



OFFICE OF HAWAIIAN AFFAIRS

‘Ōlelo Hō‘ike ‘Aha Kau Kānāwai

**TESTIMONY IN SUPPORT OF SENATE BILL 2730 SD2**

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)

Malaki 19, 2026

2:00 PM

Lumi 325

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

The Office of Hawaiian Affairs (OHA) **SUPPORTS WITH COMMENTS SB2730 SD2** 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. The measure also improves court appearance rates through a redesigned citation form and clearer notice requirements.

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 Criminal Pretrial Task Force and aligns with evidence-based efforts to reduce unnecessary detention while maintaining accountability.

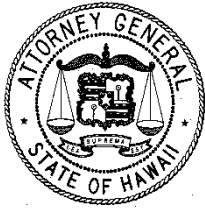
Reducing unnecessary arrests also supports more effective allocation of limited public safety resources. Custodial arrests require significant officer time, transportation, booking, and detention capacity, while citation-based approaches allow law enforcement to focus resources on serious offenses and 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.

OHA appreciates the previous committee’s effort to address identification concerns by restoring the last four digits of the offender’s social security number, if available, to the

citation form. However, **OHA is concerned by the new provision requiring citations issued pursuant to this section to be visible on an offender's criminal record.** Under HRS § 831-3.2, non-conviction arrest records may be expunged, and the Hawai'i Criminal Justice Data Center states that if a person is only issued a citation or summons and is not arrested or booked, there is no arrest record to expunge. This legislative session, HB2279 HD1 likewise seeks to further align Hawai'i law with that approach by clarifying that a person arrested for or charged with a crime but ultimately convicted only of a violation remains eligible for expungement of the arrest record from that incident. **This provision risks undermining Hawai'i's own recent movement toward expungement, record relief, and reduced collateral consequences for low-level cases.**

This bill remains a practical and evidence-informed 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 SB2730 SD2**, with reconsideration of the criminal-record-visibility provision.

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**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 2730, S.D. 2, RELATING TO CRIMINAL JUSTICE REFORM.

**BEFORE THE:**

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

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

**LOCATION:** State Capitol, Room 325

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

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Chair Tarnas and Members of the Committee:

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

The purpose of this bill is to reduce unnecessary arrests 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, 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." Section 803-5(b)(4), on page 4, lines 13-15.

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. It is unclear from the wording in section 803-6(h), HRS, on page 10, lines 17-18, requiring that "A citation issued pursuant to this section shall be visible on the offender's criminal record", whether an "offender's criminal record" refers to HCJDC's arrest information. Currently, 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 even then, 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).<sup>1</sup>

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

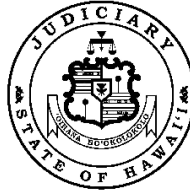
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<sup>1</sup> If the Legislature would like HCJDC to begin tracking citations prior to conviction, this would require updates to HCJDC's system as well as new procedures and agreements with law enforcement. This would require additional statutory authority, roughly \$600,000 in funding, and approximately two to three years to accomplish.

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 in other petty misdemeanor offenses as well. 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.

**LATE**



*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, March 19, 2026 at 2:00 p.m.  
State Capitol, Conference Room 325 & Videoconference

By

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

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**Bill No. and Title:** Senate Bill No. 2730, SD2, 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. Requires the Judiciary to promulgate a standardized citation form and updates the required information for citations. Requires citations be visible on an offender's criminal record. Effective 7/1/2050. (SD2)

**Judiciary's Position:**

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

The proposed legislation requires the Judiciary to disseminate a newly redesigned citation form for use by police no later than July 1, 2027. The legislative changes to the form of the citation will require time to research, design, and implement a new citation for effective data sharing between law enforcement agencies, the Criminal Justice Research Institute and the court reminder system, as well as changes to the Judiciary Information Management System ("JIMS"). The Judiciary would also need to dispose of existing criminal citations and procure revised citations. In light of the significant changes and additions required by the legislation, the



Judiciary respectfully requests that the firm implementation date be delayed to no earlier than January 1, 2028.

The Judiciary respectfully suggests that the following language on page 9, lines 10-12 be deleted in its entirety:

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

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

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

Thank you for the opportunity to testify on this measure.

DEFENDER COUNCIL

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**March 18, 2026**

**SB2730 SD2: 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 SB2730 SD2**. 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.

SB2730 SD2 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. SB2370 SD2 also amends HRS § 803-6 to clarify that even for these more minor offenses, that warrantless arrests may be appropriate if (1) the person has not offered satisfactory evidence of the person's identity or, (2) the person will not appear in court at the time designated or, (3) the person has an outstanding arrest warrant that would justify the person's detention or give an indication that the person might fail to appear in court or, (4) the offense is of such a nature that there will be further police contact. Thus, officers may still arrest someone who reasonably poses a risk to public safety or who is unlikely to show up to court on their own.

The use of citation in lieu of arrest is the norm rather than the exception among other states<sup>1</sup> due to the imbalance between the costs and benefits of arrest for low-level offenses. Any perceived benefits from arrests for low level offenses is far outweighed by the benefits of allowing citations in lieu of arrest for such offenses.

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

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

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

SB2730 SD2 will bring Hawai'i in line with the majority of states that have recognized that allowing the issuance of citations in lieu of arrest for low level offenses does not compromise public safety and encourages efficiency in the criminal justice system. Thank you for the opportunity to comment on this measure.

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<sup>1</sup> 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>

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

March 19, 2026

**REGARDING S.B. 2730, S.D.2 — RELATING TO CRIMINAL JUSTICE REFORM.**

Chair Tarnas, Vice Chair Poepoe, and members of the House Committee on Judiciary & Hawaiian Affairs, the Department of the Prosecuting Attorney for the City and County of Honolulu submits the following testimony in **opposition** to S.B. 2730, S.D.2.

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.

S.B. 2730, S.D.2 creates loopholes for criminals, burdensome paperwork for the police, and danger to the public.<sup>1</sup>

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.

S.B. 2730, S.D.2 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 burdens on officers with no corresponding gain in the quality of policing. For example, drunk-driving is a petty misdemeanor. It is an offense likely to produce further police

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<sup>1</sup> 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/acluhawai%CA%BBi-misinformed-on-warrantless-arrests-bill/> (discussing similar bill introduced last session).

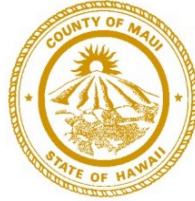
contact in the immediate future. And it requires detention because of the hazard to other motorists. So in every drunk-driving case, officers will recite the same two factors inherent to the offense. In a world governed by opportunity costs, that means less time devoted to investigating and gathering the specific factual evidence needed to prove the charge.

Thank you for the opportunity to testify.

**RICHARD T. BISSEN, JR.**  
Mayor

**ANDREW H. MARTIN**  
Prosecuting Attorney

**SHELLY C. MIYASHIRO**  
First Deputy Prosecuting Attorney



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TESTIMONY ON  
S.B. 2730 SD2  
RELATING TO CRIMINAL JUSTICE REFORM

March 18, 2026

The Honorable David A. Tarnas  
Chair  
The Honorable Mahina Poepoe  
Vice Chair  
and Members of the Committee on Judiciary & 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 S.B. 2730 SD2, 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 S.B. 2730 SD2 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.

**KELDEN B.A. WALTJEN**  
PROSECUTING ATTORNEY

**SHANNON M. KAGAWA**  
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## OFFICE OF THE PROSECUTING ATTORNEY

### TESTIMONY IN OPPOSITION TO SENATE BILL 2730, SENATE DRAFT 2

A BILL FOR AN ACT  
RELATING TO CRIMINAL JUSTICE REFORM

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

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

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

Honorable Chair Rhoads, Vice-Chair Gabbard, and Members of the Committee on Judiciary: The County of Hawai‘i, Office of the Prosecuting Attorney respectfully submits the following testimony **in opposition** to Senate Bill 2730, Senate Draft 2.

S.B. 2730, SD 2, would prohibit police officers from making arrests for most petty misdemeanor offenses or violations, and instead require the issuance of a citation, unless the officer is “reasonably satisfied” that one or more statutory exceptions justify an arrest. The measure requires officers to document which exception was relied upon for each arrest.

Although our office appreciates the intent of this legislation to reduce arrest numbers and jail overcrowding, we do not believe that placing additional restrictions and burdens on police officers is the right way to address these concerns. S.B. 2730, SD 2, 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, criminal trespass and simple trespass, disorderly conduct, harassment, indecent exposure, and open lewdness.

S.B. 2730, SD 2, would not just restrict officers from arresting suspects based upon information gathered from citizens—it would also restrict officers from arresting suspects caught in the act of committing an offense within the officer’s presence.<sup>1</sup> Officers observing a covered crime would have less authority under law to arrest the perpetrator than a bystander.<sup>2</sup>

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<sup>1</sup> The bill modifies arrests by police officers for offenses committed “whether in the officer’s presence or otherwise.”

<sup>2</sup> Compare HRS § 803-3 (allowing warrantless arrest of anyone in the act of committing a crime by anyone present).

We are concerned about unintended negative consequences this measure may have on public safety and order. It would restrict the authority under HRS § 803-5 for police officers to make warrantless arrests based upon probable cause that has existed in Hawai‘i for well over a century—changing a rule of law that is much older than statehood.<sup>3</sup> This power is used responsibly by police officers to intervene and halt incidents that occur in our communities. It is an exception to the general rule and is already subject to significant limitations, including a “temporal restriction”<sup>4</sup> that requires such an arrest to be made near in time to the offense.

We believe police officers need more tools, not fewer, to protect our communities. Officers already have the authority and discretion under current law to issue a citation in lieu of making an arrest where appropriate. We believe officers should retain the discretion to make arrests where they have developed probable cause, where appropriate. There is little reason to believe this tool is being overused in Hawai‘i. As former Justice Souter has noted, “it is in the interest of the police to limit petty-offense arrests, which carry costs that are simply too great to incur without good reason.”<sup>5</sup>

S.B. 2730, SD 2, would also reduce the ability of prosecutors and courts to hold repeat offenders accountable. The process of arrest and booking allows police to use biometric identifiers to positively identify a suspect. To successfully prosecute repeat offenders, such as for Habitual Property Crime under HRS § 708-803, the prosecution must be able to prove the suspect’s identity beyond a reasonable doubt for each prior conviction. A suspect who is not positively identified through booking at the initiation of a criminal case must later be ordered by the court to voluntarily present themselves for ID processing, unnecessarily introducing the chance for noncompliance and doubt.

Proponents claim that other states have enacted similar laws, but a review of these shows important differences. For example:

- Alaska permits officers to make warrantless arrests for any crime involving violence or harm to another person or to property.<sup>6</sup>
- California permits warrantless arrests for any offenses committed in an officer’s presence, as well as for shoplifting.<sup>7</sup> For offenses covered by its mandatory citation law, California allows officers to first book a suspect, either in the field or at the agency, before releasing them with a citation, or to require the suspect to provide a thumbprint or fingerprint on the citation for identity verification.<sup>8</sup>
- Florida permits warrantless arrests for any offenses committed in an officer’s presence, as well as for common-law battery (an unlawful touching, akin to the offense of

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<sup>3</sup> The language of HRS § 803-5 originated in the Penal Code of the Hawaiian Kingdom, which provided an even broader police power to arrest based upon reasonable suspicion. Penal Code of the Hawaiian Kingdom, c 49, §5 (1869).

<sup>4</sup> *State v. Keawe*, 107 Hawai‘i 1, 108 P.3d 304 (2005).

<sup>5</sup> *Atwater v. City of Lago Vista*, 532 U.S. 318, 352 (2001) (Souter, J.).

<sup>6</sup> AK Stat § 12.25.180 (2025).

<sup>7</sup> Cal. Penal Code § 836.

<sup>8</sup> Cal. Penal Code § 853.6(a)(1), (d) & (g).

harassment), criminal mischief and graffiti, exposure of sexual organs, and trespass to schools and airports.<sup>9</sup>

- Georgia does not restrict warrantless arrests at all, unlike some advocates have claimed— Georgia courts have interpreted its statute as fully coextensive with federal constitutional law, allowing arrests upon probable cause for any offense.<sup>10</sup> Georgia does allow ‘arrests by citation’ for criminal trespass, shoplifting, refund fraud, and drug offenses, but officers are required to first arrest the suspect, obtain their fingerprints, check their criminal record, and attempt to check their immigration status before finally releasing them with a citation.<sup>11</sup>
- Kentucky allows warrantless arrests for shoplifting,<sup>12</sup> for misdemeanors committed in an officer’s presence involving assault, indecent exposure, possession of burglar’s tools, trespass to a domestic violence shelter, receiving stolen property, giving false information, or failing to follow an officer’s reasonable instructions, as well as for violations committed in an officer’s presence involving trespass or harassment.<sup>13</sup>
- Ohio only makes citations mandatory for “minor misdemeanors,” which it defines as offenses punishable by a maximum penalty of a fine of \$100 and not by any jail time,<sup>14</sup> such as strict liability traffic infractions or jaywalking. (Akin to “violations” in Hawai‘i.)
- Vermont allows arrests for any offenses committed in an officer’s presence, as well as where necessary to prevent the continuation of criminal conduct, for stalking, for simple assault, for assault or threats against a health care worker, and for disorderly conduct that interferes with health care.<sup>15</sup>
- Washington State allows arrests for any offenses committed in an officer’s presence, as well as all offenses involving physical harm or threats of harm to person or property, the unlawful taking of property, underage possession of alcohol, criminal trespass, indecent exposure, and interference with a health care facility.<sup>16</sup>

We are also concerned that S.B. 2730, SD 2, would create a wave of litigation in petty misdemeanor cases. The existence of probable cause to make a warrantless arrest under HRS § 803-5 is determined by an objective legal test that is consistently applied under the guidance of extensive case law. Under S.B. 2730, SD1, the legality of many arrests would instead depend on whether the arresting officer was “reasonably satisfied” of one of the factors providing an exception. The measure provides no standard for reasonable satisfaction, ensuring dispute.

For the foregoing reasons, the County of Hawai‘i, Office of the Prosecuting Attorney respectfully **opposes** the passage of Senate Bill 2730, Senate Draft 2. Thank you for the opportunity to testify on this matter.

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<sup>9</sup> Fla. Stat. 901.15.

<sup>10</sup> Trial Handbook for Georgia Lawyers § 28:10 (citing *Hight v. State*, 293 Ga. App. 254(1), 666 S.E.2d 678 (2008); *Durden v. State*, 250 Ga. 325, 297 S.E.2d 237 (1982)).

<sup>11</sup> Ga. Code § 17-4-23 (2024).

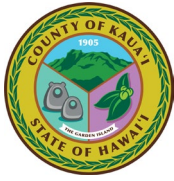
<sup>12</sup> Ky. Rev. Stat. § 433.236; *see also Burdette v. Commonwealth*, 495 S.W.3d 156 (Ky. App. 2015).

<sup>13</sup> Ky. Rev. Stat. §§ 431.015 & 431.005.

<sup>14</sup> Ohio Rev. Code §§ 2901.02; 2935.26.

<sup>15</sup> Vt. R. Crim. P., R.3.

<sup>16</sup> Rev. Code of Wa. Ann. 10.31.100.



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

# POLICE DEPARTMENT COUNTY OF KAUA'I



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

March 18, 2026

The Honorable Representative David A. Tarnas, Chair  
And Honorable Members of the Committee on Judiciary & Hawaiian Affairs  
Hawai'i State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

**RE: Testimony in Opposition of SB 2730 SD2, Relating to Criminal Justice Reform**

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

On behalf of the Kaua'i Police Department, I am submitting testimony **OPPOSING** SB 2730 SD2, which would require officers to issue citations in lieu of arrest for certain misdemeanors, petty misdemeanors, and violations, and impose specific statutory conditions and documentation requirements on arrest decisions.

While the bill aims to reduce unnecessary arrests, it does so by imposing rigid statutory criteria that unduly restrict officer discretion, create operational uncertainty, and raise liability concerns that may ultimately impact public safety.

SB 2730 SD2 asserts that arrests contribute to resource strain, pretrial detention, and correctional overcrowding; however, correctional populations are more significantly driven by serious offenses and repeated noncompliance with court orders. As a result, this measure may have limited impact on those issues while introducing new risks to day-to-day policing.

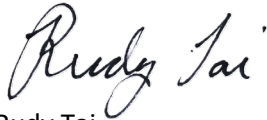
The bill requires officers to justify arrests based on specific factors—such as identity, likelihood of court appearance, outstanding warrants, anticipated further police contact, and the need to prevent bodily injury—and to document those determinations. In practice, these judgments must often be made rapidly and with limited information in dynamic and evolving situations. This framework invites after-the-fact second-guessing of reasonable on-scene decisions rather than appropriately deferring to officer training and experience.

Additionally, the bill mandates citation in lieu of arrest in most petty misdemeanor and violation cases, subject to limited exceptions. While citations are an important tool, mandating their use reduces the flexibility officers need to respond to the totality of circumstances, including escalating behavior, ongoing offenses, or the need to immediately protect involved parties.

Chair Tarnas  
March 18, 2026  
Re: Opposition of SB 2730 SD2  
Page 2 of 2

For these reasons, the Kaua'i Police Department respectfully urges the Committee to OPPOSE SB 2730 SD2. Thank you for the opportunity to provide testimony.

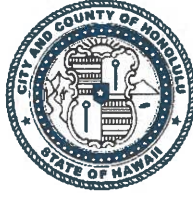
Respectfully submitted,

A handwritten signature in black ink that reads "Rudy Tai". The signature is written in a cursive style with a large initial "R" and a distinct "Tai" at the end.

Rudy Tai  
Chief of Police  
Kaua'i Police Department

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

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



RICK BLANGIARDI  
MAYOR  
MEIA

RADE K. VANIC  
INTERIM CHIEF  
KAHU MĀKA'I KŪIKAWA

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

OUR REFERENCE AP-SK

March 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, Hawai'i 96813

Dear Chair Tarnas and Members:

SUBJECT: Senate Bill No. 2730, S.D. 2, 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 Senate Bill No. 2730, S.D. 2, Relating to Criminal Justice Reform.

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

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

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

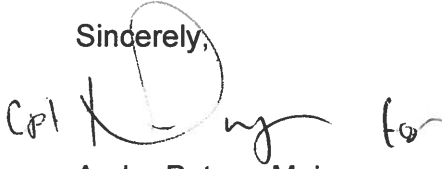
The Honorable David A Tarnas, Chair  
March 19, 2026  
Page 2

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


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

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

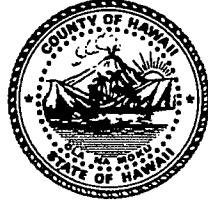
The HPD urges you to oppose Senate Bill No. 2730, S.D. 2, Relating to Criminal Justice Reform, and thanks you for the opportunity to testify.

Sincerely,  
  
Andre Peters, Major  
Training Division

APPROVED:

  
Rade K. Vanic  
Interim Chief of Police

**C. Kimo Alameda, Ph.D.**  
*Mayor*



**Reed K. Mahuna**  
*Police Chief*

**William V. Brillhante Jr.**  
*Managing Director*

**LATE**

## **County of Hawai`i**

### **POLICE DEPARTMENT**

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

March 18, 2026

Representative David A. Tarnas, Chair  
Representative Mahina Poepoe, Vice Chair  
And Members  
Committee on Judiciary and Hawaiian Affairs  
State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

Dear Representatives Tarnas and Poepoe and Members:

RE: SENATE BILL 2730 SD2 RELATING TO CRIMINAL JUSTICE REFORM  
DATE: MARCH 19, 2026  
TIME: 2:00 P.M.  
PLACE: VIDEOCONFERENCE  
CONFERENCE ROOM 325

The Hawai`i Police Department respectfully submits this testimony in opposition to Senate Bill 2730, S.D.2, which proposes substantial changes to the conditions under which police officers may make warrantless arrests for petty misdemeanors and violations.

We understand and appreciate the Legislature's intent to reduce unnecessary arrests and the burdens that pretrial detention can impose on individuals and families. However, SB2730 SD2 places new restrictions on officers that limit the department's ability to respond effectively to criminal activity and maintain public safety.

Under current law, officers may arrest based on probable cause for felony, misdemeanor, petty misdemeanor, and violation offenses. SB2730 SD2 preserves arrest authority for felonies and misdemeanors but imposes additional prerequisites before an officer may arrest for petty misdemeanors or violations.

SENATE BILL 2730 SD2 RELATING TO CRIMINAL JUSTICE REFORM

DATE: MARCH 19, 2026

TIME: 2:00 P.M.

PLACE: VIDEOCONFERENCE

CONFERENCE ROOM 325

Page 2

These conditions slow enforcement actions and reduce officers' ability to intervene promptly in situations where discretion and timely action are essential.

A key operational concern is offender identification. Although the bill allows arrest when a person does not provide satisfactory identification, many repeat-offender cases require the biometric confirmation that only occurs during the booking process. Habitual-offender prosecutions depend on precise identity verification, and citations issued in the field do not provide the tools necessary to support enhanced-penalty cases. The reliance on field identification increases the risk of misidentification and undermines accountability for individuals who repeatedly commit low-level property or quality-of-life crimes.

Public safety is also affected. While the bill maintains arrest authority in cases involving immediate danger—such as impaired driving or domestic abuse—officers frequently encounter recurring low-level offenses that cumulatively harm the community. In many of these situations, the ability to remove an offender from the area, even temporarily, is crucial to preventing continued victimization. When officers are required to issue a citation rather than make an arrest, the offender remains in the community, creating opportunities for repeated offenses and escalating behavior.

The bill also imposes new administrative burdens. Officers would be required to document which statutory factor justifies any petty misdemeanor or violation arrest, adding to the time already spent on incident reporting. These requirements reduce the amount of time officers can spend on patrol and responding to calls for service, further straining limited staffing and resources.

SB2730 SD2 also continues the amended language concerning the presentation of warrants, requiring that an officer "shall show" the warrant at or before the time of arrest. In many real-world encounters—especially with uncooperative or combative individuals—attempting to physically present a warrant during the arrest process is unsafe and impractical. We respectfully request that any such requirement be clarified to apply only when doing so is feasible and does not compromise officer or public safety.

New in S.D.2, the bill requires that citations be visible on an offender's criminal record. While intended to improve transparency, this raises operational concerns. A citation issued in lieu of arrest does not undergo the same identity verification or evidentiary safeguards as a custodial arrest. Requiring citations to appear on criminal records could result in inaccurate or incomplete offender histories, confusion for officers who rely on accurate records for decision-making, and

SENATE BILL 2730 SD2 RELATING TO CRIMINAL JUSTICE REFORM

DATE: MARCH 19, 2026

TIME: 2:00 P.M.

PLACE: VIDEOCONFERENCE

CONFERENCE ROOM 325

Page 3

potential inequity if low-level citations appear alongside fully adjudicated criminal entries.

Finally, although the bill calls for improved citation forms and updated procedures to increase court-appearance rates, these changes do not address the operational challenges created by mandatory citation requirements. Effective law enforcement requires flexibility, judgment, and tools that allow officers to balance fairness, community expectations, and public safety in real time. SB2730 SD2 would significantly limit that flexibility.

For these reasons, the Hawai'i Police Department respectfully opposes Senate Bill 2730, S.D.2.

Thank you for the opportunity to provide testimony.

Na'u Me Ka Ha'aha'a,

A handwritten signature in black ink, appearing to be 'REED K. MAHUNA', written over a circular stamp or mark.

REED K. MAHUNA  
POLICE CHIEF



**JOHN PELLETIER**  
CHIEF OF POLICE

# POLICE DEPARTMENT

## COUNTY OF MAUI

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



**WADE M. MAEDA**  
DEPUTY CHIEF OF POLICE

March 19, 2026

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

**LATE**

**SUBJECT: Testimony in opposition of S.B. 2730 SD2, Relating to Criminal Justice Reform.**

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

I respectfully submit this testimony in opposition to SB 2730 SD2.

While we recognize the desire to improve efficiency within the criminal justice system and reduce unnecessary custodial arrests, we have serious concerns about the structure and practical impact of this measure as currently drafted.

SB2730 SD2 requires officers to issue a citation instead of making an arrest for eligible offenses, with only limited exceptions. In effect, the bill creates a strong presumption in favor of citation and shifts policy toward citation as the default response, significantly limiting officer discretion in situations that often require immediate judgment based on evolving and unpredictable circumstances.

Police officers are trained to assess a multitude of situations on a daily basis. They must examine not only the offense itself, but also the totality of the situation they may be investigating to include a suspect's demeanor, prior history, victim safety concerns, risk of escalation, and overall safety factors. This mandate significantly narrows arrest authority and may hinder officers' ability to respond appropriately to real-world situations that are fluid, rapidly evolving, and often unpredictable. These standards may be difficult for officers to fairly and accurately assess in the field, which could result in inconsistent arrest vs citation decisions.

Additionally, the bill's mandatory citation requirement for petty misdemeanor and violation offenses is not sufficiently flexible for the dynamic situations officers regularly encounter. A citation relies heavily on an offender's voluntary compliance.

In certain circumstances, such as a repeat shoplifter or an intoxicated individual who refuses to leave an establishment, an arrest may be a more effective and immediate tool to safeguard public safety

The bill's mandatory citation requirement for petty misdemeanors and violations lacks flexibility for the dynamic situation's officers face, and because citations rely on voluntary compliance, arrest may at times be the more effective tool to continue protecting public safety.

By limiting warrantless arrests, the bill risks hesitation in situations requiring swift and immediate action. Citations can be appropriate in certain situations; however, they should remain an option, not a mandated default.

For these reasons, we respectfully oppose SB 2730 SD2.

Sincerely,

A handwritten signature in blue ink, appearing to read 'John Pelletier', with a stylized flourish extending to the right.

JOHN PELLETIER  
Chief of Police



The Libertarian Party of Hawaii submits this testimony **in SUPPORT of SB2730**.

SB2730 establishes clear factors under which officers may arrest and detain persons without a warrant for petty misdemeanors and violations, while requiring officers to document the justification for any such arrest. It amends the circumstances for issuing citations in lieu of arrest and requires officers to issue citations instead of making arrests for certain petty misdemeanors and violations. The bill also directs the Judiciary to promulgate a standardized citation form and updates the required information for citations.

The Libertarian Party of Hawaii is committed to defending individual liberty, reducing unnecessary government overreach, and limiting the carceral state's impact on peaceful citizens. We view SB2730 as a positive step toward criminal justice reform by prioritizing citations over arrests for minor, non-violent offenses. This measure would prevent unnecessary detentions, jail bookings, and the cascade of consequences that can follow even petty infractions.

Requiring officers to issue citations in lieu of arrest for qualifying petty misdemeanors and violations reduces the risk of disproportionate punishment for low-level offenses that pose no immediate threat to public safety. Mandating documentation of justification for any warrantless arrest promotes accountability, transparency, and adherence to due process. These principles are essential to protecting individual rights from arbitrary police action, and should be a standardized practice already.

This approach aligns with evidence-based reforms that decrease unnecessary incarcerations, ease burdens on Hawaii's overcrowded jails, and save taxpayer resources while promoting public safety. By shifting from arrest-first policies to citation-only for petty matters, SB2730 reduces the over-criminalization of everyday conduct and helps prevent the lifelong collateral consequences that often stem from even brief custodial arrests.

Please pass SB2730. State power needs to be used judiciously and only when truly necessary, never as a default response to minor issues.

In Liberty,

Abbra Green | LPHI Secretary | [LibertarianHawaii.com](http://LibertarianHawaii.com) | (808)824-LPHI



TESTIMONY OF DAVE ERDMAN  
INTERIM PRESIDENT & CEO  
RETAIL MERCHANTS OF HAWAI'I

**IN OPPOSITION TO SB 2730 SD2 – RELATING TO CRIMINAL JUSTICE REFORM**

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS  
Thursday, March 19, 2026, 2:00 PM

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

My name is Dave Erdman, and I serve as Interim President and CEO of Retail Merchants of Hawai'i (RMH), representing retailers, shopping centers, and allied businesses across the state.

**RMH respectfully opposes SB 2730 SD2.**

Retailers across Hawai'i are already dealing with ongoing issues related to theft, trespass, and repeat offenders. These may be considered low-level offenses, but they have a real and growing impact on daily business operations, employee safety, and customer experience.

This bill moves too far in requiring citations instead of allowing officers the flexibility to make arrests when needed. In a retail setting, situations can escalate quickly. When someone refuses to leave, repeatedly steals, or disrupts a business, immediate action matters.

A citation alone often does not change behavior, especially with repeat offenders. Without the ability to remove someone from the situation, the same issues can continue throughout the day or return the next day. That creates ongoing disruption and risk.

Retailers rely on law enforcement to have the tools and discretion to respond in real time. Limiting that flexibility makes it harder to maintain safe and welcoming environments for employees and customers.

We understand the intent of reducing unnecessary arrests, but this measure creates unintended consequences for businesses and communities.

For these reasons, RMH respectfully urges the Committee **to defer SB 2730 SD2**. Mahalo for the opportunity to testify.





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

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P: 212.992.6950  
W: [policingproject.org](http://policingproject.org)

## **HAWAI'I HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS**

### **HEARING:**

Public Hearing on S.B. 2730, March 19, 2026

### **DATE OF TESTIMONY:**

March 18, 2026

### **TESTIMONY OF THE POLICING PROJECT AT NYU SCHOOL OF LAW IN SUPPORT OF S.B. 2730**

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.<sup>1</sup> 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.

S.B. 2730 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.

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<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup>

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.

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<sup>2</sup> 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>.

<sup>3</sup> 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).

<sup>4</sup> 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.<sup>5</sup>

### **S.B. 2730 Prioritizes Public Safety and Flight Risks During Arrest Decisions**

S.B. 2730 reflects the national consensus that using police to arrest people for a subset of low-level offenses is frequently an unnecessary, costly response. Notably, S.B. 2730 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.

S.B. 2730 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, S.B. 2730 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, S.B. 2730 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 S.B. 2730 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.

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<sup>5</sup> 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](#).

## **S.B. 2730 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.<sup>6</sup> S.B. 2730 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.

## **S.B. 2730 Does Not Impair Law Enforcement, Prosecutor, or Court Operations**

Concerns that S.B. 2730 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 this measure in the Senate, 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 S.B. 2730, which ensures an arrest remains possible in each, no matter the offense. Specifically, the bill's plain language authorizes arrests when any of the following are true:

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

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 S.B. 2730'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

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<sup>6</sup> 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 S.B. 2730's factors ignores existing practices and does a disservice to those law enforcement officers.

Likewise, S.B. 2730 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 S.B. 2730 based on the absence of probable cause. Indeed, whether or not S.B. 2730 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.

#### **S.B. 2730 Would Further Benefit by Adopting Language from its House Companion, H.B. 2494 H.D. 1**

During its consideration of H.B. 2494, the House companion measure to S.B. 2730, this committee added a provision tasking the criminal justice research institute with publishing an annual report assessing how criminal citations are being used in the state. This requirement (Section 4 of H.B. 2494 H.D. 1) will ensure that crucial information about criminal citations is collected and analyzed, and that it makes it into the hands of policymakers. This will help further improve the use of citations in lieu of arrest, and we urge the committee to include a similar provision in S.B. 2730. In addition, H.B. 2494 H.D. 1 also includes some language in Section 3 that modifies the new H.R.S. 803-6(c) to more clearly outline when the citation presumption will apply. To minimize the risk of any confusion on that important provision, we recommend making conforming changes to S.B. 2730's own Section 3.

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S.B. 2730 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, including amendments to make its language more closely mirror that in H.B. 2494 H.D. 1.

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March 18, 2026

Rep. David A. Tarnas, Chair  
Rep. Mahina Poepoe, Vice Chair  
Committee on Judiciary & Hawaiian Affairs  
House of Representatives  
33<sup>rd</sup> Legislature, State of Hawai`i

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

Dear Committee leadership and members,

Re: **SUPPORT FOR and COMMENTS ON SB2730, SD2 RELATING TO  
CRIMINAL JUSTICE REFORM**

DATE: Thursday, March 19, 2026  
TIME: 2:00 pm  
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 providing for those circumstances by which police shall issue a citation in lieu of making an arrest.

I write to support and comment on SD2 but first must raise a matter *in pari materia* with §§ 803-5 and 803-6, therefore warranting this Honorable committee’s consideration, specifically § 805-1 (“Complaint; form of warrant”). **Your attention is necessary in order to address the matter of warrantless arrests (or issuance of citations ) that are based on alleged misconduct not witnessed by police.**

When the Legislature acted to pass what became enacted as Act 2 (SLH 2022), it removed the § 805-1 requirement that a complaint (the charge that the prosecution files when it decides to prosecute a violation, petty MISD, or MISD) be subscribed with a sworn statement from a complaining witness, possibly a witnessing police officer, in order to substantiate probable cause for the warrantless arrest and the prosecution’s filing of the complaint.

**As a result, today, the only way a person arrested for an alleged offense not witnessed by police can challenge probable cause for the warrantless arrest 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 complaint.

I found the testimony submitted by the City and County Department of the Prosecuting Attorney in opposition to this bill and its companion HB2494 that was before this Honorable committee, shocking:

*S.B. 2730 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.*

Department testimony, dated February 3, 2026 (***emphases added***).

Maybe and hopefully that statement accurately describes district court criminal procedure in the First Circuit. Not so in the district courts of the Third Circuit, where I have appeared representing individuals subjected to warrantless arrests accused of petty misdemeanor and misdemeanor offenses. **Act 2 made probable cause substantiating subscriptions (declarations) optional, and authorized that a complaint filed following a warrantless arrest may proceed to trial on the mere signature of a prosecuting attorney, without any judicial determination of probable cause.** And that's how it is going over here.

This disagreement between the Circuits necessitates legislative attention. Accordingly, it is right and just that Act 2 (SLH 2022) is repealed and HRS § 805-1 is restored to its previously effective provision. Whereas the *in pari materia* matters §§ 805-1, 805-5, 805-6, are inextricable, it is right and proper that this committee act to do so now via appropriate amendment to this bill presently before you. Such provision must be made effective upon enactment.

Turning to SD2, all but one of the amendments proposed in this bill are well supported by the legislature's findings. Section 3, subsection (h), however, is not. While finding "an arrest can significantly jeopardize the arrestee's housing and employment and set into motion a chain of economic and logistical hardships for the arrestee's family, especially when the arrestee is the main source of household income and cares for multiple dependents," subsection (h) notwithstanding provides "A citation issued pursuant to this section shall be visible on the offender's criminal record." It is appropriate that this Honorable committee act to remove this amendment made in SD2.

The two amendments proposed by Maui Police Chief Pelletier in his Senate testimony provide a procedural safeguard against profiling and should be adopted. This Honorable

committee also can address the concerns raised by the Attorney General testimony by expressly providing in the bill that the 7 petty misdemeanors the AG identifies as not non-violent offenses are included with the 2 like offenses already recognized in the bill for which a citation in lieu of arrest is not mandated.

If there is any cause for pause on passage, it was expressed in the Judiciary's testimony regarding the proposed turnaround time of July 1, 2027 (Section 3(d)) for its promulgation of the proposed new citation form. The Judiciary reasonably has requested that the firm implementation date of the proposed amendments to §§ 801-5 and 801-6 are delayed to no earlier than January 1, 2028. In addition, please consider amending the citation form content to require that, (1) it has the serious matter appearance of a court order and not a mere traffic ticket, and appear on an 8x11 form with capacity to make duplicates, e.g., the existing triplicate court-issued Notice to Appear; and (2) include a statement prominently reminding prosecutors to make all appropriate redactions prior to filing.

Several Senate testifiers address "law enforcement *discretion*" (emphasis added). The bill before you adopts those words, as well, in the proposed amendment of § 803-6 with a new subsection (c), including the following: "Nothing in this section limits *law enforcement discretion* to issue a citation pursuant to subsection (b)." Please consider instead providing, "Nothing in this section limits law enforcement authority to issue a citation pursuant to subsection (b)." We do not commonly associate police as possessing "discretionary" power.

Thank you for your consideration of my testimony. Aloha.

/s/ Georgette A. Yaindl  
GEORGETTE ANNE YAINDL

March 19, 2026

House Committee on Judiciary & Hawaiian Affairs  
**Opposition to SB 2730, SD2 – Relating to Criminal Justice Reform**



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

The **State of Hawai'i Organization of Police Officers (SHOPO)** respectfully opposes **SB 2730, SD2**, which establishes factors under which officers may arrest and detain persons without a warrant for petty misdemeanors and violations, and requires officers to document the justification for the arrests. While we understand the intent of this measure is to promote consistency and reduce unnecessary custodial arrests, SHOPO has significant concerns regarding both the practical impact of the bill and the limitations of the State's current record-keeping systems.

First, the bill assumes that a citation is an effective alternative to arrest in many cases; however, in practice, officers frequently encounter offenders who have no legitimate source of income but are supported through ongoing illicit activity. In these situations, issuing a citation rather than making an arrest may have little deterrent effect, as the offender may not be meaningfully impacted by fines or court orders. This policy equates a lack of legitimate income with an inability to post bail which may not be the case.

In addition, the bill requires that citations be visible on an offender's criminal record, but the current record system does not reliably display citations in a manner that officers can access in the field. Without a fully functional and integrated system, officers may be required to make decisions without accurate information about an individual's prior conduct, undermining both officer safety and effective law enforcement. Finally, the additional documentation requirements imposed by the bill will increase administrative workload for officers without providing corresponding resources or improvements to existing reporting systems. This may reduce the amount of time officers are able to spend responding to calls for service and engaging in proactive policing.

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

Respectfully submitted,

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



Committee: Judiciary & Hawaiian Affairs  
Hearing Date/Time: Thursday, March 19, 2026, at 2:00pm  
Place: Conference Room 325 & Via Videoconference  
Re: **Testimony of the ACLU of Hawai'i in SUPPORT of SB2730 SD2 RELATING TO CRIMINAL JUSTICE REFORM**

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

The ACLU of Hawai'i **supports SB2730 SD2**, 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, update the required information for citations, and requires that citations be visible on an offender's criminal record.

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,<sup>1</sup> more likely to drop out of school,<sup>2</sup> and more likely to experience trauma and mental health challenges.<sup>3</sup> If an arrest leads to being detained pretrial, research shows that even one day in jail increases chances of future

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<sup>1</sup> 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>

<sup>2</sup> 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>

<sup>3</sup> 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.<sup>4</sup> In contrast, studies show that young people given a citation instead of being arrested have lower recidivism rates.<sup>5</sup> **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.<sup>6</sup> 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.*”<sup>7</sup> 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.”**<sup>8</sup>

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

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<sup>4</sup> The Hidden Costs of Pretrial Detention Revisited, 2022.

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

<sup>5</sup> Florida Department of Juvenile Justice, 2021

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

<sup>6</sup> The International Association of Police Chiefs. Citations in Lieu of Arrest Project.

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

<sup>7</sup> 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>

<sup>8</sup> 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.<sup>9</sup>

**The ACLU of Hawai‘i asks that you support SB2730 SD2.**

Mahalo,

*Josh Frost*

Josh Frost

Policy Advocate

ACLU of Hawai‘i

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

*With more than 4,000 Hawaii-based members, the mission of the American Civil Liberties Union of Hawai‘i is to protect the fundamental freedoms enshrined in the United States and Hawai‘i State Constitutions through legislative, litigation, and public education work. The ACLU of Hawai‘i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai‘i has been serving our communities in Hawai‘i for over 60 years.*

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<sup>9</sup> Citations In Lieu of Arrest. <https://dcjusticelab.org/library/policing/citation-in-lieu-of-arrest/>

**Dennis M. Dunn**

**Kailua, Hawaii 96734**

[dennismdunn47@gmail.com](mailto:dennismdunn47@gmail.com)

**Re: S.B. 2730, S.D. 2, Relating to Criminal Justice Reform**

**Date: Thursday, March 19, 2026**

**2:00 p.m., Room 325**

**To: House Committee on Judiciary and Hawaiian Affairs**

**Representative David A. Tarnas, Chair**

**Representative Mahina Poepoe, Vice Chair**

**Good afternoon, Chair Tarnas, Vice Chair Poepoe, and members of the Committee.**

My name is **Dennis Dunn**. I am the retired Director of **Victim Witness Kokua Services** in the Honolulu Prosecuting Attorney's Office, having served for **44 years**, and prior to that I was a volunteer **Victim Advocate with People Against Rape**. Based on that experience, I am testifying today in **strong opposition to S.B. 2730, S.D. 2**.

I. SB 2730 Creates Dangerous Barriers to Necessary Law Enforcement Action

S.B. 2730, S.D. 2 would impose **onerous new procedural requirements** on police officers making arrests for **petty misdemeanor offenses**. This broad-brush approach is deeply flawed because many so-called "petty" misdemeanors are **far from minor** and often involve individuals who pose an **immediate danger to victims and the community**. In addition, records of offenses resulting in only the issuance of a Citation may not appear on an individual's criminal history since most criminal justice databases require supporting fingerprint records to incorporate an offense into their records. Citations, which do not involve fingerprinting a suspect, therefore will be completely left off an individual's criminal history records.

For example:

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

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

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

## II. New Procedural Requirements Will Lead to Improper Case Dismissals

Equally troubling is that SB 2730, S.D. 2 introduces **additional arbitrary procedural requirements** that invite **collateral legal challenges** based solely on technical defects.

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

This bill will compound that problem by:

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

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

## III. Reduction of Bail Harms Victims

Finally, the reduction of bail requirements under SB 2730, S.D. 2 will deprive victims of **one of the few effective means of restitution collection**. When bail is posted, it can be applied upon conviction to satisfy **restitution owed to victims**. Removing or weakening this mechanism further disadvantages victims who have already suffered harm.

## Conclusion

For all these reasons, SB 2730, S.D. 2 will:

- Undermine effective law enforcement
- Increase procedural dismissals
- Overwhelm an already strained judicial system
- Eliminate critical criminal history information due to lack of fingerprints
- Place victims and the public at greater risk

I respectfully urge this Committee to **please defer S.B. 2730, S.D. 2.**

**Mahalo for the opportunity to testify.**

Judiciary & Hawaiian Affairs Committee  
Rep. David Tanas, Chair  
Rep. Mahina Poepoe, Vice Chair  
Thursday, March 19, 2026 at 2:00pm

**Re: SUPPORT OF S.B. 2730 RELATING TO CRIMINAL JUSTICE REFORM**

Aloha Chair Tanas, Vice Chair Poepoe and Committee Members:

I am writing in support of **S.B. 2730 Relating to Criminal Justice Reform** which enacts reasonable restrictions to ensure that law enforcement does not spend significant resources arresting people for low-level offenses unless there is a clear, articulable public safety reason to justify an arrest.

The bill also takes steps to ensure citations are maximally effective by including changes to the citation form designed to guarantee more people show up to their court hearings. This is not a radical proposal, but one grounded in evidence-based practices to increase appearances in court.

Fundamentally, these changes recognize that an arrest - and resulting pretrial detention deprives a person of freedom, and results in a cascade of harm to that person and their family if they lack the financial resources to post cash bail.

A number of law enforcement officials in Hawai'i have repeatedly made statements minimizing the data from the Criminal Justice Research Institute and Department of Corrections and Rehabilitation demonstrating that a number of people charged with low-level offenses are detained in cellblock and overcrowded jails at OCCC and HCCC.

As of March 2, 2026, nearly 59% of the people in Hawaii's jails are pretrial status. OCCC and HCCC, are severely overcrowded, driven by high rates of legally innocent people incarcerated while awaiting their day in court.

<https://dcr.hawaii.gov/wp-content/uploads/2026/03/Pop-Reports-Weekly-2026-03-29.pdf>

Facility	Design Capacity	Operational Capacity	Total Population	Pretrial Felonies & Pretrial Misdemeanors	Pretrial Percentage of Total Population
OCCC O'ahu	628	954	910	670	73%
HCCC Hawai'i	206	221	286	167	58%
MCCC Maui	209	301	227	107	47%
KCCC Kauai	110	128	84	48	57%

In closing, the proposed changes outlined in SB2730 represent a step toward more effective and fairer policing. I urge you to you pass SB2730 Relating to Criminal Justice Reform.

Sincerely,

Carrie Ann Shirota, Esq.  
Honolulu, Hawaii