, when detention is necessary to prevent bodily injury, or when the offense involves driving under the influence (DUI) or domestic violence. These exceptions preserve officer discretion precisely where arrests serve legitimate purposes beyond punishment. The domestic violence and DUI exceptions are particularly important, as these situations often require immediate intervention, cooling-off periods, field sobriety testing, or victim safety measures that citations cannot provide.^{xi}

The evidence from states and localities that have expanded citation use is clear and consistent. When properly implemented with appropriate training, documentation, and court appearance support systems, citations enhance both public safety and law enforcement effectiveness. Jurisdictions across the country are increasingly adopting these approaches, recognizing that smart resource allocation—not simply increased enforcement—produces better public safety outcomes.^{xii}

H.B. 2494 represents evidence-based criminal justice policy that enhances law enforcement capacity to address serious crime, reduces unnecessary risk to officers and citizens, strengthens community-police relationships, respects individual liberty, and supports successful reintegration — all while maintaining appropriate safeguards for public safety. Given Hawai'i's severe workforce challenges in both law enforcement and corrections, this legislation offers a practical solution that makes better use of limited personnel resources, reduces the burden on overcrowded jails, and allows officers and correctional staff to focus on genuine public safety threats rather than processing individuals for minor offenses.

I respectfully urge the committee to pass H.B. 2494 so Hawai'i's officers and correctional staff can devote their time, energy, and resources to the serious offenses that most directly impact public safety.

Thank you for your time and consideration.

Jillian E. Snider
Resident Senior Fellow, Criminal Justice and Civil Liberties
R Street Institute
jsnider@rstreet.org

ⁱ Table 29: "Estimated Number of Arrests, United States, 2024," Crime in the United States 2024, Federal Bureau of Investigation. <https://cde.ucr.cjis.gov>.

ⁱⁱ Table 69: "Arrests by State, 2024," Crime in the United States 2024, Federal Bureau of Investigation. <https://cde.ucr.cjis.gov>.

ⁱⁱⁱ Jillian Snider, "Solving Crime, Protecting Communities: A Blueprint for Safer Streets," R Street Policy Study No. 316, June 2025. <https://www.rstreet.org/research/solving-crime-protecting-communities-a-blueprint-for-safer-streets>.

^{iv} Logan Seacrest and Jillian Snider, "Rebuilding the Force: Solving Policing's Workforce Emergency," R Street Policy Study No. 318, March 2025, p. 3. <https://www.rstreet.org/research/rebuilding-the-force-solving-policings-workforce-emergency>.

^v Kevin Dayton, "Report: Hawai'i Prison Guards Face 'Unsustainable' Working Conditions," *Honolulu Civil Beat*, Jan. 22, 2025. <https://www.civilbeat.org/2025/01/report-hawaii-prison-guards-face-unsustainable-working-conditions>.

^{vi} Ibid.

^{vii} Ibid.

^{viii} Tommy Johnson, "A New Jail Is Critical For Hawai'i's Correctional System," *Honolulu Civil Beat*, Aug. 8, 2025. <https://www.civilbeat.org/2025/08/a-new-jail-is-critical-for-hawai%CA%BBis-correctional-system>.

^{ix} Rachel A. Harmon, "Why Arrest?" *Michigan Law Review* 115:3 (2016). <https://repository.law.umich.edu/mlr/vol115/iss3/1>.

^x Maya Szilak, "Combating the Rise in Homicides by Expanding the Use of Citations in Lieu of Arrest," R Street Policy Study No. 251, February 2022, p. 3. <https://www.rstreet.org/research/combating-the-rise-in-homicides-by-expanding-the-use-of-citations-in-lieu-of-arrest>; David S. Abrams, "Crime in the Time of COVID," *Econofact*, March 30, 2021. <https://econofact.org/crime-in-the-time-of-covid>; Sungwoo Cho et al., "Do Police Make Too Many Arrests? The Effect of Enforcement Pullbacks on Crime," IZA Institute of Labor Economics Paper No. 14907, December 2021. <https://docs.iza.org/dp14907.pdf>.

^{xi} "Citation in Lieu of Arrest Model Policy," North Carolina Dept. of Justice, July 2020, pp. 3-4. <https://ncdoj.gov/wp-content/uploads/2023/12/Model-Citation-Policy.pdf>.

^{xii} Lisel Petis, "Conservative Jurisdictions Champion Diversion Efforts," R Street Policy Study No. 252, March 2022, pp. 1-12. <https://www.rstreet.org/research/conservative-jurisdictions-champion-diversion-efforts>; Christi M. Smith, "When Arrest Isn't Best: Creating A Culture of Police-Led, Pre-Arrest Diversion," R Street Policy Short No. 118, September 2022, p. 4. <https://www.rstreet.org/research/when-arrest-isnt-best-creating-a-culture-of-police-led-pre-arrest-diversion>.



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HAWAII HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

HEARING:

Public Hearing on H.B. 2494, Feb. 19, 2026

DATE OF TESTIMONY:

Feb. 18, 2026

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

Dear Chair Tarnas, Vice Chair Poepoe, and Members of the House Committee on Judiciary and Hawaiian Affairs:

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](#).

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 testimony on a companion measure in the Senate (S.B. 2730) with similar provisions, 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 contact 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.

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

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>.

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.

TESTIMONY IN SUPPORT OF HB 2494

Aloha Chair Tarnas and members of the JHA Committee:

I have worked in the field of public safety for more than 15 years, and strongly support HB 2494, which improves how arrest decisions are made in Hawai'i by focusing police resources where they are most needed.

Arrests are sometimes necessary, especially when there is a serious offense or safety risk. But extensive research and data unambiguously show that for most low-level offenses, arrests carry high costs with little public safety benefit.

Even brief arrests can:

- Disrupt employment and family stability
- Increase jail costs and overcrowding
- Take officers off the street for hours

Most states address this by directing officers to issue citations for minor offenses unless there is a clear safety or flight risk. Hawai'i currently gives officers unusually broad authority to arrest for even very minor conduct. According to DCR Intake Services Centers data for 2024 and 2025, at least 37% of people in jail in Hawai'i are homeless and incarcerated for non-violent offenses.

HB 2494 takes a measured approach:

- It preserves full arrest authority for serious offenses
- It excludes DUI and domestic violence
- It creates a presumption of citation only for limited low-level offenses, while allowing arrest when real risks are present.

HB 2494 promotes efficient, fair, and safety-focused policing. I respectfully urge your support.

Mahalo,

Liam Chinn

Public Safety and Police Reform Consultant, Honolulu



Committee: Judiciary & Hawaiian Affairs
Hearing Date/Time: Thursday, February 19, 2026, at 2:00pm
Place: Conference Room 325 & Via Videoconference
Re: **Testimony of the ACLU of Hawai'i in SUPPORT of HB2494
Relating to Criminal Justice Reform**

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

The ACLU of Hawai'i **supports HB2494**, 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.

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/>



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

TESTIMONY IN SUPPORT OF HB 2494

TO: Chair Tarnas, Vice Chair Poepoe, and JHA Committee

FROM: Nikos Leverenz, DPFH Board President

DATE: February 19, 2026 (2:00 P.M.)

Drug Policy Forum of Hawai'i (DPFH) **strongly supports** HB 2494, which expands the use of citations in lieu of arrest for misdemeanors, petty misdemeanors, and violations, and requires documentation when custodial arrest is used.

At a time when state policymakers are looking over \$1 billion for a public-private partnership arrangement to construct and maintain a new jail facility on Oahu, it is even more imperative to consider policy changes to reduce the use of arrest for minor charges and pretrial detention. Even short periods of incarceration strain an already overcrowded and overburdened system characterized by workforce challenges. Short term incarceration has lasting impacts for arrestees and their families, including disruption of care for children and older family members and potential loss of employment and access to housing.

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

Mahalo for the opportunity to provide testimony.

HB-2494

Submitted on: 2/13/2026 3:21:12 PM

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

Submitted By	Organization	Testifier Position	Testify
John Deutzman	Individual	Oppose	Written Testimony Only

Comments:

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

I'm strongly opposed to HB2494 as it's another attempt to "fix" a system that is already extremely compassionate towards those accused of crimes.

I've been studying in excess of 3,500 arrests in my portion of Waikiki for five years and can assure you that:

-Police rarely arrest someone unless they are repeat offenders or the nature and circumstances of their offense warrant arrest.

-In my 24-month study of cases in which defendants were released on their own recognizance, there was a 74 percent failure to appear rate. Criminal justice reform advocates never seem to study or reveal this behavior. When someone fails to appear, a warrant is issued, and police must arrest the person again...if they can find them.

-The failure to appear rate for citations is likely much higher, and multiple investigations by Civil Beat indicate that most citations are dropped, so no consequences are faced.

-Taking away officer discretion and requiring them to write a citation instead of an arrest will likely backfire and create more arrests, as most people have horrific criminal records, failure to appear rates, and other criteria that will mandate an arrest instead of a citation.

-There is a misconception that petty misdemeanors are "minor crimes," but when committed often in a geographic area by the same group of people, they become "a death by a thousand cuts" for a community.

-Unlike arrests, citations do not require fingerprinting and will nullify the ability for prosecutors to charge people for habitual offenses like habitual property crime. For example, if a person commits shoplifting 30 times and is given 30 citations instead of arrests, prosecutors cannot count ANY of those cases in considering habitual charges because the person was not fingerprinted.

John Deutzman Waikiki

HB-2494

Submitted on: 2/15/2026 8:32:10 PM

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

Submitted By	Organization	Testifier Position	Testify
James Wallace	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB2494. All this bill does is give government too much power. They already do what they like and get away with it. That's why we're the top most corrupt state in the nation. Who ever sponsors this bill should be arrested!!!

HB-2494

Submitted on: 2/16/2026 8:41:52 AM

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

Submitted By	Organization	Testifier Position	Testify
Jason Klahr	Individual	Oppose	Written Testimony Only

Comments:

Violation of constitutional 4th amendmant.A treasonable event

HB-2494

Submitted on: 2/16/2026 1:06:55 PM

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

Submitted By	Organization	Testifier Position	Testify
Michdelle Melendez	Individual	Oppose	Written Testimony Only

Comments:

Have you forgotten your oath to defend and support the Constitution?

This bill would violate **4th Amendment** (search and seizure), **14th Amendment**(due process).

Expanding warrantless arrest authority risks weakening judicial oversight and the civil liberties those amendments were designed to protect.

Public safety and constitutional rights must coexist. Legislation should strengthen both — not erode one in pursuit of the other.

DO NOT PUT THIS FOREWORD OR YOU WILL BE IN VIOLATION OF YOUR OATH OF OFFICE!

Remember why you are in office. It is not to erode the Constitution but protect it!

HB-2494

Submitted on: 2/16/2026 2:20:11 PM

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

Submitted By	Organization	Testifier Position	Testify
George Chyz	Individual	Oppose	Written Testimony Only

Comments:

Due process is necessary to protect innocent people from being harmed by reckless and over zealous government agents.

This law would increase state harm to innocent citizens.

Please vote no.

HB-2494

Submitted on: 2/16/2026 2:45:02 PM

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

Submitted By	Organization	Testifier Position	Testify
Amara Karuna	Individual	Oppose	Written Testimony Only

Comments:

Oppose HB2494.

This bill expands warrantless arrest authority and lowers protections that safeguard people from unreasonable government intrusion. The requirement for a warrant exists to protect due process and prevent abuse of power. Removing or weakening that safeguard risks detaining individuals without proper judicial oversight.

Public safety must never come at the cost of fundamental rights. Expanding enforcement power without clear limits undermines trust between the community and law enforcement and opens the door to arbitrary enforcement.

I respectfully urge you to vote NO on HB2494.

HB-2494

Submitted on: 2/16/2026 3:31:03 PM

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

Submitted By	Organization	Testifier Position	Testify
Jenn Hunt	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this measure because it undermines the constitutional protection against unreasonable searches and seizures guaranteed by the Fourth Amendment. The Fourth Amendment requires that arrests be supported by probable cause and, except in limited circumstances, by a warrant. Allowing warrantless arrests for petty misdemeanors and violations expands government power at the expense of individual liberty and weakens a foundational safeguard against arbitrary detention.

This bill attempts to justify warrantless arrests by listing factors officers must document after the fact. However, documentation does not replace constitutional standards. Requiring an officer to explain an arrest does not cure the harm caused by lowering the legal threshold for taking a person into custody. For minor offenses, the use of citations already provides an effective and less intrusive means of enforcement without placing unnecessary burdens on individuals or the justice system.

Public safety can and should be protected without eroding basic rights. This proposal shifts the balance away from the presumption of liberty and toward discretionary detention for low-level offenses. I urge you to reject this measure and preserve the constitutional principle that people should not be deprived of their freedom without clear, justified, and lawful cause.

HB-2494

Submitted on: 2/16/2026 3:35:22 PM

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

Submitted By	Organization	Testifier Position	Testify
fred hofer	Individual	Oppose	Written Testimony Only

Comments:

Oppose HB2494.

This bill expands warrantless arrest authority and lowers protections that safeguard people from unreasonable government intrusion. The requirement for a warrant exists to protect due process and prevent abuse of power. Removing or weakening that safeguard risks detaining individuals without proper judicial oversight.

Public safety must never come at the cost of fundamental rights. Expanding enforcement power without clear limits undermines trust between the community and law enforcement and opens the door to arbitrary enforcement.

I respectfully urge you to vote NO on HB2494.

Fred Hofer

96720

HB-2494

Submitted on: 2/16/2026 7:24:21 PM

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

Submitted By	Organization	Testifier Position	Testify
Alice Abellanida	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this tyrannical bill. It is a violation of the Constitution that you took an oath to uphold and protect.

HB-2494

Submitted on: 2/16/2026 8:25:51 PM

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

Submitted By	Organization	Testifier Position	Testify
Celle Galarza	Individual	Oppose	Written Testimony Only

Comments:

Testimony in Opposition to HB2494 – Warrantless Arrests and Citation Authority

Chair, Vice Chair, and Members of the Committee,

I respectfully submit this testimony in strong opposition to HB2494.

HB2494 expands warrantless arrest and citation authority in ways that raise serious constitutional concerns. While public safety is an important and legitimate government interest, it must be balanced against the fundamental protections guaranteed under the Fourth and Fourteenth Amendments to the United States Constitution.

Fourth Amendment Concerns – Protection Against Unreasonable Seizure

The Fourth Amendment protects individuals against unreasonable searches and seizures and establishes the general requirement that arrests be supported by a warrant issued upon probable cause. While limited exceptions exist, expanding warrantless arrest authority risks eroding the foundational principle that liberty cannot be restrained without judicial oversight.

Broadening arrest powers without clear, narrowly tailored limitations increases the likelihood of:

- Arrests based on incomplete or mistaken information
- Inconsistent application across communities
- Increased exposure to civil rights violations

When discretion is expanded without adequate safeguards, the risk of arbitrary enforcement grows. This undermines public trust and places both citizens and law enforcement in legally precarious situations.

Fourteenth Amendment Concerns – Due Process and Equal Protection

The Fourteenth Amendment guarantees due process and equal protection under the law. Expanding warrantless arrest authority without sufficient procedural safeguards may:

- Deprive individuals of liberty without adequate procedural review
- Create disparate impacts on marginalized or vulnerable communities

- Increase pretrial detention for low-level or non-violent offenses

Even short-term detention can result in serious collateral consequences — loss of employment, housing instability, childcare disruption, and reputational harm. Due process requires that deprivation of liberty be carefully justified, narrowly applied, and subject to meaningful oversight.

Risk of Overcriminalization and Resource Strain

Increasing arrest authority may unintentionally:

- Escalate minor encounters into custodial arrests
- Overburden detention facilities and court systems
- Divert law enforcement resources away from serious public safety threats

Citation authority should reduce unnecessary incarceration — not expand pathways to custodial arrest without judicial review.

The Importance of Judicial Oversight

The warrant requirement exists as a safeguard against executive overreach. Judicial review is not a procedural technicality; it is a structural protection designed to prevent abuse of power. Any legislation that expands warrantless authority must be narrowly crafted, clearly defined, and supported by compelling evidence that existing laws are inadequate.

HB2494, as written, risks weakening constitutional protections in pursuit of administrative convenience.

Conclusion

Public safety and civil liberties are not mutually exclusive. Effective governance requires preserving both. HB2494 raises significant constitutional concerns under the Fourth and Fourteenth Amendments and risks undermining the due process protections that safeguard individual liberty.

For these reasons, I respectfully urge the Committee to reject HB2494 or substantially amend it to ensure strict constitutional compliance, meaningful oversight, and clear limitations on warrantless arrest authority.

Thank you for the opportunity to testify.

Respectfully submitted,
Michelle Galarza

HB-2494

Submitted on: 2/17/2026 8:38:04 AM

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

Submitted By	Organization	Testifier Position	Testify
Doris Ann Santiago	Individual	Oppose	Written Testimony Only

Comments:

I vote NO for HB2494

Mahalo, Doris Ann Santiago

HB-2494

Submitted on: 2/17/2026 12:24:03 PM

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

Submitted By	Organization	Testifier Position	Testify
Kim Cordery	Individual	Oppose	Written Testimony Only

Comments:

I appose HB2494.

This bill expands warrantless arrest authority and lowers protections that safeguard people from unreasonable government intrusion! The requirement for a warrant exists to protect due process and PREVENT ABUSE of POWER. Removing or weakening that safeguard risks detaining individuals w/out proper oversight.

I APPOSE HB2494.

HB-2494

Submitted on: 2/17/2026 3:38:57 PM

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

Submitted By	Organization	Testifier Position	Testify
Ken Honma	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB2494 because it is yet another legislative action that puts the people in jeopardy from law enforcement agencies. These agencies have been shown to already have no respect for the constitutional rights of the inhabitants of Hawaii. As a matter of fact they do not know that they are abridging the rights of the citizens in most cases. So giving them more power is not acceptable, the disregard that is already taking place in our judicial departments regarding the Constitution of the United States is appalling. It starts with you the legislator, have you no pride left? When was the last time any of your legislation was put before a constitutionally scholarly test? If you do not know the legislation is constitutional, how can you vote in favor? This type of logic is insane, and has created the monstrosity called our judicial system. Stop passing the buck, you have sworn to uphold and protect the Constitution of the United States, I hold you to your oath. Vote NO on HB2494

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

From: Veronica Moore, Individual Citizen

Date: February 18, 2026

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

To All Concerned,

My name is Veronica Moore and I support House Bill 2494. Thank you for introducing this bill.

Sincerely,

Veronica M. Moore

HB-2494

Submitted on: 2/18/2026 1:18:39 PM

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

Submitted By	Organization	Testifier Position	Testify
Cacique J Melendez	Individual	Oppose	In Person

Comments:

I strongly oppose this bill as it does not provide any support for victims and protects the rights or criminals who are arrested instead.

HB-2494

Submitted on: 2/18/2026 1:19:07 PM

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

Submitted By	Organization	Testifier Position	Testify
Terri Yoshinaga	Individual	Oppose	Written Testimony Only

Comments:

Oppose HB2494.

This bill expands warrantless arrest authority and lowers protections that safeguard people from unreasonable government intrusion. The requirement for a warrant exists to protect due process and prevent abuse of power. Removing or weakening that safeguard risks detaining individuals without proper judicial oversight.

Public safety must never come at the cost of fundamental rights. Expanding enforcement power without clear limits undermines trust between the community and law enforcement and opens the door to arbitrary enforcement.

I respectfully urge you to vote NO on HB2494.

Law Office of Georgette A. Yaindl, LLLC
Georgette Anne Yaindl 8940
P.O. Box 307
Kailua-Kona Hawai`i 96745-0307
(808) 224-0219 v/txt (877) 300-8869 fax
gyaindl@gyattorney.com

February 18, 2026

Rep. Ravid A. Tarnas, Chair
Rep. Mahina Poepoe, Vice Chair
Committee on Judiciary and Hawaiian Affairs
House of Representatives
33rd Legislature, State of Hawai`i

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

Dear Committee leadership and members,

Re: **SUPPORT FOR and COMMENTS ON HB2494 RELATING TO
CRIMINAL JUSTICE REFORM**

DATE: Wednesday, February 19, 2026
TIME: 2:00 p.m.
PLACE: Conference Room 325 & Videoconference
State Capitol
415 South Beretania Street

This bill proposes amendments to §803-5 ([Arrests] by officer without a warrant”) and §803-6 (“Arrest, how made”) by providing for circumstances by which police may arrest and detain and circumstances by which police shall issue a citation in lieu of arrest.

I support the intent of this bill and in my capacities as a criminal defense attorney practicing in the Third Circuit, I can confirm the legislature’s findings about the personal and social costs of an arrest. But I write also to address specifically the matter of warrantless arrests (or issuance of citations) that are based on alleged misconduct not witnessed by police. When the Legislature passed Act 2 in SLH 2002, it removed the requirement that a complaint (which is the charge that would be filed after a warrantless arrest/citation for a violation, petty MISD, or MISD) be subscribed with a sworn statement from a complaining witness or witnessing police officer substantiating probable cause for the arrest and ultimately the filing of the complaint. See HRS § 805-1 (2022). As a result, today, the only way a person that has been wrongfully arrested may challenge probable cause is to refuse bail, stay in jail, and hope to be brought before a district court judge within the 48 hours as provided in Hawai`i Rules of Penal Procedure. Even if this person were issued a citation in lieu or arrest, s/he still would appear before the district court judge charged via the same §805-1 unsubscribed form complaint, and unable to request a probable cause hearing because s/he was never arrested, refused bail, or remained in jail until presentment to the district judge.

While this is not the matter before the committee today, respectfully, I raise it hoping that committee members will probe the larger issue of warrantless arrests or citations that are made/issued for alleged offenses not committed in the presence of police as a matter implicating equal treatment and due process requirements under the state Constitution.

Thank you for your consideration of my testimony. Aloha.

/s/ Georgette A. Yaindl
GEORGETTE ANNE YAINDL

Dennis M. Dunn

Kailua, Hawaii 96734

dennismdunn47@gmail.com

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

Date: February 19, 2026

To: House Committee on Judiciary and Hawaiian Affairs

Representative David A. Tarnas, Chair

Representative Mahina Poepoe, Vice Chair

Good afternoon, Chair Tarnas and Vice Chair Poepoe and members of House Committee on Judiciary and Hawaiian Affairs. My name is Dennis Dunn, and I am the retired Director of the Victim Witness Kokua Services in the Honolulu Prosecuting Attorney's Office having retired after 44 years of service. Prior to that I was a volunteer Victim Advocate for People Against Rape. I am testifying today **in strong opposition H.B. 2494**

The provisions of HB 2494 would enact onerous new procedural requirements for police officers making arrest for Petty Misdemeanor offenses. To begin with, this broad-brush approach to making law enforcement officers provide justifications for all Petty Misdemeanors makes no sense as many of these offenses are not as "petty" as they may seem. It is not uncommon for an individual committing a violent assault to be charge with Harassment, a petty misdemeanor involving offensive touching, when the evidence falls short of establishing the evidence required for proving an assault or is often an offense that is plead down from Assault in the Third Degree. Similarly, some Harassment cases may be offensive touching that is actually an attempted sexual assault that is stopped through some type of intervention, thus falling short of the standard evidence for Sexual Assault. We also have individuals who make numerous harassing telephone calls, including those of a sexual nature, that severely traumatize and terrorize the victim but fall short of the evidence necessary to charge Terroristic Threatening. Each of these scenarios, of which I have seen many throughout my career, involve individuals who are clearly a danger to the immediate victim and the community. In each, an arrest and bail are clearly warranted but requiring additional unnecessary evidence and paperwork may provide a disincentive for making an arrest, thus immediately freeing someone to further prey on the community. Unfortunately, there are also many similar Petty Misdemeanors in our Penal Code where you want to encourage, not discourage proper law enforcement intervention.

Equally concerning in the approach taken in HB 2494 is the fact that the introduction of new additional arbitrary procedural requirements for law enforcement is that this allows collateral legal attacks based only on procedural defects that can result in cases being inappropriately dismissed. The introduction of additional requirements in such cases means that many cases can be summarily dismissed not due to a lack of evidence or witnesses but solely due to an “uncrossed t or undotted i”. Such outcomes, unfortunately, are not uncommon in Hawai’i’s courts. Thousands of cases are dismissed each year in our perennially under resourced criminal justice system due to the arbitrary deadlines of HRPP Rule 48 for procedural reasons only. This results in many cases having to be re-charged and further clogging up our overwhelmed state courts. A similar scenario will likely occur when an increased number of defendants fail to appear in court leading to the issuance of a bench warrant which will be added to the many thousands of currently backlogged warrants that often go years without being executed that ultimately leads to an equally large number of cases that must be dismissed by the courts. Enactment of the requirements proposed in this bill will ultimately lead to the inappropriate and untimely release of many individuals who pose an unjustifiable risk to their victims and to the public at large and add significantly to the horrendous bureaucratic and administrative nightmare faced by an already under resourced judiciary and law enforcement. The reduction of bail requirements will also deprive victims of one of the few effective means of restitution collection, the requirement that bail posted by a defendant be used upon conviction to satisfy restitution owed to the victim.

For all the reasons cited above, I ask you to **please defer HB 2494.**

Mahalo!

HB-2494

Submitted on: 2/18/2026 7:37:04 PM

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

Submitted By	Organization	Testifier Position	Testify
Edward Codelia	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of HB2494

Relating to Citation in Lieu of Arrest

Chair, Vice Chair, and Members of the Committee,

I support HB2494 because it addresses procedure, not punishment.

The bill does not eliminate crimes, reduce penalties, or prevent prosecution. It changes only one narrow part of the system: whether a person accused of a low-level offense must be taken to jail immediately or instead ordered to appear in court.

Under current practice, a person may be arrested, transported, booked, and held in custody for a minor offense even when the individual poses no immediate safety threat. The practical consequence is not simply a legal inconvenience. A short custodial hold often results in missed work, job loss, housing instability, childcare disruption, and cascading financial harm before a court has determined guilt. The charge itself remains pending either way, but the pre-trial consequences can be severe and disproportionate.

HB2494 shifts the default response for low-level offenses from arrest to citation while preserving the ability of law enforcement to arrest when specific risk factors exist. The officer retains authority to take a person into custody when identity cannot be verified, when there is a safety concern, when there is a likelihood the person will not appear, when warrants exist, or in situations such as abuse or DUI. In other words, the bill does not remove discretion — it structures it and requires documentation when custody is necessary.

This is important in Hawai'i's island environment. Jail capacity is limited, officer staffing is limited, and transport and booking consume a significant amount of patrol time. Requiring officers to spend hours on booking for minor matters reduces available patrol presence for serious incidents and emergency response. Allowing citation in appropriate cases keeps officers in the field and reserves custody for situations where it is actually needed.

The bill also reinforces due process. A person remains charged, must appear in court, and faces prosecution. What changes is that custody before conviction is no longer the automatic starting point for minor conduct.

Public safety and individual rights are not opposing goals. A system that focuses custody on dangerous situations while using summons procedures for low-level offenses promotes both fairness and effective policing. HB2494 moves the State toward that balance without limiting law enforcement's ability to act when circumstances require it.

For these reasons, I respectfully urge the Committee to pass HB2494.

Thank you for your consideration.

Edward Codelia

HB-2494

Submitted on: 2/19/2026 11:40:28 AM

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

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

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe and Committee Members:

I support **HB2494 Relating to Criminal Justice Reform**. This measure will transform Hawai'i's incredibly broad statutory discretion to make warrantless arrests into a more tailored approach that aligns with data-driven reforms.

This bill creates a presumption of citations, rather than arrests, for a subset of petty misdemeanors and violations. Consequently, these citations will create only a fraction of the disruption associated with arrests and costs associated with arrests.

I urge you to pass H.B. 2494. Thank you for your consideration.

Sincerely,

Carrie Ann Shirota, Esq.

Honolulu, Hawaii