



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

ON THE FOLLOWING MEASURE:

S.B. NO. 2695, RELATING TO PEDESTRIAN SAFETY.

BEFORE THE:

SENATE COMMITTEE ON TRANSPORTATION

DATE: Thursday, February 5, 2026 **TIME:** 3:01 p.m.

LOCATION: State Capitol, Room 229

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

Chair Inouye and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments on this bill.

The purposes of this bill are to (1) clarify the duty for drivers to stop and remain stopped for pedestrians in crosswalks, (2) strengthen penalties for crosswalk violations, particularly in school zones, (3) create criminal penalties for negligently injuring a pedestrian in a crosswalk, and (4) provide heightened protections for blind and visually impaired pedestrians in crosswalks.

Section 707-705, Hawaii Revised Statutes (HRS), Negligent injury in the first degree, and section 707-706, HRS, Negligent injury in the second degree, already afford a broad range of protections for individuals who are injured by negligent drivers. To avoid duplication and inconsistency in the criminal code, we suggest amending these existing statutes rather than creating new offenses. We suggest the following amendments:

(1) Delete the offense of Negligent injury to a pedestrian in a crosswalk in the first degree (page 4, lines 6-16). This offense is not only duplicative of section 707-705, but it requires a more serious injury to substantiate the charge ("serious bodily injury"). Section 707-705(b), HRS, Negligent injury in the first degree, is a class C felony offense and protects "vulnerable users" when they sustain "substantial bodily injury" due to the negligent operation of a vehicle. The statutory definition of "vulnerable user" includes "A

pedestrian legally within a street or public highway," which includes a pedestrian in a crosswalk. Section 707-700, HRS. Therefore, this new offense of Negligent injury to a pedestrian in a crosswalk in the first degree in chapter 707, HRS, is unnecessary and should be deleted.

(2) In lieu of adding the offense of Negligent injury to a pedestrian in a crosswalk in the second degree (page 4, line 17, to page 5, line 6), section 707-706, HRS, should be amended to include an offense for vulnerable users who sustain bodily injury because of the negligent operation of a vehicle. By adding a paragraph to section 707-706(1), as follows, the offense would include the type of violation the proposed offense of Negligent injury to a pedestrian in a crosswalk in the second degree aims to address.

§707-706 Negligent injury in the second degree. (1) A person ~~[is guilty of]~~ commits the offense of negligent injury in the second degree if that person causes ~~[substantial]~~:

- (a) Substantial bodily injury to another person by the operation of a vehicle in a negligent manner~~[-]~~; or
 - (b) Bodily injury to a vulnerable user by the operation of a vehicle in a negligent manner.
- (2) Negligent injury in the second degree is a misdemeanor.

Finally, although well-intentioned, the charge of Failure to stop for a blind or visually impaired pedestrian should be deleted as there are inherent proof issues in proving that a driver is aware of a pedestrian's impairment that will be difficult to overcome to meet the requirements of such a charge. If, however, this charge is retained in this bill, based on the charge being designated as a misdemeanor, subsection (2)(b) should be amended to indicate "no more than one year" to be consistent with penalties for other misdemeanors in section 706-663, HRS.

Thank you for this opportunity to provide comments on the bill.



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

Testimony to the Thirty-Third Legislature, 2026 Regular Session

Committee on Transportation
Senator Lorraine R. Inouye, Chair
Senator Brandon J.C. Elefante, Vice Chair

Thursday, February 5, 2026 at 3:01 p.m.
State Capitol, Conference Room 229 & Videoconference

By

Mai Nguyen Van
Director of IT and Systems

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. SB2695, Relating to Pedestrian Safety.

Purpose: Clarifies driver's obligations at crosswalks. Requires drivers to stop and remain stopped for pedestrians in crosswalks. Strengthens penalties for traffic violations, particularly in school zones. Creates additional criminal penalties when pedestrians suffer bodily injury. Provides heightened protections for blind and visually impaired pedestrians.

Judiciary's Position:

The Judiciary takes no position on the intent of the measure. However, as currently written, the measure would become effective immediately upon approval. The Judiciary respectfully requests that the effective date be set as January 1, 2027. This additional time is essential to update the Judiciary Information Management System (JIMS) and ensure proper implementation by the courts. Thank you for the opportunity to provide testimony.

JON N. IKENAGA
PUBLIC DEFENDER

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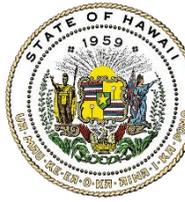
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STATE OF HAWAII
OFFICE OF THE PUBLIC DEFENDER

February 4, 2026

SB 2695: RELATING TO PEDESTRIAN SAFETY

Chair Lorraine R. Inouye, Vice Chair Brandon J.C. Elefante and Members of the Committee on Transportation

The Office of the Public Defender (OPD) **respectfully opposes parts of SB 2695** which seek to amend Hawai'i Revised Statutes (HRS), Chapter 707 by adding a section dealing with the Negligent Injury to a Pedestrian in a Crosswalk in the First Degree and Second Degree, and Failure to stop for a Blind or Visually Impaired Pedestrian.

Regarding the proposed language creating the sections described as “Negligent Injury to a Pedestrian in a Crosswalk in the First and Second Degree”, the OPD believes that said proposed prohibitions and their related concerns are currently adequately covered in HRS sections 707-705 Negligent Injury in the First Degree and 707-706 Negligent Injury in the Second Degree. HRS 707-705 currently makes it a Class C felony for any person to cause serious bodily injury to another person by the negligent operation of a vehicle, or substantial bodily injury to a vulnerable person (defined as a pedestrian legally within a street or public highway) which should include any pedestrian within a crosswalk. HRS 707-706 makes it a misdemeanor for any person to cause substantial bodily injury to another person by the negligent operation of a vehicle. This section could be amended to further read: “or causes bodily injury to a vulnerable person by the operation of a vehicle in a negligent manner”.

Consistency in statutory language serves three purposes:

First, it allows for the logical progression of what is prohibited from the most serious to the less serious regarding prohibitions and consequences.

Second it allows for a better understanding of what is being charged, and what other crimes might be considered included offenses, and

Third, it allows for the more efficient listing of like crimes or prohibitions, and prevents a multitude of differing but similar charges to be listed in different parts of the HRS.

SB 2695 also adds a new section to HRS section 707 by creating the offense of Failure to stop for a blind or visually impaired pedestrian. The OPD does not oppose the spirit of this part of SB 2695, but does have two concerns:

First, the definition of a pedestrian considered to be blind or visually impaired includes a person that uses a guide dog. Unlike the definition and clear description of a cane used by someone that is visually impaired, the definition of a guide dog has very little guidance as to what would be considered a guide dog. Today, many people that are not visually impaired utilize harnesses with their dogs, or vest like leashes or multi point connections which could be confusing regarding the identification of a guide dog for the visually impaired. This is not to say that any person at a cross walk or crossing a roadway should not be given the same consideration as someone who is visually impaired, but when the lack of consideration could lead to criminal prosecution it is important to give proper notice as to what behavior and state of mind is being prohibited. Thus, the OPD suggests that a clear definition be given for the term guide dog.

Second, the OPD feels that equating a lack of consideration for our fellow citizens who are visually impaired, regardless of the potential for danger to them, with that of actual harm as described in the other proposed parts of SB 2695 is an unfair result. Specifically, making a violation of "Failure to Stop" a misdemeanor, as is the case for negligent injury in the second degree does not seem equitable. A conviction for a misdemeanor is a criminal conviction and can have consequences beyond the obvious. Said conviction can lead to the loss of employment, more difficulty in gaining employment, and with the ever-changing federal immigration rules it could result in deportation or prevention from re-entry into the country. The OPD feels listing "Failure to Stop" as a traffic violation with a resulting fine would adequately serve as just punishment for those convicted and deterrence for those traversing our roadways.

Thank you for the ability to comment on this measure.

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

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**THE HONORABLE CHAIR LORRAINE R. INOUE
SENATE COMMITTEE ON TRANSPORTATION
Thirty-Third State Legislature
Regular Session of 2026
State of Hawai'i**

February 3, 2026

RE: S.B. 2695; RELATING TO PEDISTRIAN SAFETY

Chair Inouye, Vice-Chair Elefante and members of the Senate Committee on Transportation the Department of the Prosecuting Attorney of the City and County of Honolulu (“Department”) submits the following testimony in **support** of S.B. 2695.

S.B. 2695 aims to strengthen pedestrian protections, clarify driver responsibilities, and ensure that drivers who negligently injure pedestrians can be criminally prosecuted. The bill makes it a misdemeanor to cause bodily injury to a pedestrian through careless driving. It also requires drivers to stop for blind or visually impaired pedestrians.

In 2024, based on the preliminary data provided by states, the Governors Highway Safety Association (GHSA) projected 7,148 pedestrians were killed nationwide.¹ Between 2023 and 2024, Hawai'i had the largest percentage increase of pedestrian fatalities at 73%.²

Existing statutes do not adequately address serious, non-fatal pedestrian injuries. A driver who negligently strikes and injures a pedestrian in a crosswalk may face just a traffic infraction.³ Negligent injury to a pedestrian only receives criminal penalties if the injuries constitute serious or substantial bodily injury.⁴ So under current law, a car that carelessly strikes a pedestrian, causing massive bruising, will evade any criminal penalty.

¹ GOVERNORS HIGHWAY SAFETY ASSOCIATION, *Report: Pedestrian Traffic Fatalities by State* (July 1, 2025), available at [Pedestrian Traffic Fatalities by State - 2024 Data - 7.10.25.pdf](#).

² *Id*

³ HRS § 291C-72 (requiring drivers to yield to pedestrians).

⁴ HRS § 707-705(1)(a) (serious bodily injury by negligent operation of a vehicle); § 707-705(1)(b) (substantial bodily injury to a vulnerable user by negligent operation of a vehicle). *See also* HRS § 707-700 (defining “substantial bodily injury” and “serious bodily injury”).

Blind and visually-impaired pedestrians are especially at risk. When crossing streets without a traffic signal, pedestrians estimate safety by two main variables: crossing time (how long it takes to cross the street) and vehicular gap time (how long it takes a car to reach them).⁵ Misjudgments by the pedestrian can often be fatal.

S.B. 2695 does not assign strict liability to all drivers who fail to stop for the blind and visually-impaired. Because it does not assign a state of mind, the default is intentional, knowing, or reckless.⁶ At minimum, therefore, to be convicted under this proposed law, the driver would need to consciously disregard a substantial and unjustifiable risk that the pedestrian was blind or visually impaired.⁷ That typically requires proof of notice or warning to the driver regarding the pedestrian's status.⁸

It has long been recognized by this legislature that certain vulnerable populations warrant enhanced protections. S.B. 2695 is consistent with that principle and with Hawai'i's broader commitment to pedestrian safety and Vision Zero goals.⁹

Thank you for the opportunity to testify on this matter.

⁵ Shirin E. Hassan, *Are Normally Sighted, Visually Impaired, and Blind Pedestrians Accurate and Reliable at Making Street Crossing Decisions?*, 53 *Invest. Ophthalmol. Vis. Science* 2593, 2593 (2012).

⁶ HRS § 702-204.

⁷ HRS 702-206(3)(b) (defining recklessness with respect to attendant circumstances). *See also* HRS § 702-208 (proof of intent or knowledge satisfies threshold for recklessness).

⁸ *See State v. Agard*, 113 Hawai'i 321, 324, 151 P.3d 802, 805 (2007) ("Recklessness is the conscious disregard of a known risk.").

⁹ *See* Vision Zero Hawai'i, available at [Vision Zero – Living Healthy Hawaii](#)



Testimony of the Oahu Metropolitan Planning Organization

Senate Committee on Transportation

02/05/26 3:01 PM
CR 229 & Videoconference

SB2695 RELATING TO PEDESTRIAN SAFETY

Dear Chair Inouye, Vice Chair Elefante, and Committee Members,

The Oahu Metropolitan Planning Organization (OahuMPO) **supports SB2695**, which clarifies driver's obligations at crosswalks, requires drivers to stop and remain stopped for pedestrians in crosswalks, strengthens penalties for traffic violations, particularly in school zones, creates additional criminal penalties when pedestrians suffer bodily injury and provides heightened protections for blind and visually impaired pedestrians.

This bill supports our goal of reducing traffic related deaths and serious injuries to zero by 2045. Traffic fatalities in Hawaii increased over twenty (20) percent between 2024 and 2025; most alarming, Oahu saw an increase of over sixty (60) percent in fatalities in the same period. Nearly one-third of all traffic fatalities in Hawaii in 2025 involved a pedestrian, many of whom were lawfully crossing the road. A 2011 study conducted by [AAA Foundation for Traffic Safety](#) found that the average risk of death for a pedestrian reaches 50% at an impact speed of 42 MPH, 75% at 50 MPH, and 90% at an impact speed of 58 MPH.

The OahuMPO is the federally designated Metropolitan Planning Organization (MPO) on the island of Oahu responsible for carrying out a multimodal transportation planning process, including the development of a long-range (25-year horizon) metropolitan transportation plan, referred to as the Oahu Regional Transportation Plan (ORTP), which encourages and promotes a safe, efficient, and resilient transportation system that serves the mobility needs of all people and freight (including walkways, bicycles, and transit), fosters economic growth and development, while minimizing fuel consumption and air pollution ([23 CFR 450.300](#)).

Mahalo for the opportunity to provide testimony on this measure.



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SENATE COMMITTEE ON TRANSPORTATION
Thursday - February 5, 2026 - 3:01pm

LATE

Hawai'i Bicycling League Supports SB 2695, relating to Pedestrian Safety

Aloha Chair Inouye, Vice Chair Elefante and members of the Committee,

My name is Eduardo Hernandez and I am the Advocacy Director of the Hawai'i Bicycling League (HBL). We are a non-profit organization founded in 1975 with the mission of enabling more people to ride bicycles for health, recreation, and transportation. We strive to create communities across our islands that have safe, accessible, and inclusive environments for people to bike, walk, and roll.

HBL supports SB 2695 to clarify driver obligations at crosswalks with enhanced requirements for stopping/yielding to pedestrians; strengthens penalties for violations, particularly in school zones; creates additional criminal penalties when pedestrians suffer bodily injuries as well as heightened protections for blind and visually impaired pedestrians.

Given that 2025 was one of the deadliest years in decades on Hawai'i roads, it is imperative to take bold action to influence public behavior change and raise awareness about road safety for all road users, especially vulnerable users, including pedestrians. This is aligned with Vision Zero principles which have been adopted by the State and the Counties. It also supports creating walkable communities and Honolulu's 2026 Charter Amendment for a more bike- and pedestrian-friendly city.

HBL urges you to support this bill and help leverage the safety benefits it presents so that individuals and families can be better protected in crosswalks statewide. Mahalo for your time and consideration.

S/Eduardo Hernandez

Eduardo Hernandez
Advocacy Director
Hawai'i Bicycling League

SB-2695

Submitted on: 2/3/2026 7:06:34 AM

Testimony for TRS on 2/5/2026 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Devin Statts	Individual	Support	Written Testimony Only

Comments:

If you have driven our roads in today's society you will see a lot of drivers young and old speeding around, running red lights, cutting off the pedestrians, doing doughnuts etc...

We need tougher laws to crack down on these people and if it includes jail time because they did it more then once and got caught then so be it.

I see a lot of people today that weave in and out of traffic like a game of tretris or frogger.. When are we going to get serious about speeding and stop cutting the budget of the Honolulu Police Dept. or Honolulu Fire Dept. The laws are on the books let's enforce them not make new ones.

As for pedestrian safety I think that everytime someone renews their license they should have to take a test to see what the different signs mean. If they are caught breaking the law then send them to a driving class that talk only about safety and what you are to do in certain intersections and crosswalks when pedestrians are present.

Concentrate on laws to protect the pedestrians and not more laws when the previous laws are not be enforced. You want to see first hand go to court and see how tickets get dismissed... It is appalling..

SB-2695

Submitted on: 2/3/2026 8:00:39 PM

Testimony for TRS on 2/5/2026 3:01:00 PM

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

Comments:

Aloha,

I support SB2695 because stronger penalties will deter drivers from driving with impunity. Measures that help address safety are much needed, given the high rate of traffic fatalities and injuries in the state. The bill proposes very common-sense actions that are needed to hold people accountable and to improve safety.

Mahalo,

Jonathan Huynh