

JON N. IKENAGA
PUBLIC DEFENDER

DEFENDER COUNCIL
1130 NORTH NIMITZ HIGHWAY
SUITE A-254
HONOLULU, HAWAII 96817

HONOLULU OFFICE
1130 NORTH NIMITZ HIGHWAY
SUITE A-254
HONOLULU, HAWAII 96817

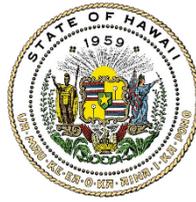
APPELLATE DIVISION
TEL. NO. (808) 586-2080

DISTRICT COURT DIVISION
TEL. NO. (808) 586-2100

FAMILY COURT DIVISION
TEL. NO. (808) 586-2300

FELONY DIVISION
TEL. NO. (808) 586-2200

FACSIMILE
(808) 586-2222



STATE OF HAWAII
OFFICE OF THE PUBLIC DEFENDER

HAYLEY Y. C. CHENG
ASSISTANT PUBLIC DEFENDER

HILO OFFICE
275 PONAHAHAWAI STREET
SUITE 201
HILO, HAWAII 96720
TEL. NO. (808) 974-4571
FAX NO. (808) 974-4574

KONA OFFICE
75-1000 HENRY STREET
SUITE #209
KAILUA-KONA HI 96740
TEL. NO. (808) 327-4650
FAX NO. (808) 327-4651

KAUAI OFFICE
3060 EIWA STREET
SUITE 206
LIHUE, HAWAII 96766
TEL. NO. (808) 241-7128
FAX NO. (808) 274-3422

MAUI OFFICE
81 N. MARKET STREET
WAILUKU, HAWAII 96793
TEL. NO. (808) 984-5018
FAX NO. (808) 984-5022

February 11, 2026

SB 2731: RELATING TO SENTENCING

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

The Office of the Public Defender (OPD) **strongly supports** SB 2731 which amends Chapter 706 of the Hawaii Revised Statutes (HRS), to limit the maximum term of imprisonment for misdemeanors and offenses punishable by up to or not exceeding one year to three hundred sixty-four (364) days, and permits individuals previously sentenced to a one-year term to petition the court for modification.

Under federal immigration law, a sentence of 365 days may trigger severe immigration consequences, including classification of certain offenses as aggravated felonies or crimes involving mandatory detention. By contrast, a maximum sentence capped at 364 days often avoids those disproportionate federal consequences.

This measure:

- Does not change the elements of any offense;
- Does not eliminate accountability;
- Does not prevent courts from imposing substantial jail time; and
- Preserves full judicial discretion within the misdemeanor framework.

It simply ensures that a state-classified misdemeanor does not automatically result in immigration penalties far exceeding what the Legislature intended when designating the offense as a misdemeanor.

Misdemeanors are, by legislative classification, less serious than felonies. A 364-day cap preserves meaningful punishment while ensuring proportionality between the offense level and its collateral consequences.

This measure also appropriately allows individuals previously sentenced to one year to apply for modification. This provision promotes fairness and equal treatment between similarly situated individuals sentenced before and after the bill's enactment.

Hawai'i would not be acting alone in adopting this reform. Over the past decade, numerous jurisdictions have reduced misdemeanor maximum sentences from "one year" to 364 days to address unintended immigration consequences tied to the federal one-year threshold.

Some states accomplished this reform through express statutory amendments reducing the maximum term for misdemeanors to 364 days, including California, New York, Utah, and Connecticut. Other jurisdictions have long structured their misdemeanor sentencing schemes so that the maximum term is already 364 days, including Washington, Oregon, Illinois, and Nevada. Colorado likewise amended its sentencing statutes to reflect 364-day maximums for certain misdemeanor classifications.¹

These reforms preserve public safety and judicial discretion while ensuring that state-defined misdemeanors do not inadvertently trigger federal penalties that far exceed the punishment contemplated by state law.

The Office of the Public Defender represents individuals who are often long-term residents, parents of U.S. citizen children, essential workers, and deeply rooted members of our community. For many, deportation is a punishment far more severe than the underlying misdemeanor sentence.

Noncitizen defendants often face extraordinarily complex immigration consequences, particularly those who are indigent and lack access to immigration counsel. Criminal sentencing and immigration consequences are deeply intertwined. This structural reform reduces unnecessary and unintended harm while preserving judicial authority and community safety.

For these reasons, the OPD **supports** SB 2731.

Thank you for the opportunity to comment.

¹ *California Penal Code* § 18.5(a); *New York Penal Law* § 70.15(1), (3); *Utah Code Ann.* § 76-3-204 (as amended by H.B. 244 (2019)); *Conn. Gen. Stat.* § 53a-36a; *Wash. Rev. Code* § 9A.20.020(2); *Or. Rev. Stat.* § 161.615(1); *730 Ill. Comp. Stat.* 5/5-4.5-55; *Nev. Rev. Stat.* § 193.140; and *Colo. Rev. Stat.* § 18-1.3-501.



OFFICE OF HAWAIIAN AFFAIRS

TESTIMONY IN SUPPORT OF SENATE BILL 2731

RELATING TO SENTENCING

Ke Kōmike 'Aha Kenekoa o ka Ho'okolokolo
Hawai'i State Capitol

Pepeluali 18, 2026

9:05 AM

Lumi 016

Aloha e Chair Rhoads, Vice Chair Gabbard, a me Members of Kuleana Hawai'i:
Ke Kōmike 'Aha Kenekoa o ka Ho'okolokolo:

The Office of Hawaiian Affairs (OHA) **SUPPORTS SB2731** which limits the maximum term of imprisonment for misdemeanors and other offenses punishable by up to one year to three hundred sixty-four days and allows individuals previously sentenced to one year to seek sentence modification conforming to these new standards. OHA supports community-centered approaches to accountability that protect public safety while reducing unintended long-term harms. A one-day difference in a statutory maximum sentence may seem minor, but it can trigger outsized collateral consequences in housing, employment, and licensing, even though the underlying conduct and court findings remain the same. This measure preserves misdemeanor accountability while preventing disproportionate downstream penalties that do not improve safety outcomes.

From a Native Hawaiian well-being perspective, effective justice policy should support pathways back to stability, dignity, and contribution to community. Research and practice in culturally grounded community health frameworks emphasize that well-being is strengthened through connection to 'ohana, culture, place, and opportunity, and weakened by avoidable legal and economic consequences that follow people long after low-level convictions. This measure reflects a balanced approach: it does not eliminate penalties, reduce offense classifications, or restrict judicial discretion within the revised limit, but it does align sentencing structure with a growing number of jurisdictions that have adopted a three-hundred-sixty-four-day maximum to avoid unintended consequences.

Native Hawaiians are disproportionately represented in Hawai'i's criminal legal system and are therefore more exposed to the cascading secondary consequences tied to sentence-length thresholds. Narrowly tailoring the maximum term helps reduce spillover harms while maintaining accountability and court oversight. Allowing pa'ahao previously sentenced to one year to petition for conforming modification promotes fairness and consistency across similarly situated cases and supports successful reentry and community reintegration. For these reasons, the Office of Hawaiian Affairs respectfully urges this Committee to **PASS SB2731**. Mahalo nui for the opportunity to provide testimony on this important measure.



Committee: Senate Committee on Judiciary
Hearing Date/Time: Wednesday, February 18, 2026, at 9:05 AM
Place: Conference Room 016 & via Videoconference
Re: Testimony of the ACLU of Hawai'i in SUPPORT of SB 2731
Relating to Sentencing

Dear Chair Rhoads, Vice Chair Gabbard, and members of the Committee,

The ACLU of Hawai'i (ACLU-HI) is in **support of SB 2731**, which limits the maximum term of imprisonment for misdemeanors (or offenses punishable by up to one year) to 364 days, and allows individuals previously sentenced to a one-year term to apply to the court for a sentence modification to conform to the new limit.

As a civil liberties organization, we know that the criminal legal system can have disproportionate impacts on marginalized communities, including immigrants. Under federal law, convictions that may be punishable by a year or more in prison can lead to detention, denial of necessary forms of immigration relief, and deportation for immigrants. Under Hawai'i's current sentencing laws, state residents who commit misdemeanors and are seeking lawful status will face unduly harsh consequences in their immigration proceedings, even after they have taken accountability for their actions.

SB 2731 makes sure that our community is safe, and also that individuals who commit a crime and serve the penalty still have a chance to turn their lives around. By changing the maximum sentence for misdemeanors by just one day, immigrants in Hawai'i will still be held accountable for crimes, without being subjected to disproportionate punishment that would destabilize families and communities by triggering negative immigration consequences.

SB 2731 promotes fairness by allowing people who were previously sentenced under the old one-year maximum to ask the court to align their sentence with the new policy. This creates consistency, supports rehabilitation and reintegration, and helps people maintain stability in employment, housing, and family life—factors that benefit community wellbeing and public safety. States like California, Colorado, New York,

Utah, and others, have already passed similar legislation—and it is long overdue for Hawai‘i to join them.

The ACLU of Hawai‘i therefore urges the Committee to **PASS** SB 2731.

Mahalo for the opportunity to submit this testimony.

Sincerely,

Leilani Stacy
Immigrants’ Rights Staff Attorney

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.

American Civil Liberties Union of Hawai‘i
P.O. Box 3410
Honolulu, Hawai‘i 96801
T: 808.522.5900
F: 808.522.5909
E: office@acluhawaii.org
www.acluhawaii.org

COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: [\(808\) 927-1214](tel:(808)927-1214) / kat.caphi@gmail.com

Today's Inmate; Tomorrow's Neighbor



COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Wednesday, February 18, 2026

9:05 AM

Room 016 and VIDEOCONFERENCE

SUPPORT for SB 2731 – LIMITS MAXIMUM MISDEMEANOR SENTENCING

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

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai`i for almost three decades. This testimony is respectfully offered on behalf of the Hawai`i individuals living behind bars¹ and under the “care and custody” of the Department of Corrections and Rehabilitation on February 2, 2026. We are always mindful that 799 – 43% of Hawai`i’s imprisoned male population are serving their sentences abroad -- thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

Community Alliance on Prisons appreciates this opportunity to express our **SUPPORT for SB 2731** that limits the maximum term of imprisonment for misdemeanors, or for offenses punishable by up to or not exceeding one year, to three hundred sixty-four days. Allows individuals previously sentenced to a one-year term of imprisonment to apply to the court for a sentence modification to conform to the new limit.

¹ DCR Weekly Population Report, February 2, 2026

<https://www.dcr.hawaii.gov/wp-content/uploads/2026/02/Pop-Reports-Weekly-2026-02-02.pdf>

In these perilous times, Hawai`i must be especially mindful of the impact of laws that could hurt our neighbors and cause life-long consequences. CAP supports proportional, community-centered approaches to accountability that protect public safety while reducing unintended long-term harm. A one-day difference in a statutory maximum sentence can trigger outsized collateral consequences in housing, employment, and licensing. SB 2731 preserves misdemeanor accountability while preventing disproportionate downstream penalties that do not improve safety outcomes.

*“Lower-level misdemeanors make up over 80 percent of all criminal cases, yet there is mounting evidence that prosecuting people for nonviolent misdemeanors substantially **increases** their chances of coming into the justice system again. **In other words, the conventional misdemeanor court process may be undermining public safety.**”²*

The states that have reduced the maximum misdemeanor sentence from 365 days to 364 days include; Utah, Colorado, California, Minnesota, Nevada, New York, Oregon. They follow **eleven other states** whose misdemeanor charges already carried a maximum sentence of less than one year.³

IMPLEMENTING FORWARD 4: Three Lessons for Making Misdemeanor Reforms Stick There are no easy, off-the-rack solutions to misdemeanor crime, particularly when the people involved are facing substantial obstacles to stability such as unmet mental health treatment needs, unsafe substance use, prolonged housing instability, and a disconnection from vital community-based supports and services. Yet it is possible to increase public safety while decreasing court-involvement for most people.

There are at least three lessons that emerged from the national working session to help guide the way.

² **A Moment for Misdemeanor Policy Change, August 29, 2025**

Julian Adler, Daniel Ades – Center for Justice Innovation

<https://www.innovatingjustice.org/resources/misdemeanor-policy-change/>

³ **States Pass “364-Day” Misdemeanor Sentencing Laws to Protect Illegal Aliens from Deportation**

May 2, 2019

<https://www.fairus.org/legislation/states-pass-364-day-misdemeanor-sentencing-laws-protect-illegal-aliens-deportation>

⁴ **Implementing Forward, Daniel Ades – dades@innovatingjustice.org**

First, off-ramp most people early through strategies such as law-enforcement-led deflection, prosecutorial declination, and court-based diversion.

Second, avoid major disruptions to preexisting operating practices by incorporating these strategies into the status quo via smaller tweaks and adjustments – even more ambitious efforts will fare better if they hew as closely as possible to the existing infrastructure.

Finally, focus on implementation, bringing the same spirit and energy of innovation to the *how of practice* that is so often exhausted on the *what of policy*.

Community Alliance on Prisons respectfully asks the committee to pass SB 2731 to protect our neighbors who could face dire circumstances without this reform.

Mahalo for allowing us to share some research on this important matter.



www.hicir.org | Instagram @hicir
hicoalitionforimmigrantrights@gmail.com

LATE

Testimony of the Hawai‘i Coalition for Immigrant Rights

In SUPPORT of SB2731 (Companion to HB1548)

Relating to Sentencing

Hearing: Wednesday, February 18, 2026, 9:05 AM JDC , Room 016 & Videoconference

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

My name is Liza Ryan Gill, testifying on behalf of the **Hawai‘i Coalition for Immigrant Rights (HCIR)**, a coalition of immigrant-serving and immigrant-led organizations working statewide to advance policies that protect immigrant and migrant communities and strengthen our shared future. HCIR respectfully submits this testimony **in strong support of SB2731**.

SB2731 is a targeted and proportional sentencing reform that makes a one-day change with meaningful benefits for fairness, stability, and successful reentry—while preserving accountability for misdemeanor-level conduct.

SB2731 limits the maximum term of imprisonment for misdemeanors (and offenses punishable by up to or not exceeding one year) to 364 days. SB2731 also allows individuals previously sentenced to a one-year term to apply to the court for a sentence modification to conform their sentence to the new 364-day limit.

WHY THIS MATTERS

1. Small sentencing differences can create huge consequences. A one-day difference—365 versus 364—can trigger outsized, long-lasting collateral impacts that go far beyond what is proportional for misdemeanor conduct. SB2731 fixes this “one-year threshold” problem by establishing a clear statewide maximum of 364 days.
2. Keeps punishment proportional while supporting rehabilitation and reentry. This change does not reclassify offenses or eliminate accountability. Courts retain meaningful sentencing options, and 364 days remains a serious penalty. But by preventing unnecessary collateral damage tied to a technical one-year threshold, SB2731 helps people maintain employment, housing, and family stability—key factors that support rehabilitation and reduce future system involvement.
3. Promotes consistency and fairness statewide. SB2731 establishes a uniform maximum term for misdemeanors and “up to one year” offenses. A clear cap promotes more consistent and predictable misdemeanor sentencing across Hawai‘i.



www.hicir.org | Instagram @hicir
hicoalitionforimmigrantrights@gmail.com

4. Retroactive relief is essential for fairness. SB2731 allows people previously sentenced to a one-year term to petition the sentencing court to modify their sentence to align with the new 364-day maximum. This is an important fairness measure that ensures the new policy is not limited only to future cases, and allows people affected by the old maximum to seek alignment with the Legislature's updated standard.
5. Prevents disproportionate immigration consequences and unnecessary family separation. For immigrant community members and mixed-status families, a one-year sentence can carry severe federal immigration consequences that are wildly disproportionate to misdemeanor conduct. SB2731's 364-day cap is a practical, careful safeguard that helps prevent a technical sentencing maximum from triggering life-altering outcomes—while still preserving local accountability and judicial discretion.

OTHER STATES HAVE TAKEN SIMILAR APPROACHES

Hawai'i would not be alone in adopting this best-practice reform. Other states—including California and New York—have enacted similar 364-day misdemeanor sentencing caps to avoid disproportionate downstream consequences tied to the one-year threshold.

SB2731 is a narrow, common-sense reform that improves proportionality, promotes consistency, supports reentry and community stability, and reduces unintended harms from an arbitrary one-day sentencing line—while maintaining meaningful accountability.

For these reasons, HCIR respectfully urges the Committee to PASS SB2731.

With gratitude,

Liza Ryan Gill
Hawai'i Coalition for Immigrant Rights (HCIR)



LATE

TESTIMONY IN SUPPORT OF SB2731 - RELATING TO SENTENCING

Committee on Judiciary

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Hearing Date: February 18, 2026 | Conference Room 016 | Letter Date: February 17, 2026

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

The Legal Clinic (TLC) strongly supports SB2731, which limits the maximum term of imprisonment for misdemeanors punishable by up to one year from 365 to 364 days, and allows individuals previously sentenced to one year to apply for sentence modification.

TLC is a nonprofit organization dedicated to advancing immigrant justice in Hawai`i through immigration legal services, community education, and policy advocacy. Promoting fairness and due process within the legal system is at the heart of our work.

Under federal immigration law, a 365-day sentence can trigger severe immigration consequences, including detention, removal, and bars to immigration relief. A modest one-day adjustment to a 364-day sentencing cap for low-level offenses can help prevent disproportionate and devastating immigration penalties. This targeted sentencing reform has already been adopted in multiple states, including California, Washington, Nevada, Utah, Colorado, Minnesota, and New York.

SB2731 is a measured reform that promotes fairness and proportionality without compromising public safety or accountability, and mitigates the risk of harsh immigration consequences that can destabilize families and communities. TLC urges the Committee to pass this important measure.

Respectfully submitted on behalf of The Legal Clinic
and Board President Dr. Amefil Agbayani,

Christina Sablan
Community & Policy Advocate



COMMITTEE ON JUDICIARY

Sen. Karl Rhoads, Chair

Sen. Mike Gabbard, Vice Chair

HEARING:

Wednesday, February 18, 2026 at 9:05 AM

Conference Room 016 & Videoconference

State Capitol

TESTIMONY IN SUPPORT: SB 2731, RELATING TO SENTENCING.

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

My name is Veronica Mendoza, Founding Executive Director of Roots Reborn and a founding coalition member of El Pueblo en Acción (EPA) Maui — *The People in Action Maui*. I am writing in **strong support of SB 2731**, Relating to Sentencing, which limits the maximum term of imprisonment for misdemeanors to three hundred sixty-four days (364) and allows individuals previously sentenced to a one-year term to apply for a sentence modification.

Roots Reborn provides community care navigation and immigration legal aid to Maui's immigrant and migrant communities through a fully bilingual and bicultural team. Our navigators help families access recovery resources, social services, and systems support, while our legal program — the first nonprofit immigration legal aid program on Maui — delivers direct representation, case assessment, and Know Your Rights education. The two programs work in tandem, ensuring that the people we serve receive holistic support without falling through the gaps between systems. Through this work, we directly serve COFA citizens from the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau.

Under current Hawai'i law (HRS 706-663), the maximum sentence for a misdemeanor is one year. That one-year threshold is the exact trigger under federal immigration law for an "aggravated felony" classification — grounds for virtually automatic deportation. A single extra day in a sentence can mean the difference between a fine and permanent family separation.

Hawai'i is home to the largest COFA community in any U.S. state — a community we know well through our daily work on Maui. COFA citizens have *fewer* legal protections against removal than green card holders; a single conviction of a crime of "moral turpitude" can trigger deportation. Prior to January 2025, COFA citizens with past misdemeanor convictions were rarely subjected to removal proceedings. That has changed. We are now witnessing COFA citizens being detained and deported — even for conviction that took place years ago. Even non-citizens whose sentences were stayed or who served jail time face deportation based on the statutory maximum alone.

As the law currently stands, there is nothing that can be done for people previously convicted of a misdemeanor who now face deportation. Communities lose far more from a deportation than from allowing someone to remain, contribute, and be accountable. We strongly support **SB 2731** as a compassionate, proportional measure to prevent unintended immigration consequences from tearing families apart in Hawai'i.

Sinceramente,

A handwritten signature in black ink, appearing to read 'Veronica Mendoza', written over a white background.

Veronica Mendoza

Maui Roots Reborn, *Founding Executive Director*

El Pueblo en Accion Maui, *Founding Coalition Member*



February 17, 2026

Hawai'i State Legislature
Senate Committee on Judiciary ("JDC")

RE: Testimony in Support with Comments for SB 2731, RELATING TO SENTENCING

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

The William S. Richardson School of Law Refugee & Immigration Clinic ("RILC") submits testimony in **support of SB 2731**, which would cap the maximum term of imprisonment for misdemeanors and offenses punishable by up to one year at 364 days and permit individuals previously sentenced to a one-year term to seek sentence modification. These impacts are significant where deportability and aggravated felony determinations turn on whether a conviction carries a potential sentence of one year or more.

About RILC

RILC offers law students an opportunity to work on immigration law cases under the supervision of a licensed immigration attorney. Immigration law is a dynamic area of law that intersects with many issues in contemporary culture and politics. With a Director, three Law Fellows, and 6-10 law students each semester, we provide specialized and high-quality immigration legal services to income-eligible noncitizens in Hawai'i. We focus our efforts on income-eligible clients seeking asylum, removal defense, and other forms of humanitarian relief because these clients often have the most difficulty finding and paying for legal representation.

Our Position on SB 2731

We support SB 2731 because, as immigration attorneys, we have observed how misdemeanor sentences of one year can trigger severe and disproportionate immigration consequences for noncitizen residents of Hawai'i. Under federal immigration law, a sentence of one year can transform a misdemeanor conviction into a deportable offense or aggravated felony, resulting in mandatory detention, removal, and permanent separation from family. See 8 U.S.C. §§ 1227(a)(2)(A), 1101(a)(43), 1229b(a)(3). By capping misdemeanor sentences at 364 days, SB 2731 would ensure that minor offenses do not automatically meet the federal one-year sentencing threshold that triggers these harsh consequences. This reform does not aim to excuse criminal conduct or alter federal law, but rather, it aligns Hawai'i's sentencing framework with the Legislature's intent to treat these offenses as misdemeanors while mitigating immigration consequences that exceed the severity of the conduct. SB 2731 would promote proportional sentencing while preserving judicial discretion, and help prevent unnecessary deportations.

We urge this committee to pass SB 2731. Thank you for the opportunity to testify on this measure.

Sincerely,

Danicole Ramos, Esq.



FEBRUARY 18, 2026

SENATE BILL 2731

CURRENT REFERRAL: JDC

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

Kris Coffield,
President

David Negaard,
Director

Mireille Ellsworth,
Director

Justin Salisbury,
Director

Eileen Roco,
Director

Beatrice DeRego,
Director

Corey Rosenlee,
Director

Amy Zhao,
*Policy and Partnerships
Strategist*

POSITION: SUPPORT

Imua Alliance supports SB 2731, relating to sentencing, which limits the maximum term of imprisonment for misdemeanors, or for offenses punishable by up to or not exceeding one year, to three hundred sixty-four days; and allows individuals previously sentenced to a one-year term of imprisonment to apply to the court for a sentence modification to conform to the new limit.

Imua Alliance is a Hawai'i-based organization dedicated to ending sexual exploitation and gender violence. Many of the survivors with whom we have worked are migrants, who have been subjected to violence and unfathomable harm in our community.

This measure advances Hawai'i's commitment to due process, public safety, and community trust by ensuring that state resources and institutions are not used to facilitate federal immigration enforcement in ways that undermine civil rights or deter survivors from seeking help.

This concept which will protect immigrant residents from disproportionate immigration consequences tied to minor offenses. **Under federal immigration law, a sentence of 365 days or more for certain misdemeanor offenses can trigger classification as an "aggravated felony" or otherwise make a person deportable or ineligible for relief, even when the underlying conduct is relatively minor.** By adjusting maximum misdemeanor sentences to 364 days, we are taking a widely recognized step to prevent low-level convictions from automatically triggering severe immigration penalties.

Policy guidance from immigrant-rights and legal organizations show that this one-day change can be the difference between a person remaining with their family and being subject to mandatory detention and removal. This bill builds on this principle by ensuring that Hawai'i's sentencing rules do not inadvertently funnel residents into a federal enforcement system that

imposes extreme consequences for minor offenses, reinforcing fairness, proportionality, and family stability in our justice system.

This approach is grounded in precedent. States like California have adopted similar policies to limit the use of state and local resources for federal immigration enforcement, including the California Values Act (SB 54), which restricts local law enforcement from detaining individuals for immigration purposes absent serious criminal convictions. Independent analysis found that this law did not increase violent or property crime, demonstrating that protecting immigrant communities can coexist with public safety.

More recently, California has enacted additional targeted protections to address the modern reality of aggressive federal enforcement. In 2025, California Governor Gavin Newsom signed a package of laws designed to protect residents from mass deportation efforts and ICE raids, including requirements that federal agents obtain judicial warrants to access sensitive spaces like schools and hospitals, and restrictions on tactics such as the use of masks to conceal identity during enforcement actions. These measures reflect a growing recognition that limits on state cooperation are essential safeguards against abuses of power.

This proposal is especially urgent given the dramatic escalation of federal immigration enforcement. Recent federal legislation increased Immigration and Customs Enforcement funding to over \$100 billion by 2029, with the capacity to deport up to one million people per year and significantly expand detention capacity. When federal enforcement expands at this scale, states must ensure that their own institutions are not used in ways that compromise constitutional protections, due process, or public trust.

By establishing clear boundaries between state functions and federal immigration enforcement, this measure helps ensure that survivors of violence—including victims of trafficking and gender-based violence—can seek help without fear, strengthening community safety for everyone.

Hawai'i has a long history of welcoming diverse communities and upholding fundamental rights. This measure continues that tradition by ensuring that state resources are used to protect residents, not to facilitate deportation in ways that erode trust and due process.

With aloha,

Kris Coffield

President, Imua Alliance



Fujiwara & Rosenbaum, L.L.L.C.

*Alahea Corporate Tower
1100 Alahea St., Fl. 20, Suite B
Honolulu, Hawaii 96813*

LATE

Senate Committee on Judiciary

Date: February 18, 2026, 9:05AM, CR 016

RE: Fujiwara & Rosenbaum Testimony in **SUPPORT of SB 2731, Relating to Sentencing**

Dear Chair Karl Rhoads, Vice Chair Mike Gabbard, and members of the Committee on Judiciary,

The civil rights law firm of Fujiwara & Rosenbaum, L.L.L.C submit this testimony in support of SB2731, which limits the maximum term of imprisonment for misdemeanors (or offenses punishable by up to or not exceeding one year) to 364 days and allows individuals previously sentenced to a one-year term to apply to the court for a sentence modification to conform to the new limit.

SB2731 is a commonsense proportionality measure. A one-day difference in a misdemeanor sentence—365 days versus 364 days—can trigger outsized, life-altering collateral consequences that go far beyond what a misdemeanor sentence is intended to accomplish. Setting a 364-day maximum preserves meaningful accountability for misdemeanor-level conduct while reducing unnecessary long-term harm to individuals and families.

Importantly, SB2731 also promotes fairness by allowing people who were previously sentenced under the old one-year maximum to ask the court to align their sentence with the new standard. This helps create consistency, supports rehabilitation and reintegration, and helps people maintain stability in employment, housing, and family life—factors that benefit community wellbeing and public safety.

For these reasons, we respectfully request that the Committee PASS SB2731.

Mahalo for the opportunity to provide testimony.

COMMITTEE ON JUDICIARY
Sen. Karl Rhoads, Chair
Sen. Mike Gabbard, Vice Chair

HEARING:

Wednesday, February 18, 2026 at 9:05 AM
Conference Room 016 & Videoconference
State Capitol
415 South Beretania Street

TESTIMONY IN SUPPORT: SB 2731, RELATING TO SENTENCING.

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

My name is Christine Andrews and I am a long-term resident of Wailuku, Maui. I am also an attorney licensed in the state of Hawaii for over 25 years and a founding coalition member of El Pueblo en Acción (EPA) Maui – The People in Action Maui. I am writing in strong support of SB 2731, Relating to Sentencing, which limits the maximum term of imprisonment for misdemeanors, or for offenses punishable by up to or not exceeding one year, to three hundred sixty-four days. Allows individuals previously sentenced to a one-year term of imprisonment to apply to the court for a sentence modification to conform to the new limit.

Since February, 2025, and as a result of witnessing the impacts of federal immigration policy changes under the current federal administration, I have volunteered as a Know Your Rights and constitutional observer trainer and educator. I have helped train teachers and students, business owners and union members, faith leaders and health care providers, parents and senior citizens on what their constitutional rights are, that these rights apply to all within the United States regardless of citizenship status, and how to ensure these rights are not violated. I have also trained community leaders on how to prepare themselves, their staff, and their places of work, their schools and community service locations for interactions with federal agents.

Before doing this work, I was not aware of the special status of our large community of COFA migrants here in Hawaii. Our COFA community members are citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau. They are able to legally live, work, and study in the U.S. indefinitely, without visas, under the Compacts of Free Association (COFA). Since COFA citizens are here legally, they are generally less at risk of deportation. Unfortunately, policy shifts since January, 2025 have changed that, and we are witnessing unprecedented numbers of COFA citizens being deported, even for gross misdemeanors that may have taken place years ago. This is creating fear and uncertainty, separating families, and causing COFA and other community members to be afraid to go to school or work. They are delaying medical care and are even frightened to go to church.

I was not aware that something as seemingly trivial as changing sentencing of gross misdemeanors by one day could have such life-changing consequences. I was not aware until recently that if a noncitizen is sentenced to one year of incarceration for a gross misdemeanor, they can then be charged federally with an “aggravated felony” subjecting them to virtually automatic deportation. It is hard to believe that a single extra day in a sentence can trigger mandatory detention or deportation. The reform proposed by HB 1548 promotes proportional sentencing and prevents unnecessary family separation and hardship.

The one-day change proposed by HB 1548 could be the difference between an immigrant or a COFA citizen in Hawaii paying a fine and serving a short jail sentence — or getting deported. It is shocking and cruel that even immigrants who have had their sentence stayed or do not serve jail time may be deported. As the law currently is, there is nothing to protect people convicted of a gross misdemeanor from deportation. It is devastating lives, separating families, and endangering the fabric of whole communities, impacting students at school, making it hard for people to go to work. I **strongly support SB 2731**, as an effective, just, and humane means to reduce the family separation and other unintended immigration and deportation consequences of a gross misdemeanor conviction.

Mahalo,

Christine Andrews, JD
Wailuku, Maui

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

From: Veronica Moore, Individual Citizen

Date: February 17, 2026

RE: Senate Bill 2731
Measure Title: RELATING TO SENTENCING.
Report Title: Penal Code; Misdemeanors; Sentencing

To All Concerned,

My name is Veronica Moore and I support Senate Bill 2731. Thank you for introducing this bill.

Sincerely,

Veronica M. Moore

LATE

SB-2731

Submitted on: 2/17/2026 5:30:07 PM

Testimony for JDC on 2/18/2026 9:05:00 AM

Submitted By	Organization	Testifier Position	Testify
Kanani Kai	Individual	Support	Written Testimony Only

Comments:

I SUPPORT SB2731.

Mahalo,

Kanani Kai

Member Indivisible Hawaii

LATE

SB-2731

Submitted on: 2/17/2026 6:19:14 PM

Testimony for JDC on 2/18/2026 9:05:00 AM

Submitted By	Organization	Testifier Position	Testify
Patti Cook	Individual	Support	Written Testimony Only

Comments:

Please support this measure to make punishment proportional while preserving accountability for misdemeanor-level conduct; also supports consistency and fairness in sentencing statewide. My apology for this testimony being submitted late. Mahalo. Patti Cook

LATE

SB-2731

Submitted on: 2/17/2026 8:07:26 PM

Testimony for JDC on 2/18/2026 9:05:00 AM

Submitted By	Organization	Testifier Position	Testify
Ellen Caringer, Ph.D.	Individual	Support	Written Testimony Only

Comments:

Testimony of Ellen R. Caringer, Ph.D.

In SUPPORT of SB2731

Committee on Judiciary

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Hearing Date: Feb 18, 2026

Dear Chair Karl Rhoads, Vice Chair Mike Gabbard, and members of the Committee on Judiciary,

My name is Ellen Caringer and I submit this testimony in support of SB2731, which limits the maximum term of imprisonment for misdemeanors (or offenses punishable by up to one year) to 364 days, and allows individuals previously sentenced to a one-year term to apply to the court for a sentence modification to conform to the new limit.

I am a clinical psychologist and I am testifying as an individual. SB2731 is a commonsense proportionality measure. A one-day difference in the maximum sentence—365 days versus 364 days—can trigger outsized, life-altering collateral consequences that go far beyond what a misdemeanor sentence is intended to accomplish. A 364-day maximum preserves meaningful accountability for misdemeanor-level conduct while reducing unnecessary long-term harm to individuals and families.

Importantly, SB2731 also promotes fairness by allowing people who were previously sentenced under the old one-year maximum to ask the court to align their sentence with the new policy. This creates consistency, supports rehabilitation and reintegration, and helps people maintain stability in employment, housing, and family life—factors that benefit community wellbeing and public safety.

For these reasons, I respectfully request that the Committee PASS SB2731.

Mahalo for the opportunity to provide testimony.

Sincerely,

Ellen R. Caringer, Ph.D.

drcaringer@gmail.com

808-281-7463

LATE

SB-2731

Submitted on: 2/18/2026 4:30:08 AM

Testimony for JDC on 2/18/2026 9:05:00 AM

Submitted By	Organization	Testifier Position	Testify
Kehaulani Coleman	Individual	Support	Written Testimony Only

Comments:

Thank you

LATE

SB-2731

Submitted on: 2/18/2026 8:45:48 AM

Testimony for JDC on 2/18/2026 9:05:00 AM

Submitted By	Organization	Testifier Position	Testify
David Cuthbert	Individual	Support	Written Testimony Only

Comments:

Thank you for taking my testimony. This fair for persons convicted of a misdemeanor. The person will be free sooner and able to contribute to society while the state saves money on incarceration.

Dave Cuthbert, Paho, Hawai'i

LATE

SB-2731

Submitted on: 2/18/2026 8:49:18 AM

Testimony for JDC on 2/18/2026 9:05:00 AM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Winternitz	Individual	Support	Written Testimony Only

Comments:

Testimony of Elizabeth Winternitz

In SUPPORT of SB2731

Committee on Judiciary

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Hearing Date: Feb 18, 2026

Testimony of Elizabeth Winternitz

In SUPPORT of SB2731

Committee on Judiciary

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Hearing Date: Feb 18, 2026

Dear Chair Karl Rhoads, Vice Chair Mike Gabbard, and members of the Committee on Judiciary,

My name is Elizabeth Winternitz, and I submit this testimony in support of SB2731, which limits the maximum term of imprisonment for misdemeanors (or offenses punishable by up to or not exceeding one year) to 364 days and allows individuals previously sentenced to a one-year term to apply to the court for a sentence modification to conform to the new limit.

SB2731 is a commonsense proportionality measure. A one-day difference in a misdemeanor sentence—365 days versus 364 days—can trigger outsized, life-altering collateral consequences that go far beyond what a misdemeanor sentence is intended to accomplish. Setting a 364-day maximum preserves meaningful accountability for misdemeanor-level conduct while reducing unnecessary long-term harm to individuals and families.

Importantly, SB2731 also promotes fairness by allowing people who were previously sentenced under the old one-year maximum to ask the court to align their sentence with the new standard. This helps create consistency, supports rehabilitation and reintegration, and helps people maintain stability in employment, housing, and family life—factors that benefit community wellbeing and public safety.

For these reasons, I respectfully request that the Committee PASS SB2731.

Mahalo for the opportunity to provide testimony.

Sincerely,

Elizabeth Winternitz

Kula, Hawaii

LATE

SB-2731

Submitted on: 2/18/2026 9:08:03 AM

Testimony for JDC on 2/18/2026 9:05:00 AM

Submitted By	Organization	Testifier Position	Testify
Marcela Montalto	Individual	Support	Written Testimony Only

Comments:

This bill promotes fairness and proportionality in our justice system by limiting misdemeanor sentences to 364 days and allowing individuals previously sentenced to one year to seek modification. While the difference of a single day may seem minor, a 365-day sentence can trigger severe and often unintended immigration consequences, including deportation and permanent family separation, even for low-level offenses. By setting the maximum at 364 days, the measure preserves accountability for misconduct while preventing disproportionate collateral consequences that extend far beyond the original sentence. It also ensures equal treatment by giving those already serving one-year terms the opportunity to align their sentences with the updated standard. Overall, this reform supports public safety, family stability, and a more just and humane legal system.