



OFFICE OF HAWAIIAN AFFAIRS

TESTIMONY IN SUPPORT OF SENATE BILL 2732

RELATING TO PRETRIAL RELEASE

Ke Kōmike 'Aha Kenekoa o ka Ho'okolokolo

Hawai'i State Capitol

Pepeluali 10, 2026

9:15 AM

Lumi 016

Aloha e Chair Rhoads, Vice Chair Gabbard, and Members of Ke Kōmike 'Aha Kenekoa o ka Ho'okolokolo:

The Office of Hawaiian Affairs (OHA) **SUPPORTS SB2732** which clarifies the factors courts must consider when determining a defendant's financial ability to afford bail and helps ensure that bail is set in a reasonable and equitable amount. OHA supports policies that promote fairness and proportionality in the pretrial process while maintaining public safety and court appearance requirements.

SB2732 strengthens existing law by directing courts to more accurately assess a person's real ability to pay, including by excluding public benefits from income calculations and focusing on what a defendant can reasonably pay within a short period after arrest. Cash bail systems that do not adequately account for ability to pay can result in individuals being detained pretrial solely due to poverty rather than risk. Short periods of pretrial detention are associated with increased likelihood of job loss, housing instability, and family disruption, which can in turn worsen long-term outcomes and increase system involvement.

Native Hawaiians are disproportionately represented in Hawai'i's criminal legal system and are more likely to experience economic vulnerability, making ability-to-pay clarity especially important to avoid inequitable pretrial detention outcomes for OHA beneficiaries and their families. SB2732 does not eliminate judicial discretion or remove consideration of offense severity or public safety; rather, it provides clearer guardrails so that bail functions as intended: to reasonably assure court appearance, without becoming an unintended driver of wealth-based detention. For these reasons, the Office of Hawaiian Affairs respectfully urges this Committee to **PASS SB2732**.

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

JOSH GREEN, M.D.
GOVERNOR



STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION
E HUIKALA A MA'EMA'E NO
235 S. Beretania Street, 16th Floor
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MARK PATTERSON
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HON. R. MARK BROWNING (ret.)

HON. RONALD IBARRA (ret.)

MARTHA TORNEY

HON. MICHAEL A. TOWN (ret.)

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

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

SUBJECT: Senate Bill 2732, Relating to Pretrial Release
Hearing: Tuesday, February 10, 2026; 9:15 a.m.
State Capitol, Room 016

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

The Hawai'i Correctional System Oversight Commission (HCSOC) **supports** Senate Bill 2732, relating to pretrial release which requires certain factors to be considered when determining a defendant's financial ability to afford bail.

This measure is an important step toward a fairer and more effective justice system. When bail is set without meaningful consideration of a person's ability to pay, individuals with limited financial resources may remain incarcerated solely because they cannot afford release, not because they pose a public safety risk or a flight risk. This practice undermines the presumption of innocence and creates unequal outcomes based on wealth rather than risk.

The consequences of unaffordable bail are not theoretical as they directly contribute to severe overcrowding in Hawai'i's jails, particularly at the Hawai'i Community Correctional Center (HCCC) where many individuals are confined not due to conviction, but due to financial hardship. Overcrowding at HCCC strains correctional staff, reduces access to rehabilitative programming, increases operational costs, and worsens health and safety conditions for both incarcerated individuals and employees. Reducing unnecessary pretrial detention is one of the most immediate and effective ways to alleviate jail overcrowding while maintaining community safety.

SB2732 supports evidence-based pretrial decision-making, encourages more proportionate release conditions, and aligns with broader goals of system efficiency, fiscal responsibility, and justice equity. For these reasons, the Commission supports this bill.

Should you have additional questions, the Oversight Coordinator, Christin Johnson, can be reached at 808-849-3580 or at christin.m.johnson@hawaii.gov. Thank you for the opportunity to testify.

JON N. IKENAGA
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February 9, 2026

SB 2732: RELATING TO PRETRIAL RELEASE

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

The Office of the Public Defender (OPD) **supports SB 2732** which makes critical clarifying amendments to Hawaii Revised Statutes §804-9 by requiring courts to meaningfully consider a defendant's actual financial ability to afford bail when setting bail amounts.

This measure addresses a long-standing and well-documented inequity in the pretrial system: the routine detention of low-income individuals solely because they cannot afford to pay bail, not because they pose a flight risk or danger to the community.

SB No. 2732 takes an important step toward ensuring that bail serves its intended function as a mechanism to ensure court appearance rather than as a punitive barrier that disproportionately impacts indigent defendants. Specifically, the bill clarifies that income derived from public benefits such as supplemental security income, social security disability insurance, and temporary assistance for needy families must be excluded from consideration when assessing a defendant's ability to pay. For the clients we represent, these benefits are often their sole means of subsistence and are not discretionary funds that can reasonably be used to secure release.

The bill further directs courts to consider whether a defendant's household income exceeds one hundred fifty percent of the federal poverty level for Hawaii and what amount the defendant could reasonably pay within forty hours of arrest. This practical framework reflects the real-world circumstances of most pretrial

defendants and helps ensure that bail determinations are grounded in reality rather than assumption.

This measure preserves judicial discretion while providing clearer statutory guidance. It reinforces the principle, already reflected in existing law, that bail should not allow wealthier individuals to secure their freedom simply by paying a pecuniary penalty while rendering the right to bail meaningless for those without financial means.

From our daily experience representing indigent clients, we see firsthand how even short periods of unnecessary pretrial detention can destabilize employment, housing, family relationships, and access to medical or mental health care. These collateral consequences frequently occur before any adjudication of guilt and often increase the likelihood of deeper system involvement.

By promoting more individualized, fair, and equitable bail determinations, this measure advances both due process and public confidence in the justice system, without compromising public safety.

For these reasons, the OPD supports SB 2732.

Thank you for the opportunity to comment on this measure.

KELDEN B.A. WALTJEN
PROSECUTING ATTORNEY

SHANNON M. KAGAWA
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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN OPPOSITION OF SENATE BILL 2732

A BILL FOR AN ACT
RELATING TO PRETRIAL RELEASE

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

Tuesday, February 10, 2026 at 9:15 a.m.
Via Videoconference
State Capitol Conference Room 016
415 South Beretania Street

Honorable Chair Roads, Vice-Chair Gabbard and Members of the Committee on Judiciary: The County of Hawai'i, Office of the Prosecuting Attorney submits the following testimony **in opposition with comments** of Senate Bill 2732.

SB 2732 was drafted with the intent to amend HRS § 804-9 to require certain factors to be considered when determining a defendant's financial ability to afford bail.

Current law already requires judges to consider a defendant's financial ability to post bail, and already requires that bail amounts be set "in a reasonable amount based upon all available information, including the offense alleged, the possible punishment upon conviction, and the defendant's financial ability to afford bail." HRS § 804-9.

Although we appreciate the intent of this legislation, we believe that this bill is not necessary because the current law already provides the court with the discretion to consider a defendant's ability to afford bail. Furthermore, the proposed amendments do not identify who will be the responsible party for verifying the defendant's income, public benefits, supplemental security, social security disability insurance, and temporary assistance. As a result, the assumption would be that given the time-based restrictions, a lot of this information will be obtained through self-reporting by the defendant themselves and therefore relied upon by the court in its decision making.

In order to minimize concerns, one suggestion would be to include a provision within the proposed amendment of HRS § 804-9, that defense counsel be required to petition the court of jurisdiction via a motion with an attached declaration attesting to the financial status of their client(s).

The County of Hawai‘i, Office of the Prosecuting Attorney strongly believes that all available information should continue to be used to set a reasonable bail amount in each given case. If the legislature intends to amend HRS § 804-9, additional considerations should also be contained such as the defendant’s criminal history, past performance on court supervision (i.e. release on own recognizance, supervised release, parole, etc.), the status of the victim(s) (i.e. minor, elderly, handicapped, incapacitated, household member, vulnerable person, etc.), and mental health history (i.e. previously diagnosed by a psychologist or psychiatrist as a danger to the person or property of oneself or others).

For the foregoing reasons, the County of Hawai‘i, Office of the Prosecuting Attorney **strongly opposes** the passage of Senate Bill 2732. Thank you for the opportunity to testify on this matter.

SB-2732

Submitted on: 2/8/2026 9:02:18 AM

Testimony for JDC on 2/10/2026 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Susan B Roberts Emery	Testifying for Green Party of Hawai'i	Support	Written Testimony Only

Comments:

Aloha Chair Rhodes, Vic Chair Gabbard, and members of Committee,

My name is Susan RobertsEmery, as co chair of the Green Party of Hawai'i, we stand in strong support of SB2732. Often times bail is set at unattainable amounts for people living pay check to pay check, or with even less resources than that. We are all someone's son or daughter. SB2732 strengthens requirements that courts consider a defendant's ability to pay when setting bail amount. This shows humanity's better side.

Green Party of Hawai'i stands in Strong Support of SB2732.

Mahalo,

Susan RobertsEmery

Green Party of Hawai'i

Paauilo

Committee: Judiciary
Hearing Date/Time: Tuesday, February 10, 2026, at 9:15am
Place: Conference Room 016 & Via Videoconference
Re: **Testimony of the ACLU of Hawai'i in SUPPORT of SB2732
Relating to Pretrial Release**

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

The ACLU of Hawai'i strongly supports SB2732, which requires certain factors to be considered when determining a defendant's financial ability to afford bail.

This is an important step towards achieving a justice system that is blind to wealth inequality.

In *U.S. v. Salerno*, 481 U.S. 739 (1987), the U.S. Supreme Court held that “in our society, liberty is the norm, and detention prior to trial or without trial is the carefully limited exception.”

Consider that currently over 54% of Hawai'i's jail population is pretrial¹. **69% of the people held at the OCCC jail are pretrial.**² These individuals have not been convicted of any crime but remain behind bars largely due to an outdated reliance on cash bail and a lack of alternative pretrial systems. Reducing the pretrial detention population also is a clear first step to address problems of overcrowding given that the total number of people incarcerated in Hawai'i is decreasing over time, but our pretrial population is increasing.

The evidence suggests that pretrial detention reforms do not have negative impacts on public safety, and has little impact on court appearances.³ A study by the Prison Policy Initiative found that releasing individuals pretrial does not negatively affect public safety.⁴ The study considered pretrial reforms in New Jersey, New Mexico, Kentucky, and New York. It also considered local reforms in SF (CA), Washington (DC), Philadelphia (PA), Santa Clara (CA), Cook County (IL), Yakima County (Wash), New Orleans (LA), Harris County (TX), and Jefferson County (CO). Re-offense or rearrest rates did not increase after pretrial reforms, and in some cases declined.

¹ Department of Corrections and Rehabilitation, End of Month Population Report, January 31, 2026.
<https://dcr.hawaii.gov/wp-content/uploads/2026/02/Pop-Reports-EOM-2026-01-30.pdf>

² Ibid 1.

³ Insha Rahman, Undoing the Bail Myth: Pretrial Reforms to End Mass Incarceration, 46 Fordham Urb. L.J. 845 (2019). Available at: <https://ir.lawnet.fordham.edu/ulj/vol46/iss4/2>

⁴ Prison Policy Initiative, Releasing people pretrial doesn't harm public safety, July, 6 2023.
<https://www.prisonpolicy.org/blog/2023/07/06/bail-reform/>

- Harris County, Texas: approximately tens of thousands of people charged with misdemeanors have avoided pretrial incarceration since the County ended cash bail (according to independent federal data).⁵
- New Jersey’s 2017 cash bail reform law “substantially reduced the pretrial population... without harming community safety.”⁶
- Cass County, Indiana: Prior to reform, the average jail population was nearly 50% over capacity, with approximately 70% of people pre-trial. In 2018 the county adopted several pre-trial diversion programs such as voluntary referrals to support services, decreased reliance on monetary bonds, and data transparency on pretrial outcomes. In 2022, the pretrial population had decreased by 80%, saving nearly \$1 million in detention costs.⁷

Holding people unnecessarily in pretrial detention **contributes to overcrowding, staffing issues, and worsening facility conditions.** Concerningly, it also has been found to have a criminogenic effect. One study from October 2024 found that pretrial detention increases the odds for someone to miss a court appearance or be arrested by roughly 50% and increases the odds of convictions by 36%.⁸

Other research has found that even a short period of pretrial detention can have “cascading effects” on an individual, including threatening employment, housing stability, child custody, and health care access. These may contribute to increased likelihood of further involvement with the criminal justice system.⁹

Adopting SB2732 will help ensure that the freedom of individuals is not determined by their ability to afford bail.

⁵ WBUR, Breaking the Bond: A look at bail reform in Harris County, Texas, September 16, 2024.

<https://www.wbur.org/hereandnow/2024/09/16/breaking-the-bond#>

⁶ Drexel News, New Jersey’s Cash Bail Reform Reduced Incarceration Without Increasing Gun Violence, May 30, 2024. <https://drexel.edu/news/archive/2024/May/New-Jersey-Cash-Bail-Reform-Reduced-Incarceration>

⁷ Advancing Pretrial Policy & Research, Small County. Big Results., October 24, 2023.

<https://www.advancingpretrial.org/story/small-county-big-results/>

⁸ DeMichele, Matthew and Silver, Ian and Labrecque, Ryan, Locked Up and Awaiting Trial: A Natural Experiment Testing the Criminogenic and Punitive Effects of Spending a Week or More in Pretrial Detention (June 2, 2023).

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4467619

⁹ See: Laura & John Arnold Foundation., *Pretrial Criminal Justice Research*

(2013), available at https://static.prisonpolicy.org/scans/ljaf/LJAF_Report_state-sentencing_FNL.pdf; Megan Stevenson, *Distortion of Justice: How the Inability to Pay Bail Affects Case Outcomes* 22 (Working Paper, 2016),

available at <https://www.law.upenn.edu/cf/faculty/mstevens/workingpapers/Distortion-of-Justice-April-2016.pdf>;

Heaton et al., *The Downstream Consequences of Misdemeanor Pretrial Detention* 3 (July 2016), available at

<http://ssrn.com/abstract=2809840>;

<https://vera-institute.files.svdccdn.com/production/downloads/publications/Justice-Denied-Evidence-Brief.pdf>

Mahalo,
Josh Frost
Josh Frost
Policy Assistant
ACLU of Hawai‘i
jfrost@acluhawaii.org

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



FEBRUARY 10, 2026

SENATE BILL 2732

CURRENT REFERRAL: JDC

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Kris Coffield,
President

David Negaard,
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Mireille Ellsworth,
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Justin Salisbury,
Director

Eileen Roco,
Director

Beatrice DeRego,
Director

Corey Rosenlee,
Director

Amy Zhao,
*Policy and Partnerships
Strategist*

POSITION: SUPPORT

Imua Alliance supports the intent of SB 2732, relating to pretrial release, which requires certain factors to be considered when determining a defendant's financial ability to afford bail.

Imua Alliance is a Hawai'i-based organization dedicated to ending sexual exploitation and gender violence. We support this proposal on behalf of survivors of sex trafficking and gender abuse who have been incarcerated for acts committed because of their trauma, often without the monetary means to defend themselves or secure their release. This measure would implement important reforms to Hawai'i's pretrial incarceration practices, reduce unnecessary detention, and strengthen community safety.

Pretrial incarceration is a statewide issue with significant human and economic costs. According to the Vera Institute of Justice, Hawai'i's pretrial incarceration rate has been consistently above the national average. Per recent nationwide data (2022–2023), Hawai'i jails held individuals pretrial at a rate exceeding 470 per 100,000 residents, compared to the overall U.S. average of approximately 180–200 per 100,000. Many people remain in jail not because they pose a public safety risk, but simply because they cannot afford bail or lack access to community supervision options. These disparities exacerbate racial and economic inequity and place undue burdens on families and communities.

Pretrial detention destabilizes lives and undermines fairness. National research shows that people jailed pretrial are more likely to lose employment, housing, and custody of children than those released pretrial, even when charges are similar and risk levels are low. According to the Pretrial Justice Institute, individuals incarcerated pretrial are more likely to plead guilty—regardless of actual guilt—because detention limits their ability to prepare a defense, meet with counsel, or participate

meaningfully in their case. This dynamic pressures innocent or low-risk people into pleas that can have lifelong consequences.

This proposal keeps communities safer by focusing detention on real risk, not financial status. This bill aligns with best practices endorsed by national public safety advocates. The National Institute of Justice and the Council of State Governments Justice Center have documented that risk-based pretrial systems—those that assess danger and flight risk rather than ability to pay—reduce unnecessary detention, lower jail populations, and do not increase crime. Jurisdictions that have implemented evidence-based pretrial reforms, such as Kentucky and Washington State, report significant reductions in pretrial jail populations (20–40% or more) without increases in new criminal activity or failures to appear in court.

The economic and racial justice case for reform is strong. A 2024 analysis of Hawai'i's criminal justice system found that pretrial incarceration disproportionately affects Native Hawaiian, Pacific Islander, and low-income communities. People unable to post bail spend weeks or months in jail—even for non-violent offenses—while wealthier defendants are released. This creates two systems of justice and exacerbates inequality. Thus, this bill takes an important step toward remedying this disparity by reducing reliance on cash conditions of release, promoting pretrial services, and expanding non-custodial supervision that supports compliance and community connections.

Public safety and public confidence are improved with sensible pretrial policy. Evidence from multiple states shows that reducing unnecessary pretrial detention leads to better outcomes: fewer jail bookings, reduced recidivism among low-risk populations, and more resources for monitoring higher-risk individuals. According to the Vera Institute, jurisdictions with pretrial reform strategies have seen declines in jail populations by 15–40%, improved court appearance rates, and increased use of community support services. Pretrial reform represents a data-driven approach to public safety that aligns with Hawai'i's values and its commitment to equitable access to justice for all residents.

With aloha,

Kris Coffield

President, Imua Alliance

SB-2732

Submitted on: 2/7/2026 6:11:01 AM

Testimony for JDC on 2/10/2026 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Lilian Miwa Maher	Individual	Support	Written Testimony Only

Comments:

Don't criminalize poverty. People are innocent until proven guilty.

THE SENATE
KA 'AHA KENEKOA
THE THIRTY-THIRD LEGISLATURE
REGULAR SESSION OF 2026
COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

AMENDED NOTICE OF HEARING

DATE:

Tuesday, February 10, 2026

TIME: 9:15 AM

PLACE: Conference Room 016 & Videoconference

State Capitol

415 South Beretania Street

TESTIMONY

SB 2732

Status & Testimony

RELATING TO PRETRIAL RELEASE.

Requires certain factors to be considered when determining a defendant's financial ability to afford bail. (JDC, WAM)

Testimony in Support with Amendments.

Submitted by James Waldron Lindblad.

Chair Rhoads, Vice Chair Gabbard, and Committee Members,

I respectfully submit testimony in support of SB 2732.

SB 2732 addresses a front-end issue in Hawai'i's bail system: how courts assess a defendant's ability to afford bail so that release decisions are not driven by wealth, public-benefit status, or

unrealistic payment expectations. The bill is modest in scope, preserves full judicial discretion, and helps ensure that lawful bail decisions function as intended regardless of timing or economic status.

Experience since Act 245 indicates, however, that front-end bail access and back-end bail administration are closely connected. When bail is authorized but later defeated by rigid procedural timelines or technical defaults, the result can be unnecessary detention or inequitable financial outcomes that do not reflect judicial intent, public safety risk, or actual nonappearance.

For that reason, as the Committee considers SB 2732 as an implementation measure, it may also wish to consider whether existing bail forfeiture procedures adequately preserve judicial discretion once bail has been set and release has occurred. In particular, clarity regarding who may seek relief from forfeiture, the timing of such requests, and the availability of discretionary post-judgment review can help ensure that bail operates as a non-punitive mechanism tied to appearance and compliance rather than technical outcomes.

To assist the Committee's consideration of implementation issues that arise downstream from bail-setting decisions, I respectfully offer the following **suggested conforming amendment** for reference. This language is not intended to expand bail eligibility or weaken enforcement, but to restore limited judicial discretion so that forfeiture outcomes remain consistent with the purposes of pretrial release.

I offer this language solely to assist the Committee's understanding of downstream implementation issues.

Suggested Conforming Amendment (For Committee Consideration)

SECTION 3. Section 804-51, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

(1) After entry of judgment for the State on a forfeiture of bail and before the expiration of ninety days from the entry of such judgment, the court may, on application, direct that the forfeiture be set aside, in whole or in part, upon such conditions as the court may impose, if it appears that justice does not require enforcement of the forfeiture. Such application may be made by the defendant, the

surety insurer named on the bond, the defendant's attorney, the surety, or the bail agent, and the filing of one such application shall not preclude the filing of another by a different party. The court may also entertain a motion to set aside forfeiture beyond the ninety-day period on such terms as justice requires, consistent with the standards set forth in Rule 60 of the Hawaii Rules of Civil Procedure.

Thank you, James Waldron Lindblad

James.Lindblad@gmail.com

808-780-8887

Sample Language.

SECTION 3. Section 804-51, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

(1) After notice is received via personal service or certified mail, return receipt requested, to the surety or sureties or the surety insurer or surety insurers and the bail agent or agents on the bond, of the entry of judgment for the State on a forfeiture of bail and before the expiration of ninety days from the entry of such judgment, the court may, on application, direct that the forfeiture be set aside, in whole or in part, upon such conditions as the court may impose, upon a showing of good cause, proof that the defendant has been apprehended or voluntarily surrendered, or if it appears that justice does not require enforcement of the forfeiture. Such application may be made by the defendant, the surety insurer named on the bond, the defendant's attorney, the surety, or the bail agent, and the filing of one such application shall not preclude the filing of another by a different party. A proceeding under this section is a civil proceeding and shall be subject to the Hawaii Rules of Civil Procedure, and in addition to an application under this section, the court retains jurisdiction to decide motions in accordance with and subject to the time limitations set forth in accordance with and subject to the time limitations set forth in Rule 60 of the Hawaii Rules of Civil Procedure. The court may also entertain a motion to set aside forfeiture beyond the ninety-day period on such terms as justice requires, consistent with the standards set forth in Rule 60 of the Hawaii Rules of Civil Procedure.

No forfeiture shall be ordered in any felony case unless a National Crime Information Center (NCIC) warrant has been issued and entered within thirty days of the defendant's failure to appear. Notice of forfeiture must also be sent to the surety, the licensed bail agent, and the surety insurer or insurance company named on the bond.

SB-2732

Submitted on: 2/7/2026 4:06:15 PM

Testimony for JDC on 2/10/2026 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Shay Chan Hodges	Individual	Support	Written Testimony Only

Comments:

I support SB2732.

Mahalo, Shay Chan Hodges

SB-2732

Submitted on: 2/7/2026 4:59:03 PM

Testimony for JDC on 2/10/2026 9:15:00 AM

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

Comments:

I support this legislation.

David Ball

Waiialae-Kahala

SB-2732

Submitted on: 2/8/2026 7:57:15 AM

Testimony for JDC on 2/10/2026 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Carla Allison	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members,

I submit to you my testimony in strong support of SB2732 regarding Pretrial Release and to ask you all to please seriously consider SB2732 as a way to help relieve overcrowding in Hawaii's jails while, at the same time, protecting legally innocent people from being incarcerated due to poverty. The harmful impacts of being incarcerated, even for a few days, are well known and documented. Requiring factors to be considered when determining a defendant's financial ability to afford bail are set forth in this bill. Please help stop our current system's criminalization of our impoverished citizens by considering a defendant's ability to reasonably pay bail and do it within 40 hours of arrest.

Please support SB2732.

Thank you for your consideration,

Carla Allison

Honolulu

SB-2732

Submitted on: 2/8/2026 9:50:33 AM

Testimony for JDC on 2/10/2026 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
William Caron	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and members of the committee,

I am testifying today in strong support of SB2732. This crucial legislation embodies the fundamental principles of equal justice and fiscal prudence by strengthening the requirement that courts meaningfully consider a person’s financial circumstances before setting a monetary bail amount.

Our current bail system routinely creates two tiers of justice: one for the wealthy and another for the poor. A person who poses a genuine flight risk or danger to the community can purchase their freedom simply because they have money, while a person who poses no such risk but lacks resources can be forced to remain in jail. This practice punishes poverty, not criminality. It coerces individuals—who are legally presumed innocent—into pleading guilty simply to escape jail and return to their jobs, families, and responsibilities. This undermines the integrity of our entire justice system.

SB2732 provides a common-sense and constitutionally-aligned correction. By mandating a clear inquiry into a defendant’s ability to pay, the bill ensures that a bail amount is not merely punitive or automatic, but is genuinely tailored to its intended purpose: to ensure a person’s return to court. When a court sets a bail that is financially impossible for a defendant to meet, it ceases to be “bail” and becomes de facto pretrial detention—a decision that should be made transparently and based on risk, not bank account balances.

This reform is also a matter of sound public policy and fiscal responsibility. Pretrial incarceration is enormously costly to the state and counties. By ensuring that individuals are not jailed solely due to poverty, we can redirect significant public funds toward proven crime prevention, rehabilitation, and victim services. Furthermore, jailing low-risk individuals for inability to pay disrupts families, jeopardizes employment and housing, and can actually increase the likelihood of future offense, making our communities less safe.

This bill does not mandate the release of dangerous individuals. It simply requires courts to do what justice demands: to see the whole person before them and to set conditions of release that are both effective and fair. It aligns our statutes with the core values of fairness and justice.

For the integrity of our courts, the prudent use of public resources, and the basic fairness owed to every individual in our community, I urge you to pass SB2732.

Mahalo for the opportunity to testify.

SB-2732

Submitted on: 2/8/2026 12:50:09 PM

Testimony for JDC on 2/10/2026 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Nandita Sharma	Individual	Support	Written Testimony Only

Comments:

I am writing in strong support of SB 2732.

We must remove the ability to pay as a method of discriminating against individuals while pretending that this is not taking place. If the law is truly "blind" and does not favor the wealthy and powerful over all others, then passing this bill is necessary.

SB-2732

Submitted on: 2/8/2026 4:50:16 PM

Testimony for JDC on 2/10/2026 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Kathy Shimata	Individual	Support	Written Testimony Only

Comments:

Please support SB2732. My understanding is that the purpose of requiring a bond for pretrial release is primarily to ensure the accused's appearance in court. Secondly, public safety should be considered depending on the specific circumstances of the allegations. I believe that the court should also consider the accused's ability to pay. A substantial number of pretrial detainees currently are in jail simply because they have insufficient funds to post bail. This fills up our jails & prevents these defendants from maintaining civilian lives.

Please support SB2732.

Mahalo,

Kathy Shimata

SB-2732

Submitted on: 2/8/2026 8:42:38 PM

Testimony for JDC on 2/10/2026 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Jasmine Balangitao	Individual	Support	Written Testimony Only

Comments:

Hi chair and committee members In strong support of this bill. There needs to be a way to see how much people can afford to pay.

Thank you, Jasmine Balangitao, of Kaimuki

SB-2732

Submitted on: 2/8/2026 8:53:10 PM

Testimony for JDC on 2/10/2026 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Greg Puppione	Individual	Support	Written Testimony Only

Comments:

This bill add important nuance to the process of setting bail fees. Please support it. Thanks.

LATE

SB-2732

Submitted on: 2/9/2026 11:43:07 AM

Testimony for JDC on 2/10/2026 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Mardi Jaskot	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Mardi Jaskot, I was born and raised on Oahu and I vote. I support SB2732. I don't think low income and financial poverty - bail should make someone more likely to spend time in pre-trial jail. Low-income folks are more likely to be thrown into a financial black hole if they are unable to meet a bail that reflects their ability to pay to go to work. Please bend the legal system towards justice and support SB2732.

Mahalo for the opportunity to testify.

Sincerely,

Mardi Jaskot

SB-2732

Submitted on: 2/9/2026 11:20:58 PM

Testimony for JDC on 2/10/2026 9:15:00 AM

LATE

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

Comments:

Aloha Chair, Vice Chair and Committee Members:

I support SB 2732 RELATING TO PRETRIAL RELEASE which requires the Courts to consider certain factors when determining a defendant's financial ability to afford bail.

In our criminal legal system, particularly at the pretrial stage, you are treated better if you're rich and guilty, than if you're poor and innocent.

While I fully support the elimination of cash bail similar to Illinois, I understand that lawmakers in Hawai'i need more time to learn about a pretrial system that does not make detention decisions based on wealth.

The current bill is an incremental step forward by requiring the Court to evaluate the defendant's financial ability to afford bail and excluding public benefits to make that determination.

Please pass SB2732.

Sincerely,
Carrie Ann Shirota, Esq.

Honolulu, Hawaii