



The Judiciary, State of Hawai‘i

Testimony to the Thirty-Third Legislature, 2025 Regular Session

Senate Committee on Judiciary

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Thursday, March 13, 2025, 9:45 a.m.

State Capitol, Conference Room 016 & Videoconference

By

Jeannette Castagnetti
Chief Judge, First Circuit

Peter Cahill
Chief Judge, Second Circuit

Wendy DeWeese
Chief Judge, Third Circuit

Bill No. and Title: House Bill No. 127, H.D. 1, Relating to Pretrial Release.

Purpose: Requires bail to be set in an amount that the defendant can afford based on certain factors. Effective 7/1/3000. (HD1)

Judiciary's Position:

The Judiciary takes **no position** on the proposed legislation and notes that the Judicial Council is currently conducting the Penal Code Review as required by Act 245 (2024). Included in the Penal Code Review, as one of the subcommittees, is a committee conducting a comprehensive review of Chapter 804, specifically pretrial bail reform, where these matters may be more thoroughly addressed with the stakeholder members of the subcommittee. The report from the advisory committee will be presented to the Legislature at the end of this year. Therefore, the Judiciary respectfully requests that this bill be deferred until the next legislative session.



House Bill No. 127, H.D. 1, Relating to Pretrial Release
Senate Committee on Judiciary
March 13, 2025
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Should the proposed legislation not be deferred, the Judiciary provides the following comments. Bail is set by judges throughout the criminal case in accordance with Hawai'i Revised Statutes Section ("HRS §") 804-9 which states that:

The amount of bail rests in the discretion of the justice or judge or the officers named in section 804-5 and shall 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. The bail amount should be so determined as not to suffer the wealthy to escape by the payment of a pecuniary penalty, nor to render the privilege useless to the poor.

HRS § 804-9 (2019). Defendants are afforded an immediate review of initial bail determinations under the provisions of HRS § 804-7.5 which provides that defendants have a right to a prompt bail hearing after formal charge and detention. At that hearing defendants are represented by counsel, defendants are afforded the opportunity to testify, and both the defendant and the prosecution have the "opportunity to present information by proffer or otherwise." HRS § 804-7.5 (2019). These provisions, although passed in 2019, went into effect on January 1, 2020. Since that time a bail hearing has been conducted at every arraignment and, if requested, is continued to a later time for the taking of additional evidence and argument. In addition, a motion for supervised release, a motion to reduce bail, and/or a motion to set bail can be filed with the court any time after arraignment, with an evidentiary hearing held shortly thereafter.

The Judiciary appreciates the House Committee on Judiciary and Hawaiian Affairs incorporating revisions to the bill to address the concerns the Judiciary outlined in its testimony.

Thank you for the opportunity to testify.

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HB 127 HD1 RELATING TO PRETRIAL RELEASE

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

The Office of the Public Defender (OPD) **SUPPORTS THIS BILL**

LATE

Despite numerous working groups, reports, and suggestions by both governmental agencies and advocacy groups over the last decade, the use of monetary bail to hold individuals in pretrial incarceration remains prevalent in Hawaii. In lieu of discontinuing the use of bail entirely, this bill represents a modest approach to current due process regarding bail hearings.

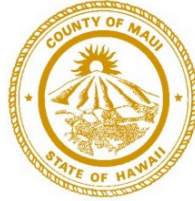
As pretrial incarceration means as much or more to defendants than final sentencing, it is imperative that the justice system engage in a full exploration of due process in a bail hearing. Any argument against adding a basic investigation into an individual's ability to pay bail is not in support of the constitution, or the wording of HRS 804-9 which requires that the court set bail "based on all available information."

This bill adds a formal discussion with a defendant about the use of money in obtaining freedom. In having a conversation with a defendant about the importance of returning to court and complying with the orders of the court, a judge retains the decision making ability after learning of a defendant's circumstances. We believe this will lead to individuals returning to court and in compliance with the court. We believe this is a more humane and appropriate way to deal with pretrial conditions than the current system of bail, which is inequitable.

RICHARD T. BISSEN, JR.
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TESTIMONY ON
H.B. 127 HD1
RELATING TO PRETRIAL RELEASE

March 10, 2025

The Honorable Karl Rhoads
Chair
The Honorable Mike Gabbard
Vice Chair
and Members of the Committee on Judiciary

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

The Department of the Prosecuting Attorney, County of Maui respectfully submits the following comments **in opposition to H.B. 127 HD1, Relating to Pretrial Release**, and requests that the measure be deferred. This measure, *inter alia*, requires that bail amounts be set based upon a defendant's testimony at a release hearing regarding their ability to afford bail, subject to rebuttal evidence from the prosecution.

We oppose this measure for the following reasons. First, as noted by the Judiciary in their prior testimony, the Hawai'i Penal Code is currently being reviewed by the advisory committee authorized by Act 245 of the 2024 Legislative Session. The advisory committee includes members from the Judiciary, prosecution and defense bars, civil practitioners and the ACLU. Per the Judiciary's testimony, this review includes a review of pretrial release provisions in Chapter 804, which would include the sections amended by this bill, and report of subsequent findings to the Legislature prior to the 2026 Legislative Session. We believe that the timelines and depth of the review process are the most fair and comprehensive way to amend the pretrial release statutes.

Second, Section 2 of H.B. 127 HD1 requires that a reviewing court consider bail amount arguments at a "release hearing" and allows rebuttal evidence by the State, but does not clarify the timelines for that hearing or allow for a reasonable amount of time for the State to obtain rebuttal evidence, especially when the State is likely unaware of a defendant's income or stated

position on bail prior to the release hearing. Without the opportunity to research and properly present this information, our ability to make bail arguments to protect the public as contemplated by HRS § 804-4(a) is impaired.

For these reasons, the Department of the Prosecuting Attorney, County of Maui **opposes the passage of H.B. 127 HD1 and requests that the measure be deferred.** Please feel free to contact our office at (808) 270-7777 if you have any questions or inquiries.

Thank you very much for the opportunity to provide testimony on this bill.

**DEPARTMENT OF THE PROSECUTING ATTORNEY
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**THE HONORABLE KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY
Thirty-Third State Legislature
Regular Session of 2025
State of Hawai'i**

March 13, 2025

RE: H.B. 127, H.D. 1; RELATING TO PRETRIAL RELEASE

Chair Rhoads, Vice Chair, Gabbard, and members of the Senate Committee on Judiciary, the Department of the Prosecuting Attorney, City and County of Honolulu ("Department") submits the following testimony in **opposition** of H.B. 127, H.D. 1.

The purpose of this bill is to amend the current bail system by requiring the court to enter oral findings regarding the necessity of any conditions imposed on a defendant's release and to set certain factors that will dictate the amount that bail shall be set.

Although well intentioned, this bill does not seem to consider the potential backlog that could result if evidentiary hearings become necessary for every defendant held in custody, nor does the bill provide a mechanism for access to documentation that would allow prosecutors to verify or rebut financial information provided by defendants. Moreover, the bill appears to create a conflict between the proposed requirement that bail "shall be in an amount that the defendant is able to afford" (page 4, lines 3-4) and the totality of circumstances standard that is mandated by section 804-9, HRS, Amount [of bail].

In 2019, the Legislature passed Act 179 (formerly H.B. 1552 (2019)), statutorily mandating, amongst other requirements, prompt hearings regarding a defendant's release, with a standard for judges to consider when setting a bail amount, "based upon all available information, including the offense alleged, the possible punishment upon conviction, and the defendant's financial ability to afford bail." See section 804-9, Hawaii Revised Statutes (HRS), emphasis added. Contrary to Act 179 (2019) and section 804-9, HRS, this bill appears to bypass the court's consideration of "all available information" by creating a singular focus on the defendant's financial ability to afford bail. Other information, such as the offense alleged and the possible punishment upon conviction, seem to no longer be a consideration. Not only does this create potential confusion, it also creates a concern that the bail amount in **serious felony**

offenses could be set at very low amounts, simply because a defendant reports having very little income.

Notably, the primary source of information about a defendant's income—pursuant to this bill—would be an affidavit or testimony provided by the defendant. While prosecution would have the opportunity to rebut, it is unclear how or when prosecution would be expected to obtain any documentation or other reliable information about a defendant's financial circumstances, and whether prosecution would have the opportunity to cross-examine the defendant regarding the affidavit or testimony.

Without sufficient time or mechanisms for the Judiciary, Hawaii Intake Services, and/or prosecutors to reliably verify the information contained in a defendant's affidavit or testimony, this bill will undoubtedly allow under-reporting of finances and incentivize defendants to provide inaccurate income in their affidavit while penalizing defendants who provide truthful information.

The Department would like to also acknowledge that the Legislature created an Advisory Committee on Penal Code Review pursuant to Act 245 (2024) (Advisory Committee). Because the Advisory Committee is actively reviewing and preparing to provide recommendations on pretrial bail procedures, the Department strongly urges this Committee to await the Advisory Committee's report, which is due "to the legislature no later than forty days to the convening of regular session of 2026."

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

For the above reasons, the Department of the Prosecuting Attorney for the City and County of Honolulu **opposes** the passage of H.B. 127, H.D. 1. Thank you for the opportunity to testify on this matter.

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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN OPPOSITION TO HOUSE BILL NO. 127, HD1

A BILL FOR AN ACT
RELATING TO PRETRIAL RELEASE

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

Thursday, March 13, 2025 at 9:45 a.m.
Via Videoconference &
State Capitol Conference Room 016
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 House Bill No. 127, HD1.

House Bill No. 127, HD1 would require judges to set a monetary bail amount only "in an amount that the defendant is able to afford based upon the defendant's affidavit or testimony at the release hearing, subject to any rebuttal evidence from the prosecution."

Respectfully, this bill would prevent judges from setting bail and conditions that are appropriate to the individual before them. Ability to pay is not, and should not be, the only factor a judge is allowed to consider in setting a bail amount. Judges should be allowed to consider all the available information in the exercise of their responsibilities, not restricted to a single category of information, let alone one provided solely by the defendant themselves.

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. 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.

H.B. 127, HD1, would restrict judges from considering any of the following information in determining a reasonable bail amount:

- Whether the defendant poses a safety risk to the victim or to the public;

- Whether the offense is violent in nature;
- Whether the defendant is facing a mandatory minimum or an extended term of incarceration;
- Whether the nature of the offense or the defendant's history shows a likelihood of noncompliance with court-ordered conditions needed to protect the victim or the public;
- The defendant's criminal history;
- Whether the defendant already has other pending charges against them, how many, and of what nature;
- Whether the defendant was already on probation status or under pretrial supervision at the time of the new offense; or
- The defendant's credibility with regard to their inability to post monetary bail or ability to follow court-ordered conditions.

Common sense and experience would show that each of the foregoing factors may be very important for a judge to consider in setting a bail amount, in order to protect public safety. However, H.B. 127, HD1, would prevent a judge from considering any of these preceding factors once a defendant has claimed to be unable to afford bail.

Respectfully, this bill would mandate the release of criminal defendants even where the available information would show a serious risk to public safety, of violation of release conditions, or of nonappearance. There are many instances where a bail amount that may not be affordable is in fact reasonable and necessary in the context of a particular individual appearing before the court. Judges should be allowed to hear and use all of the relevant information to set a reasonable bail amount. Restricting the amount of information that judges are allowed to consider is not the path towards increased fairness in the criminal justice system.

The State has already taken drastic measures to reduce the pretrial incarceration population since the COVID-19 pandemic. The Hawai'i Community Correctional Center ("HCCC"), with an operational capacity of 226, is Hawai'i Island's primary correctional facility. Although HCCC is consistently the highest over occupancy rate (130.1%) correctional facility in the State (not including the additional beds afforded by the new Kaumana Housing Unit), the State has taken tremendous efforts to address overcrowding. HCCC would routinely house 400 plus inmates up until 2019. During the pandemic, state officials worked collaboratively, and the population is now consistently between 290-300 inmates. In addition, the new Kaumana Housing Unit, which adds an additional 24 cells or 48 beds to HCCC, was dedicated in December 2024. Unfortunately, HCCC has not been able to open and house inmates in the Kaumana Unit pending final occupancy requirements.

Here, on Hawai'i Island, a need for additional Circuit and District Court judges and staff has existed for many years. Now to add to that concern, there has been a significant shortage of available defense counsel, resulting in continuances and sometimes the premature release of defendants because the Court has not been able to appoint counsel. In addition, the Office of the

Public Defender has had to triage scheduling, assign felony attorneys to non-felony matters, required Honolulu based public defenders to travel off island for coverage, and has been withdrawing from all DUI and class A felony cases in Kona, citing staff and personnel shortages. These are the types of priorities that should be considered to advance efforts towards improving and restoring the public's trust in our criminal justice system.

Hawai'i Island is at a substantial disadvantage to address crime motivators such as substance abuse, mental health, and homelessness, given our limited community resources and funding, geographic restrictions, limitations of court supervision authorities, and shortage of direct service providers. In the alternative to prioritizing the release of defendants by preventing judges from setting a reasonable bail amount in light of the particular circumstances, we believe that by instead supporting funding, staffing, and programs for supervision and reintegration services and prioritizing the utilization of alternative forms of supervision, such as electronic monitoring where appropriate, we will be able to ease overcrowding concerns, assist incarcerated persons reintegrating back into society, and reduce recidivism.

For the foregoing reasons, the Office of the Prosecuting Attorney, County of Hawai'i, opposes House Bill No. 127, HD1. Thank you for the opportunity to testify on this matter.

Rebecca V. Like
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The Honorable Karl Rhoads, Chair
Senate Committee on Judiciary
Regular session of 2025
State of Hawai'i
Hearing date: March 13, 2025

RE: HB 127 HD1, Relating to Pretrial Release

Dear Chair Rhoads and Honorable Members of the Committee:

The Department of the Prosecuting Attorney, County of Kaua'i,
respectfully requests that this measure be deferred.

We oppose this measure mainly because the Hawaii Penal Code is currently being reviewed by an advisory committee made up of a variety of stakeholders: members of the Judiciary, prosecution and defense attorneys, civil practitioners, and the ACLU. This comprehensive review will include HRS Chapter 804, which this bill proposes to amend. The advisory committee will report to the Legislature prior to the 2026 Legislative Session.

Moreover, this bill as drafted does not indicate that the State will have access to meaningful information concerning a defendant's financial means, prior to the commencement of the bail/release hearing; or that the State will be afforded time to present rebuttal evidence. This will obviously hamper the State's ability to present a meaningful position concerning the defendant's bail.

Therefore, the Department of the Prosecuting Attorney, County of Kaua'i,
respectfully requests that this measure be deferred. Please feel free to contact our office at 808-241-1888 if you have any questions.

Thank you for the opportunity to comment on this bill.

/s/ Rebecca V. Like
Prosecuting Attorney, County of Kaua'i

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Today's Inmate; Tomorrow's Neighbor



COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Monday, March 13, 2025

Room 225 & VIDEOCONFERENCE

9:45 AM

STRONG SUPPORT FOR HB 127 HD1 - PRETRIAL RELEASE

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 more than two decades. This testimony is respectfully offered on behalf of the 3,723 Hawai'i individuals living behind bars¹ and under the "care and custody" of the Department of Corrections and Rehabilitation as of March 3, 2025. We are always mindful that 938 - 49.5% - of Hawai'i's male prison 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 share our strong support for HB 227 HD1 that requires that bail be set in an amount that the defendant can afford.

This is a straight-forward bill saying that should bail be confirmed or set, it SHALL be in an amount that is affordable to the defendant, based on their testimony at the release hearing, the court SHALL consider what the defendant could reasonably pay within 40 hours of the arrest, and the court SHALL enter findings on the record regarding its consideration and determination.

Community Alliance on Prisons knows of several cases where people were incarcerated because they could not pay \$50 or less bail.

We hope the committee supports this reasonable approach with the understanding that Hawai'i has many people struggling to survive. Mahalo nui for hearing this bill!

¹ DCR Weekly Population Report, March 3, 2025

<https://dcr.hawaii.gov/wp-content/uploads/2025/02/Pop-Reports-Weekly-2025-03-03-2.pdf>



Committee: Judiciary
Hearing Date/Time: Thursday, March 13th, 2025, at 9:45am
Place: Conference Room 016 & Via Videoconference
Re: **Testimony of the ACLU of Hawai'i in SUPPORT of HB127 HD1
Relating to Pretrial Release with Proposed Amendment**

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

The ACLU of Hawai'i **strongly supports HB127 HD1** 1) requiring written findings on why conditions have been imposed upon a defendant and 2) setting standards for when an individual should be considered unable to pay bail. These are both important stepping stones towards achieving a justice system that is blind to wealth inequality, and instead carefully considers an individual's circumstances and actions rather than their bank accounts.

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.**”

Requiring written findings under HB127 HD1 will safeguard against hasty and opaque decision-making relating to pretrial decisions in alignment with *Salerno*. It also provides greater insight into *why* people are held in pretrial detention. Understanding if there are legitimate reasons for detention, rather than mere inability to pay, is important for helping individuals understand their own circumstances. The reasons for one's imprisonment should not be a black box. Further, the bill provides necessary information for making future reforms to the criminal justice system writ large, especially if decisions about release are not being made consistently or in the public interest.

Consider that currently over 56% of Hawai'i's jail population is pretrial¹. **In December 2024, over 71% of the people at the OCCC jail were 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.

Research shows that pretrial reform does not detract from public safety:

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.⁴The study considered

¹ Department of Corrections, January 13th 2025 report

² Department of Corrections, End of Month Population Report for December 2024.

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 <https://www.prisonpolicy.org/blog/2020/11/17/pretrial-releases/>

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.

- 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 successfully reduced the jail population by 20% and overall crime (including violent crime) decreased as well.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%, or 3,340 people, saving nearly \$1 million in detention costs.⁷

Pretrial detention causes a cycle of harm:

In jurisdictions that persist in pursuing incarceration rather than preventative or rehabilitative strategies, there is a cycle of increased cost and an unnecessarily inflated appetite for more prison infrastructure.⁸ 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%.⁹

Other research has found that even a short period of pretrial detention can have “cascading effects” on an individual, including threatening employment, housing stability,

⁵ <https://www.wbur.org/hereandnow/2024/09/16/breaking-the-bond#>

⁶ <https://www.arnoldventures.org/stories/the-facts-on-new-jersey-bail-reform>

⁷ <https://www.arnoldventures.org/stories/small-county-big-results>

⁸ “Take the example of Lubbock County, Texas, which spent 94.5 million in taxpayer bonds building a new 1,512-bed jail, which opened in 2010. This jail was intended to meet capacity needs well into the future, but because no changes were made to pretrial practices, jail population growth persisted, as did the continued need to rent space in other counties to incarcerate people. Recently, less than 15 years after the opening of their new jail, Lubbock’s sheriff is again proposing a 996-bed expansion projected to cost another \$464 million.” Prison Policy Initiative, February 19th, 2025.

⁹ 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).

child custody, and health care access. These may contribute to increased likelihood of further involvement with the criminal justice system.¹⁰

The ACLU of Hawai‘i notes that the requirement to provide bail under the least restrictive conditions required for appearance and public safety are already present in §804-4 as currently written. This bill would serve to directly connect the right to bail under these least restrictive conditions with the obligation to enter written findings on these conditions. Further, the Hawai‘i State Judiciary’s Criminal Pretrial Task Force issued a report in December of 2018 emphasizing the need to rethink our pretrial practices “to increase public safety while maximizing pretrial release of those who do not pose a danger or a flight risk.” Many of the recommendations made by this Task Force emphasize the need for proper information about financial circumstances and risk assessments of defendants.¹¹ It is time to act upon these recommendations.

The ACLU also acknowledges the Judiciary’s current Penal Code Review, which includes representation from the ACLU of Hawai‘i. The judiciary has more than enough issues to consider as part of this review, and we believe this proposed bill will not conflict with that effort. We believe that this law is consistent with the existence of this review task force, and that the legislature has every right to include these baseline requirements. As noted, this bill is also consistent with previous recommendations from the judiciary.

Proposed Amendment Requiring Courts to Issue Written Findings:

ACLU of Hawai‘i recommends inclusion of an amendment to Section 804-4(a) to include that “The court shall enter on the record its written findings regarding why the conditions imposed on the defendant are necessary to ensure defendant's appearance, or to protect the public, or both.” The requirement for written findings is not unusual and should be considered a norm that Hawai‘i aspires to as affirmed by the U.S. Supreme Court in *Salerno*¹² and recommended by the American Bar Association.¹³

¹⁰ See: Laura & John Arnold Foundation., *Pretrial Criminal Justice Research* (2013), available at http://www.arnoldfoundation.org/wp-content/uploads/2014/02/LJAF-Pretrial-CJResearch-brief_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.svdcn.com/production/downloads/publications/Justice-Denied-Evidence-Brief.pdf>

¹¹ As set forth fully above, federal courts have held that a defendant’s financial circumstances and possible alternative release conditions must be considered prior to detention. Hawaii’s statutes also instruct all officers setting bail to “consider [not only] the punishment to be inflicted on conviction, [but also] the **pecuniary circumstances of the party accused.**” At present, little, if any, inquiry is made concerning the defendant’s financial circumstances.” Hawai‘i Criminal Pretrial Reform Task Force report, Dec. 2018 Pg. 81

¹² See **18 U.S. Code § 3142 - Release or detention of a defendant pending trial** (h)(1): judicial order shall- **(1)** include a written statement that sets forth all the conditions to which the release is subject, in a manner sufficiently clear and specific to serve as a guide for the person’s conduct;

¹³ See American Bar Association guidance (below)
Part V. Standard 10-5.1 (c) In the event the judicial officer determines that release on personal recognizance is unwarranted, the officer should include in the record a statement, written or oral, of the reasons for this decision.

It is important for courts to have proper justification as to why they are restricting people's liberty rights. Re-including this provision will encourage courts to put on the record what they should already be doing—carefully considering what conditions are truly necessary for the defendant's appearance and public safety.

Adopting **HB127 HD1** will help ensure that the freedom of individuals is not determined by their ability to afford bail. This will help create a more intelligible decision-making process for pretrial detention that will protect the freedoms of incarcerated individuals. Importantly, the example of other states that have instituted even stronger bail reforms suggests that **HB127 HD1** will potentially decrease the criminogenic effect of pretrial detention without sacrificing public safety.

Sincerely,

Nathan Lee
Policy Legislative Fellow, ACLU Hawai'i

C: Carrie Ann Shirota, Policy Director

The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i is a non-partisan and private non-profit organization founded in 1965 that provides its services at no cost to the public and does not accept government funds.

Standard 10-5.4. Release order provisions In a release order, the judicial officer should: (a) include a written statement that sets forth all the conditions to which the release is subject, in a manner sufficiently clear and specific to serve as a guide for the defendant's conduct; and

Standard 10-5.10. Procedures governing pretrial detention hearings: judicial orders for detention and appellate review

(ii) If, on conclusion of a pretrial detention hearing, the court determines by clear and convincing evidence that no condition or combination of conditions will reasonably ensure the appearance of the person as required, and the safety of any other person and the community pursuant to the criteria established within these Standards, the judicial officer should state the reasons for pretrial detention on the record at the conclusion of the hearing or in written findings of fact within [three days].

HB-127-HD-1

Submitted on: 3/11/2025 4:15:38 PM

Testimony for JDC on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Loren Walker	Testifying for Hawai'i Friends of Restorative Justice	Support	Written Testimony Only

Comments:

Mahalo for your public service.

Hawai'i Friends of Restorative Justice strongly supports HB 127 HD1 to improve pretrial release procedures, ensuring that individuals who do not pose a risk to public safety are not unnecessarily incarcerated. Research consistently shows that pretrial detention leads to adverse outcomes:

- [Increased Convictions and Longer Sentences](#): Pretrial detention significantly raises the likelihood of conviction, primarily through increased guilty pleas, and results in longer incarceration sentences.
- [Negative Socioeconomic Impacts](#): Even short periods of pretrial detention can lead to loss of employment, housing instability, and family disruption, disproportionately affecting low-income individuals and communities of color.
- [No Improvement in Public Safety](#): Studies indicate that pretrial detention does not effectively reduce future crime rates and may, in fact, increase repeat crime.

Holding individuals in custody solely because they cannot afford bail is both unjust and costly, and it does not enhance public safety. [Implementing evidence-based pretrial release practices](#), as proposed in this bill, maintains court appearance rates while reducing unnecessary incarceration.

We urge you to pass HB 127 HD1 to promote a more equitable and effective justice system.

Mahalo for your consideration.

Please contact Loren Walker lorenn@hawaiiifriends.org for further information concerning our testimony.



HB 127, HD1, RELATING TO PRETRIAL RELEASE

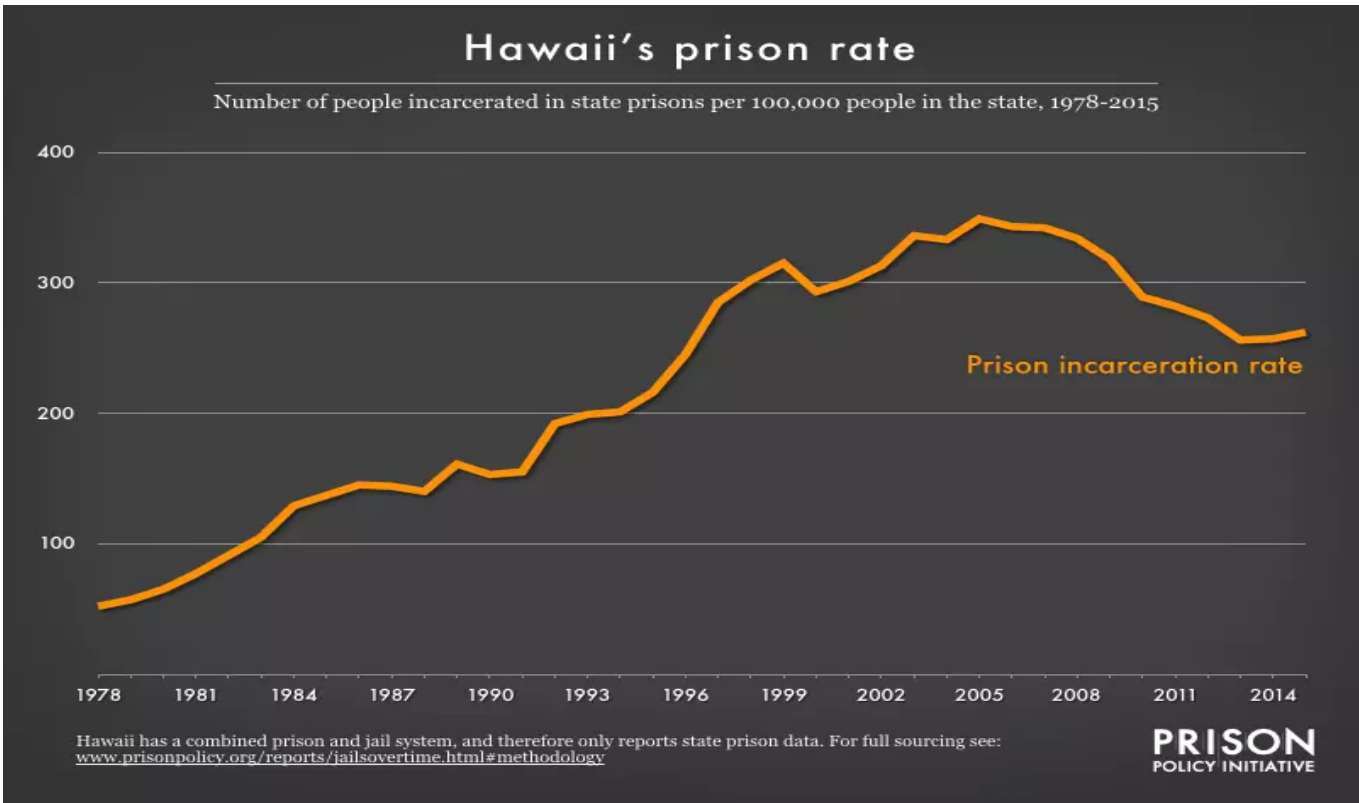
MARCH 13, 2025 · JDC HEARING

POSITION: Support.

RATIONALE: Imua Alliance supports HB 127, HD1, relating to pretrial release, which requires bail to be set in an amount that the defendant can afford based on certain factors.

Wealth should not determine liberty, as the New York Civil Liberties Union states. Hawai'i has approximately 5,100 inmates, hundreds of whom are incarcerated overseas, away from their families and homeland. The Prison Policy Initiative has found that our incarcerated population has grown dramatically since the 1970s and far surpasses that of the international community, with the islands incarcerating over 400 people per 100,000 residents, while nations like the United Kingdom, Canada, and France incarcerate roughly one-quarter of that amount.

According to a report by the American Civil Liberties Union released in recent years, pretrial detainees in Honolulu wait an average of 71 days for trial because they cannot afford bail. Additionally, researchers found that circuit courts in Hawai'i set monetary bail as a condition of release in 88 percent of cases, though only 44 percent of those people managed to post the amount of bail set by the court. Moreover, the study found the average bail amount for a Class C felony on O'ahu is set at \$20,000. Even with help from a bail bonding agency, posting bond in such cases would require an out-of-pocket expense of roughly \$2,000.



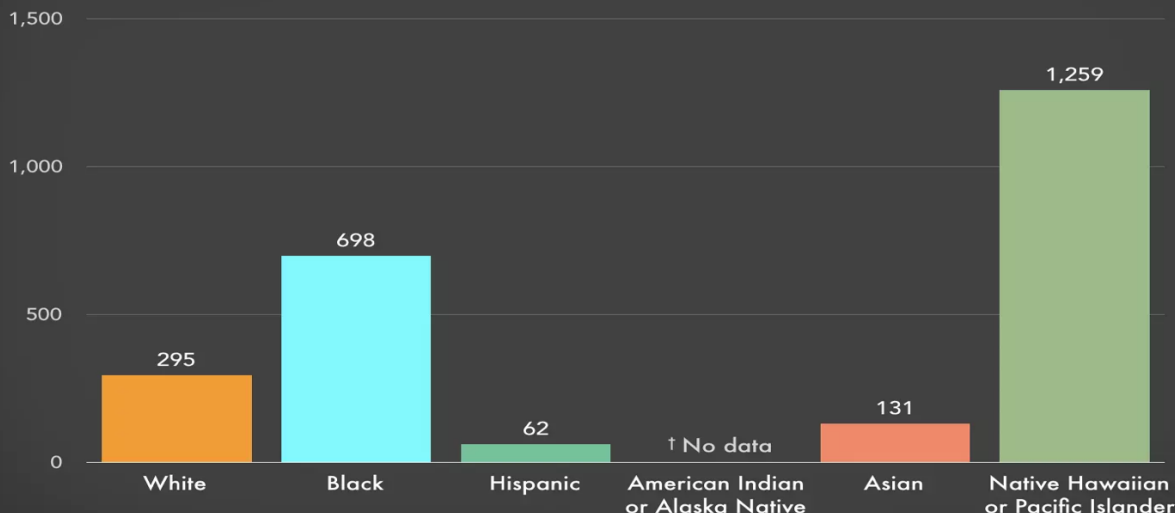
While wealthy defendants can afford to pay for bail, impoverished defendants often cannot afford to pay even minimal amounts, leaving economically disadvantaged people languishing in our jail system for low-level offenses. These irrational “public safety” policies are the reason our jails are overcrowded. Though officials claim that bail amounts are supposed to be based on a consideration of multiple factors—including flight risk, ability to pay, and danger to the community—researchers learned that in 91 percent of cases in Hawai‘i, monetary bail mirrored the amount set by police in arrest warrants, an amount based solely on the crime charged. These injustices led the ACLU to declare that our state’s pretrial detention system is unconstitutional.

Furthermore, people of Native Hawaiian ancestry, who comprise approximately 25 percent of the state's population, continue to suffer the pangs of a biased penal system. Approximately 39 percent of incarcerated detainees are Hawaiian, according to a comprehensive study by the Office of Hawaiian Affairs, with the proportionality gap being even greater for Hawaiian women, who comprise 19.8 percent of the state's female population, but 44 percent of the state's female inmate population. Researchers also found that, on average, Hawaiians receive longer sentences, more parole revocations, and harsher drug-related punishments than other ethnic groups.

Racial disparities in Hawaii incarceration rates

People incarcerated in the state, per 100,000 state residents in each race or ethnicity category

HAWAII INCARCERATION RATES, 2021



† Suppressed: Estimate is either not calculable based on published data or is based on fewer than 25 people. Source: Bureau of Justice Statistics and U.S. Census Bureau data. For sourcing details and dataset, including race definitions and categories not displayed above, see: www.prisonpolicy.org/data/race_bystate_2021.xlsx.

PRISON
POLICY INITIATIVE

Accordingly, **we believe our state should invest in policies to reduce our high incarceration rate, including restorative justice and diversion initiatives, pretrial bail reform, mental health programs, cannabis legalization, and more.** Legal detainment also correlates most heavily with socioeconomic status, with poverty being the biggest driver of “crime” in our community as under-resourced areas lack the social infrastructure, public health programs, and economic opportunities that empower people to flourish. Instead of constructing more cages to detain our state’s residents, we should pass policies that deliver economic fairness to financially vulnerable families, which will break the cycle of intergenerational poverty that too often serves as the social determinant of incarceration.

Contact us at imualliance.org/contact.

LATE



HAWAII HEALTH &
HARM REDUCTION CENTER

677 Ala Moana Blvd, Ste 226
Honolulu, HI 96813

(808) 521-2437

www.hhhrc.org

*"Reducing harm,
promoting health,
creating wellness, and
fighting stigma
in Hawai'i and
the Pacific."*

TESTIMONY IN SUPPORT OF HB 127, HD 1

TO: Chair Rhoads, Vice Chair Gabbard, & JDC Committee
FROM: Nikos Leverenz, Policy & Advancement Manager
DATE: March 13, 2025 (9:45 AM)

Hawai'i Health & Harm Reduction Center (HHHRC) **strongly supports** HB 127, HD 1, which requires bail to be set in an amount that the defendant can afford based on certain factors.

Last year HHHRC released a report on Hawai'i's [Sequential Intercept Model](#) (SIM), a tool developed by the federal Substance Abuse and Mental Health Services Administration to understand the relationship between criminal-legal agencies and behavioral health services and to identify opportunities for improving diversion away from justice systems and into more appropriate community settings. [[Click here to view the report.](#)] Reforming pretrial practices was among the specific needs identified by the report.

HHHRC invited Dan Mistak of [Community Oriented Correctional Health Services](#) to facilitate a conversation between 45 participants from across the behavioral health and justice sectors to prepare for the use of Medicaid dollars in carceral settings, help inform legislators about critical needs within the behavioral health and justice systems, and offer insights into how to improve diversion from justice settings. Participants included the state Department of Health, Department of Human Services, Department of Public Safety (PSD), Office on Homelessness and Housing Solutions, Public Defender's Office, two county prosecutors, and the Honolulu Police Department.

HHHRC's mission is to reduce harm, promote health, create wellness, and fight stigma in Hawai'i and the Pacific. We work with many individuals who are impacted by poverty, housing instability, and other social determinants of health. Many have behavioral health problems, including those relating to substance use and underlying mental health conditions. Many of our clients and participants have been deeply impacted by trauma, including histories of physical, sexual, and psychological abuse.

Thank you for the opportunity to testify on this measure.

HB-127-HD-1

Submitted on: 3/12/2025 9:33:13 AM

Testimony for JDC on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Jamie Detwiler	Testifying for Hawaiian Islands Republican Women	Oppose	Written Testimony Only

Comments:

Honorable Chair, Vice Chair and Members to the Committee:

TESTIMONY Submitted in STRONG OPPOSITION by the Hawaiian Islands Republican Women

HB127_HD1 Related to Pretrial Release

While I support due process and equal protection under the law for everyone, including alleged criminal offenders, I do not believe bail should be set according to their income or ability to meet the bail requirement. Additionally, I do not support Pretrial release.

The current laws including a prescribed bail system is in place to deter future criminal behavior. If there are no consequences, they will re-offend.

HB127_HD1 states that given Hawaii's high cost of living many arrestees cannot afford to post bail and that arrests are highly disruptive to a person's life. The arrestees must understand that they have disrupted people's lives through their actions. The majority of Hawaii citizens are law-abiding hard-working people living paycheck to paycheck but they are NOT committing crimes. We must ALL follow the rule of law.

The rule of law means general rules of law that bind all people and are promulgated and enforced by a system of courts and law enforcement, not by mere discretionary authority. In order to secure equal rights to all citizens, government must apply law fairly and equally through the legal process.

HB127_HD1 portrays the arrestee as a victim. By lessening the consequences of their criminal action through pre-trial release or reduced bail, the bill gives the criminal the incentive to re-offend and victimize law-abiding citizens. No consequence, no behavior change.

I strongly urge you to vote NO on HB127_HD1.

Respectfully,

Jamie Detwiler

Hawaiian Islands Republican Women

HAWAII PATRIOT REPUBLICANS

Written Testimony in Opposition to H.B. No. 127 (H.D. 1)
Submitted to the Senate Committee on Judiciary
March 08, 2025

Honorable Members of the Committee,

I urge you to vote NO on House Bill No. 127 (H.D. 1). This bill, pitched as a champion of liberty, is a reckless giveaway to criminals, a threat to Hawaii's safety, and a fiscal disaster waiting to unfold. As a citizen grounded in law and order, limited government, and practical justice, I present an objective case that should resonate with Democrats who value secure communities, equitable outcomes, and wise use of taxpayer dollars. This bill fails our people—here's why.

1. Endangers Public Safety by Releasing Risks

Setting bail based on what defendants "can afford" (Section 2, subsection (d)) ignores their danger to society, letting violent offenders back on the streets. New Jersey's 2017 bail reform, which slashed cash bail, saw a 20% rise in pretrial rearrests for violent crimes within two years ([NJ.com, "Bail Reform Linked to Crime Spike, 2019"](#)). Democrats who prioritize safe neighborhoods should reject this—it's a green light for chaos, not fairness.

2. Undermines Victims and Justice

Presuming no bail for those on public benefits or low income (Section 2, subsection (d)(2)) dismisses the harm they've caused. In Washington, D.C., a 2018 affordable-bail push released a repeat shoplifter who assaulted a store clerk days later, leaving victims furious ([Washington Post, "Bail Reform Backfires on Victims, 2019"](#)). Democrats who care about justice for working families should see this as a slap in the face—victims deserve protection, not excuses.

3. Overcrowding Fix Misses the Mark

The bill claims to ease jail overcrowding (Section 1), but it floods courts with no-shows instead. New Mexico's 2016 bail reform cut pretrial detention by 15%, but bench warrants for failures-to-appear jumped 35%, clogging the system ([Albuquerque Journal, "Bail Reform Strains Courts, 2018"](#)). Democrats who want efficient government should oppose this—it trades one mess for another, not a solution.

4. Taxpayers Foot the Bill for Failure

Releasing defendants who skip court racks up costs for warrants, rearrests, and jail time later—more than keeping them detained upfront. California's 2019 bail overhaul cost \$150 million in its first year chasing no-shows, dwarfing the \$91,250 annual cost per inmate cited here (Section 1) ([Sacramento Bee, "Bail Reform Costs Soar, 2020"](#)). Democrats who guard public funds should reject this fiscal folly—why spend more to get less?

5. Erodes Accountability for All

Basing bail on income, not risk (Section 2, subsection (d)), lets wealth dictate justice—ironically, the opposite of fairness. In Illinois, a 2021 cash-bail reduction saw a carjacker with no income released, only to crash into a family’s van days later ([Chicago Tribune, “Bail Reform Frees Repeat Offender, 2022”](#)). Democrats who value equal protection should see this as a double standard—safety shouldn’t hinge on a paycheck.

6. Overcomplicates a Working System

Adding affordability hearings and detailed findings (Section 2, subsections (d)-(e)) bogs down courts with red tape when judges already balance liberty and safety. New York’s 2020 bail reform piled on similar rules, delaying pretrial decisions by 40% and frustrating families awaiting justice ([NY Post, “Bail Reform Delays Justice, 2021”](#)). Democrats who want a functioning judiciary should oppose this—it’s bureaucracy, not progress.

Call to Action

Honorable Senators, H.B. 127 (H.D. 1) is a disaster in waiting. It risks our safety, wastes our money, and betrays our values—lessons New Jersey, California, and New York learned the hard way. Democrats and Republicans alike should want a Hawaii where streets are secure, justice is fair, and taxes are spent wisely. Vote NO to stop this bill cold. We can protect liberty without coddling criminals—let’s keep our system strong.

Respectfully submitted,
Andrew Crossland
Hawaii Patriot Republicans

HB-127-HD-1

Submitted on: 3/10/2025 10:43:17 AM

Testimony for JDC on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Steve Santos	Testifying for Calvary Chapel Westside	Oppose	Written Testimony Only

Comments:

Aloha, I am asking you to please VOTE NO on HB127.

Lowering Bail on crimes will only encourage crime. And can also put dangerous criminals back on the street putting our community at risk. Higher Bail helps to discourage crime.

Mahalo

HB-127-HD-1

Submitted on: 3/10/2025 12:04:48 PM

Testimony for JDC on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Olderr	Individual	Comments	Remotely Via Zoom

Comments:

I oppose this bill, not because I disagree with its intentions or that it's not done in good faith. My problem with this bill is that it gives a convoluted answer instead of the one right before us. If we want to uphold the 5th and 6th amendments of the US Constitution, end the disproportional incarceration of Native Hawaiians and other people of color, and cut down on overcrowding in our prisons, which each suspect costs the state 90k a year. Just end the practice of Cash Bail in this state of Hawaii. As you've stated in this bill, people's access to money is why 78 percent of the people are awaiting trial behind bars. It might seem radical, but there is some merit to it. When the state of Illinois Supreme Court found that Cash Bail was unconstitutional, there was no crime increase. And as stated in this bill's intro, the presumption of innocence and due process are fundamentally at odds with the current bail system. Instead of contorting a person's presumption of innocence with their wallet size, admit that the current state exists only to punish the underprivileged. We tell ourselves that it's for the protection of the public that we let these presumably innocents. Still, in our fear of the boogie man known as crime, we have sometimes gleefully ignored the prospect that the people behind bars are innocent. The only persons protected by the cash bail system in the commercial bail bond industry are those worth over 15 billion dollars. This includes entities in this state such as A-1 bail bonds, JJ bail bonds, and 24-hour bail bonds in Oahu. Despite their intention, they all take predatory advantage of those willing to pay handsomely to exercise their freedoms temporarily. Take my considerations in mind when you decide on whether or not you should pass this bill.

HB-127-HD-1

Submitted on: 3/10/2025 7:13:12 AM

Testimony for JDC on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
James K. Rzonca	Individual	Oppose	Written Testimony Only

Comments:

Making it easier to be a criminal is one of the reasons we are the most corrupt "state". I oppose this bill

HB-127-HD-1

Submitted on: 3/10/2025 7:35:50 AM

Testimony for JDC on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Deven English	Individual	Oppose	Written Testimony Only

Comments:

I am in strong opposition of this bill, easy on crime, only produces more crime. You are making it easier for this younger generation of criminals to get out of jail easier to go back out to commit more crime. Makes no sense at all to slash bail amounts.

HB-127-HD-1

Submitted on: 3/10/2025 7:42:00 AM

Testimony for JDC on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Cari Sasaki	Individual	Oppose	Written Testimony Only

Comments:

I OPPOSE HB127. Please stop favoring criminals over the general public. Please stop prioritizing law-breakers over our safety. Don't make it easier for dangerous criminals to be free on bail when they should be in custody. Please stand with the people of Hawaii who rely on you to stop bills that threaten the peace and safety of our communities.

HB-127-HD-1

Submitted on: 3/10/2025 8:00:15 AM

Testimony for JDC on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Bronson Teixeira	Individual	Oppose	Written Testimony Only

Comments:

Aloha, I stand in opposition to this bill, we need more accountability and a better justice system.
Mahalo

HB-127-HD-1

Submitted on: 3/10/2025 8:11:25 AM

Testimony for JDC on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Ronelle Andrade	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill, it does not benefit the people of Hawai'i.

HB-127-HD-1

Submitted on: 3/10/2025 8:12:02 AM

Testimony for JDC on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Joelle Seashell	Individual	Oppose	Written Testimony Only

Comments:

Unbelievable you would propose this. Strongly opposed.

HB-127-HD-1

Submitted on: 3/10/2025 8:25:19 AM

Testimony for JDC on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Sally Lee	Individual	Oppose	Written Testimony Only

Comments:

I oppose.

HB-127-HD-1

Submitted on: 3/10/2025 8:28:13 AM

Testimony for JDC on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Richard Domingo	Individual	Oppose	Written Testimony Only

Comments:

I OPPOSE HB127

HB-127-HD-1

Submitted on: 3/10/2025 9:02:54 AM

Testimony for JDC on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Deborah Umiamaka	Individual	Oppose	Written Testimony Only

Comments:

Dear Members of the Senate Judiciary Committee,

I am writing to express my strong opposition to House Bill 127 (HB127), which proposes reforms to Hawai'i's pretrial release and bail system. While I understand the intent to address inequities in the current system, I believe this bill poses significant risks to public safety and undermines the principles of justice that protect law-abiding citizens.

Public Safety Concerns

The Department of Law Enforcement's mission is to preserve peace and protect individuals and property from criminal actions. This includes enforcing laws and ensuring public safety through comprehensive programs and collaboration with state agencies. HB127, however, risks releasing individuals who may still pose a threat to public safety. Although the bill emphasizes affordability of bail for low-income individuals, it does not adequately address the potential dangers posed by releasing certain offenders. Judicial discretion is critical but must be paired with stringent safeguards to ensure that dangerous individuals are not prematurely released into the community.

Existing Protections and Exceptions

Hawai'i has previously implemented reforms under measures like HB1567, which carved out numerous exceptions for violent crimes, sex offenses, habitual property crimes, and other offenses that pose a clear risk to public safety. However, HB127 appears to lack sufficient clarity on how it will prevent similar risks while focusing on affordability rather than risk assessment. The Department of Law Enforcement should remain empowered to enforce laws without being constrained by policies that could inadvertently favor repeat offenders or those likely to abscond.

Impact on Law-Abiding Citizens

The current bail system exists not only as a means of ensuring court appearances but also as a mechanism for protecting communities from individuals who may commit further crimes while awaiting trial. Law-abiding citizens have a right to live in safe communities where laws are enforced equitably and effectively. HB127 risks prioritizing financial considerations over the broader implications for public safety and community trust in the justice system.

Alternative Solutions

Rather than broadly reforming bail based on financial thresholds, I urge lawmakers to consider alternatives that balance fairness with public safety:

- **Implement more robust risk assessment tools to evaluate an individual's likelihood of reoffending or failing to appear in court.**
- **Expand diversion programs for low-level, nonviolent offenders while maintaining stricter standards for those charged with more serious offenses.**
- **Increase funding for community-based supervision programs as an alternative to pretrial detention for low-risk individuals.**

Conclusion

Hawai'i's justice system must uphold its responsibility to protect all citizens while addressing systemic inequities. However, HB127 in its current form does not adequately safeguard public safety or provide sufficient checks on judicial discretion regarding pretrial release conditions. I respectfully urge you to reconsider this bill and prioritize amendments or alternative measures that strengthen public safety without compromising fairness in the justice system.

Thank you for considering my testimony. I trust that you will act in the best interest of all Hawai'i residents by ensuring that our laws continue to reflect justice, accountability, and community protection.

**Sincerely,
Deborah Umiamaka**

HB-127-HD-1

Submitted on: 3/10/2025 9:41:35 AM

Testimony for JDC on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Paul Giles	Individual	Oppose	Written Testimony Only

Comments:

I Oppose HB127,

Paul Giles

HB-127-HD-1

Submitted on: 3/10/2025 9:52:18 AM

Testimony for JDC on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
stacy diaz	Individual	Oppose	Written Testimony Only

Comments:

I, Stacy Diaz oppse this bill.

HB-127-HD-1

Submitted on: 3/10/2025 10:03:33 AM

Testimony for JDC on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Debbie Wyand	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose HB127. Stop creating more regulations. Enforce the current law

This bill slashes bail, freeing dangerous criminals! It cripples justice, favors lawbreakers over victims, and threatens public safety—outrageous lunacy!

HB-127-HD-1

Submitted on: 3/10/2025 10:24:29 AM

Testimony for JDC on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Paul Littleton	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB127

HB-127-HD-1

Submitted on: 3/10/2025 10:34:23 AM

Testimony for JDC on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
kim santos	Individual	Oppose	Written Testimony Only

Comments:

Please vote no. Slashing bail and releasing those who may cause harm is a threat to public safety.

HB-127-HD-1

Submitted on: 3/10/2025 11:08:35 AM

Testimony for JDC on 3/13/2025 9:45:00 AM

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

Comments:

I strongly OPPOSE HB127.

HB-127-HD-1

Submitted on: 3/10/2025 11:25:53 AM

Testimony for JDC on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Lesha Mathes	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill! Bail is not set for the convenience of the accused. It is set based on the crime. We've seen how horribly this has worked in other states. This is a horrific idea. This favors the criminals over the victims. This promotes lawlessness. Stop the madness!

HB-127-HD-1

Submitted on: 3/10/2025 11:52:39 AM

Testimony for JDC on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Lawrence Ramirez	Individual	Oppose	Written Testimony Only

Comments:

Testimony in Opposition to HB 127, H.D. 1 – “A BILL FOR AN ACT RELATING TO PRETRIAL RELEASE”

Submitted to the Hawaii State Legislature

Date: March 10, 2025

Dear Chair and Members of the Committee,

I respectfully submit this testimony in opposition to HB 127, H.D. 1, which amends Section 804-7.5, Hawaii Revised Statutes, to require bail to be set in an amount that a defendant can afford based on specific financial factors. While the intent to address inequities in pretrial detention is noteworthy, I urge the Committee to reject this measure due to its potential to compromise public safety, undermine judicial discretion, and impose impractical burdens on the courts. For these reasons, I strongly oppose HB 127.

First, the bill prioritizes a defendant’s financial status over public safety, a critical flaw that could endanger Hawaii’s communities. By mandating that bail be set solely at an amount a defendant can afford—excluding public benefits and low-income sources, and presuming inability to pay in certain cases—HB 127 severely limits the court’s ability to detain individuals who pose a risk. For instance, a defendant with minimal income but a history of violent offenses or flight risk could be released simply because they cannot afford bail, disregarding the safety of victims, witnesses, or the public. The U.S. Supreme Court in *United States v. Salerno* (1987), cited in the bill, upheld detention as a "carefully limited exception" when justified by public safety concerns—HB 127 undermines this balance.

Second, the measure erodes judicial discretion, a cornerstone of Hawaii’s justice system. Judges currently weigh multiple factors—danger to the community, likelihood of appearance, and financial circumstances—when setting bail. HB 127 replaces this nuanced approach with a rigid formula focused solely on affordability, as outlined in subsection (d)(1)-(3). This one-size-fits-all mandate strips courts of the flexibility needed to address the unique circumstances of each case, such as the severity of the offense or a defendant’s criminal history. The result could be inconsistent and inequitable outcomes, contrary to the bill’s stated goals.

Third, the bill introduces significant practical challenges that could overwhelm an already strained judicial system. Requiring courts to assess a defendant’s income, exclude public benefits, and determine "reasonable" payment within 40 hours of arrest demands extensive fact-finding at arraignment—a process the bill expects to occur "promptly." This places an unrealistic burden on judges, prosecutors, and defense counsel, particularly in verifying affidavits or rebutting claims under relaxed evidentiary rules (subsection (f)). Overcrowded dockets and limited resources could delay hearings, prolong detentions, or lead to hasty releases, further complicating pretrial administration.

Finally, while the bill highlights jail overcrowding and costs (\$250 per day per inmate), it fails to prove that its approach will effectively address these issues without unintended consequences. Reducing pretrial detention through affordable bail may lower immediate costs, but it risks increasing recidivism or court no-shows, ultimately driving up enforcement and societal costs. Alternative solutions—such as expanding risk assessment tools or non-monetary conditions of release—could better balance liberty and safety without the blunt instrument of income-based bail.

The effective date of July 1, 3000, likely a drafting error, further calls into question the bill's readiness for implementation. Even assuming an intended date of 2025 or 2026, HB 127 remains a flawed proposal that sacrifices public safety and judicial integrity for an untested reform. I respectfully urge the Committee to oppose this measure and pursue more balanced, evidence-based solutions to pretrial challenges. Thank you for your consideration of this testimony.

Lawrence Ramirez Kailua Kona
lardg@yahoo.com

HB-127-HD-1

Submitted on: 3/10/2025 11:55:14 AM

Testimony for JDC on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Susan Kuwaye	Individual	Oppose	Written Testimony Only

Comments:

Oppose HB127. HPD and Sheriffs have enough work bringing lawbreakers to trial and to see it all rendered futile by allowing them to be released by low ineffective bail is working against our enforcement officers and puts officers at risk for retaliation by offenders.

HB-127-HD-1

Submitted on: 3/10/2025 11:59:38 AM

Testimony for JDC on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Bart Burford	Individual	Oppose	Written Testimony Only

Comments:

ANOTHER BILL DESIGNED TO PROTECT THE CRIMINALS & NOT THE PEOPLE/
TAXPAYERS/ YOUR CONSTITUENTS

WE THE [PEOPLE OPPSE THIS BILL!!!

HB-127-HD-1

Submitted on: 3/10/2025 12:05:14 PM

Testimony for JDC on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Shani Hough	Individual	Oppose	Written Testimony Only

Comments:

This bill slashes bail, freeing dangerous criminals! It cripples justice, favors lawbreakers over victims and threatens public safety!

HB-127-HD-1

Submitted on: 3/10/2025 12:21:02 PM

Testimony for JDC on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Laurie Anne Bell	Individual	Oppose	Written Testimony Only

Comments:

Our communities have become so unsafe! We have people living in every gulch trying to break into our homes at night in rural gated communities as well as all neighborhoods!!!

HB-127-HD-1

Submitted on: 3/10/2025 1:37:02 PM

Testimony for JDC on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Alika Valdez	Individual	Support	Written Testimony Only

Comments:

I support this bill.

HB-127-HD-1

Submitted on: 3/10/2025 2:48:57 PM

Testimony for JDC on 3/13/2025 9:45:00 AM

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

Comments:

I strongly support HB127. If bail is set, it needs to be in an amount that is affordable to the defendant and an ammount they can reasonably pay within 40 hours of arrest. Please support HB127

HB-127-HD-1

Submitted on: 3/10/2025 3:49:02 PM

Testimony for JDC on 3/13/2025 9:45:00 AM

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

Comments:

Opposed.

HB-127-HD-1

Submitted on: 3/10/2025 6:02:13 PM

Testimony for JDC on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Dorinda Ohelo	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill. We must prioritize public safety and this bill recklessly goes against that!

HB-127-HD-1

Submitted on: 3/10/2025 7:59:20 PM

Testimony for JDC on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Blaine De Ramos	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose HB127. I am tired of the judicial system catching and releasing repeat offenders to offend again and again.

HB-127-HD-1

Submitted on: 3/10/2025 8:10:50 PM

Testimony for JDC on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Louella Vidinha	Individual	Oppose	Written Testimony Only

Comments:

Opposing this bill. Ball should be set in direct correlation to the already set required relating to the severity of the crime. Making compensation is not the standard, the judge will decide on the less severe, less bail, more severe, more ball. The judge will decide on a case by case basis.

Louella Vidinha

Hawaii resident

HB-127-HD-1

Submitted on: 3/10/2025 9:09:44 PM

Testimony for JDC on 3/13/2025 9:45:00 AM

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

Comments:

I oppose this bill. It favors lawbreakers.

HB-127-HD-1

Submitted on: 3/10/2025 10:52:11 PM

Testimony for JDC on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Tiare Smith	Individual	Oppose	Written Testimony Only

Comments:

****Testimony In Opposition to H.B. No. 127, H.D. 1, with Cost-Effective Amendments****

Aloha e Chair Tarnas, Vice Chair Takayama, and Esteemed Members of the House Committee on Judiciary and Hawaiian Affairs,

My name is Tiare Smith, a Native Hawaiian who has lived in Kahalu‘u, O‘ahu, for 45 years, a tenure that has instilled in me a profound stake in our community’s safety and fiscal stewardship. I rise to oppose House Bill 127 (HB127) in its current form, a measure that aims to adjust bail to defendants’ financial means but does so with perilous imprecision, jeopardizing public order, overtaxing judicial resources, and risking the disenfranchisement of those it seeks to serve. This bill, as drafted, is antithetical to the prudent balance Hawaii requires, yet with cost-effective revisions, it could achieve equity without squandering our resources. Below, I detail my objections and propose affordable, high-impact solutions.

A Hazardous Overreach Endangering Safety

HB127 invokes liberty’s primacy, per **United States v. Salerno** (1987), and targets cash bail’s inequities—a noble aim. However, mandating bail affordability within 40 hours, excluding public benefits and income below 150% of the federal poverty level (Section 804-7.5(d)), is a precipitous misstep. This risks releasing defendants—some posing real threats—without rigorous vetting, undermining the safety I’ve cherished in Kahalu‘u for decades. Prioritizing affordability over risk flouts the judiciary’s duty to protect, inviting chaos where order should prevail.

Judicial Strain Through Ill-Defined Duties

The bill’s call for courts to assess financial capacity at “prompt hearings” (Section 804-7.5(b)) saddles judges with a convoluted task: parsing affidavits, sifting rebuttals, and setting tailored bail amounts. This diverts focus from justice to fiscal guesswork, straining an overburdened system. As a resident who prizes judicial clarity, I view this as an inefficient encumbrance, promising clogged dockets rather than streamlined reform.

A Misguided Burden on the Vulnerable

HB127 flags the outsized impact of pretrial detention on Native Hawaiians and people of color, a truth I’ve lived alongside for 45 years. Yet, its affordability fix could unleash unintended harm,

flooding communities like Kahalu‘u with under-assessed releases, endangering residents already pressed by economic fragility. Victims, often from these same groups, may face heightened peril—a subtle disenfranchisement masked as aid.

A Drift from Cultural Anchors

As a Native Hawaiian, I weigh this bill against kuleana—our collective duty. Our ancestral justice balanced freedom with accountability, safeguarding communal trust. HB127’s fiscal focus unravels this harmony. In Kahalu‘u, where mutual reliance sustains us, unvetted releases threaten our bonds. This measure strays from our kūpuna’s wisdom, favoring haste over lasting equilibrium.

Cost-Effective Solutions to Optimize Savings and Equity

While HB127’s intent—to curb pretrial detention’s \$91,250 annual per-inmate cost and jail overcrowding—holds merit, its execution falters. I propose the following affordable, high-yield amendments to achieve savings and fairness without compromising safety:

1. ****Adopt Free Risk Assessment Tools****: Amend Section 804-7.5(b) to integrate no-cost, validated risk assessment tools like the Arnold Ventures’ Public Safety Assessment (PSA), available at zero licensing cost. Used in over 40 jurisdictions, the PSA predicts flight and re-offense risks using existing court data (e.g., criminal history, age), costing only staff training—estimated at \$50,000 annually statewide. Pair this with affordability considerations to save \$18.25 million yearly by reducing 200 unnecessary detentions ($\$91,250 \times 200$).
2. ****Expand Volunteer-Led Pretrial Supervision****: Add a provision creating a volunteer-based pretrial support network, leveraging community organizations (e.g., churches, Native Hawaiian groups) to monitor low-risk defendants. Modeled on successful volunteer programs in states like Colorado, this requires a modest \$200,000 annual coordinator budget, saving \$27.375 million by avoiding 300 detentions ($\$91,250 \times 300$) versus paid staff models.
3. ****Leverage Existing Community Resources****: Insert a clause mandating collaboration with free local services—e.g., food banks, transit programs, and legal aid—to ensure court appearances without bail. Allocate \$100,000 annually for coordination, cutting 150 detentions (\$13.6875 million saved) by addressing logistical barriers like transportation, far cheaper than the \$5 million typical for new agencies.
4. ****Implement a Sliding Bail Scale with Safety Caps****: Revise Section 804-7.5(d) to establish a sliding bail scale (e.g., \$50-\$300) based on income above 150% of poverty, capped unless risk assessments flag danger. Judges retain detention authority for high-risk cases, with findings logged (subsection (e)). This costs \$25,000 yearly for guideline development, saving \$9.125 million by reducing 100 detentions versus uncapped releases.
5. ****Launch a Low-Cost Pilot with Data Sharing****: Introduce a one-year pilot on O‘ahu, funded at \$150,000 (staff, data tools), using interagency data sharing (courts, police, corrections) to track outcomes—recidivism, costs, jail impacts. Savings from 50 fewer detentions (\$4.5625 million)

offset costs, refining policy without a \$2 million statewide rollout. Report findings by June 30, 2026.

These solutions total \$525,000 annually, yielding up to \$72.75 million in savings by averting 800 detentions—far outstripping HB127’s vague fiscal impact while enhancing safety and equity.

Conclusion

For 45 years, Kahalu‘u has thrived on resilience and thrift. HB127, as written, imperils both with a policy that hazards our peace and wastes our means. With these cost-effective amendments—rooted in free tools, community strength, and data-driven precision—it could honor our aloha and ingenuity. I urge this committee to reject the current draft and embrace these refinements, ensuring justice saves more than it spends.

Mahalo nui loa for your discerning consideration.

Respectfully submitted,

Tiare Smith

Kahalu‘u, O‘ahu

HB-127-HD-1

Submitted on: 3/10/2025 11:31:34 PM

Testimony for JDC on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Matt Smith	Individual	Oppose	Written Testimony Only

Comments:

We have too many criminals walking our streets because they know they get a slap on the wrist and can go back to terrorizing law abiding citizens.

HB-127-HD-1

Submitted on: 3/11/2025 6:15:13 AM

Testimony for JDC on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
L Miles	Individual	Oppose	Written Testimony Only

Comments:

Opposed.

Thank you.

HB-127-HD-1

Submitted on: 3/11/2025 6:24:18 AM

Testimony for JDC on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Frank Schultz	Individual	Oppose	Written Testimony Only

Comments:

I oppose this initiative.

HB-127-HD-1

Submitted on: 3/11/2025 8:45:50 AM

Testimony for JDC on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Renee Manding	Individual	Oppose	Written Testimony Only

Comments:

I oppose bill HB127 !!

HB-127-HD-1

Submitted on: 3/11/2025 9:23:28 AM

Testimony for JDC on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Noela von Wiegandt	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I oppose HB127. This is a very bad bill anyway you look at it. It seems that the legislature wants to protect criminal lawbreakers. What about public safety? The Citizens of Hawaii deserve so much better folks. Vote NO! Thank you.

Noela von Wiegandt

HB-127-HD-1

Submitted on: 3/11/2025 12:54:35 PM

Testimony for JDC on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Terry Murakami	Individual	Oppose	Written Testimony Only

Comments:

I oppose.

This bill greatly reduces bail, which could put the public safety at risk and favors lawbreakers.

HB-127-HD-1

Submitted on: 3/11/2025 1:25:26 PM

Testimony for JDC on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Jennifer Cabjuan	Individual	Oppose	Written Testimony Only

Comments:

Oppose this bill

HB-127-HD-1

Submitted on: 3/11/2025 2:07:36 PM

Testimony for JDC on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Sierra Mcveigh	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I oppose Hb127

-Sierra Mcveigh

HB-127-HD-1

Submitted on: 3/11/2025 6:00:53 PM

Testimony for JDC on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
james wallace	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB127 HD1. Another Stupid Bill. We should start arresting those who write these bills to support criminals because they behave like criminals as well!!! Lunatics are running the asylum!!!!

HB-127-HD-1

Submitted on: 3/11/2025 6:47:36 PM

Testimony for JDC on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Dayna Matsumura	Individual	Oppose	Written Testimony Only

Comments:

Oppose

HB-127-HD-1

Submitted on: 3/11/2025 6:48:07 PM

Testimony for JDC on 3/13/2025 9:45:00 AM

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

Comments:

I oppose this bad bill.

HB-127-HD-1

Submitted on: 3/11/2025 11:32:42 PM

Testimony for JDC on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Martin Wyand	Individual	Oppose	Written Testimony Only

Comments:

Vote NO!

This bill slashes bail and frees dangerous criminals. It cripples justice and favors lawbreakers over victims. This threatens public safety. Do you want to be responsible for criminals who get out and continue committing horrible crimes. Enforce the current LAW! Stop criminals.

THE SENATE
KA 'AHA KENEKOA

THE THIRTY-THIRD LEGISLATURE
REGULAR SESSION OF 2025

[COMMITTEE ON JUDICIARY](#)

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

NOTICE OF HEARING
TESTIMONY- OPPOSE.

DATE: Thursday, March 13, 2025
TIME: 9:45 AM
PLACE: Conference Room 016 & Videoconference
State Capitol
415 South Beretania Street

[HB 127, HD1](#)

[\(HSCR819\)](#)

[Status &
Testimony](#)

RELATING TO PRETRIAL RELEASE.

Requires bail to be set in an amount that the defendant can afford based on certain factors. Effective 7/1/3000.
(HD1)

TESTIMONY- Oppose.

Submitted by James Waldron Lindblad, bail agent and former pretrial release worker.

Oppose. Please hold.

House Bill 127, threatens to upend the state's long-standing bail system by shifting the standard from one "reasonably calculated to ensure the appearance of the defendant in court" to one based solely on what a defendant can "afford." This change would not only conflict with the constitutional right to bail, but also undermine the fundamental balance between individual liberty and public safety. By eliminating meaningful financial accountability in the bail process, the bill risks dismantling a system designed to ensure both the defendant's return to court and the broader community's trust in the justice system.

HB 127 COULD UNDERMINE CONSTITUTIONAL PROTECTIONS AND PUSH FOR PRETRIAL DETENTION.

The constitutional right to bail is not a tool of oppression; rather, it is a liberty-promoting institution that, when properly regulated and respected, can reduce pretrial incarceration rates by encouraging the transfer of individuals to the custody of friends and family. In Hawai'i, as in many mainland communities with large non-white indigenous populations, familial ties play a crucial role in holding communities together.

These familial ties were also a key consideration when the bail system was established over the centuries. In its most traditional form, the right to bail is the right to select "a bail" -- a person who takes custody of the defendant pending trial. In fact, the U.S. Supreme Court has affirmed that the right to bail includes the right to choose the "jailer of one's own choosing." The person who assumes custody, or the "bail," may then be required to provide a financial guarantee to ensure the defendant's appearance in court. If the defendant fails to appear, the bail is empowered to return and re-arrest them to prevent forfeiting the financial guarantee.

The framers of Hawai'i's state constitution had the bail system in mind when they created and later amended the constitution in 1968. According to the state constitution, the right to bail also includes the state's right to request bail. In such cases, bail may not be "dispensed with" unless the court is reasonably satisfied that the person charged will appear in court. Claiming that bail must be something a defendant can "afford" conflicts with the existing bail system because it effectively eliminates the possibility of pretrial detention. The Hawai'i's constitution only allows for bail to be dispensed with for those who are deemed likely to "reasonably" appear in court. Therefore, the constitution contemplates pretrial detention only for those who fail to post bail, provided the bail is not excessive.

Contrast the right to an "affordable" bail with current law, which mandates fair treatment for both indigent and wealthy defendants but does not eliminate the possibility of pretrial detention based on financial status. Current law provides a strong directive for fairness, but it stops short of guaranteeing release -- a shift that a right to "affordable" bail would create. On March 6, 2024, the Hawai'i Court of Appeals emphasized this balance, stating that bail "should be so determined as not to suffer the wealthy to escape by the payment of a pecuniary penalty, nor to render the privilege useless to the poor." The court further

explained that setting cash bail under HRS § 804-9 requires considering a defendant's financial circumstances to ensure bail amounts neither discriminate against indigent defendants nor provide an unfair advantage to those with greater financial resources. Our Judges need more ways to release defendants pretrial, not less. HB 127 takes away choices.

The Hawai'i Supreme Court took an expansive view of the right to bail in a 1982 decision, ruling that preventative detention schemes conflict with both the state constitution and the broader American bail tradition, which dates back to the Middle Ages. However, the U.S. Supreme Court diverged from this view in the 1987 *U.S. v. Salerno* decision, allowing prosecutors, for the first time in U.S. history, to seek denial of bail in non-capital cases. The court argued that eliminating money bail in favor of detention or release on recognizance created a fairer system. In practice, though, this shift fueled mass generational federal pretrial detention -- from a 24% detention rate at the time of Salerno to 75% today -- creating what experts now call an inescapable "culture of detention." Similarly, Maryland's eight-year experiment with eliminating money bail led to a 20% increase in pretrial detention, all in the name of removing financial inequity from the system.

As it turns out, creating a right to "affordable" bail -- essentially ensuring release in all criminal cases pending conviction rather than arrest -- will likely lead to calls, as seen in the federal, Maryland and New Jersey systems, to eliminate the constitutional right to bail, amend state constitutions and adopt a system of detention and release. Simply put, a policy that eliminates pretrial detention is unlikely to prevail. Instead, it will provoke a fierce push for more detention. However, the alternative system of pretrial detention and release has been shown to increase mass incarceration, fail to deter crime and most importantly, prolong the criminal process -- an issue compounded by the increasing amount of time to case disposition, as previously noted.

An institution built on transferring custody of the state to responsible third parties is not one that should be quashed; rather, it should be protected in this debate. While it can always be improved -- particularly through the expansion of alternatives to detention and by cutting pretrial incarceration in half, as I have recently suggested -- it also requires faster case processing. Additionally, greater community involvement, where local communities serve as sureties for those facing prosecution, would strengthen the system. While attacking the constitutional right to the institution of bail in the name of freedom may

seem like a reasonable approach, it will ultimately fuel calls for a system of detention -- one that, over time, will overwhelm the bail system and foster a culture of detention. It is easy to demonize money bail, as 1980s Democrats did when they supported a tough-on-crime, pro-drug war measure led by segregationist Strom Thurmond. However, we must remember what Justice Thurgood Marshall once wrote: respecting the presumption of innocence is not easy, but at the end of the day, it protects the innocent and thus ourselves.

Rather than strengthening pretrial justice, House Bill 127 could lead to unintended consequences, including increased calls for preventative detention that erode fundamental rights. History shows that eliminating financial bail often triggers reactionary shifts toward more pretrial incarceration, not less. A more effective path forward would be to improve the existing bail system -- expanding release alternatives, reducing unnecessary detention, and ensuring that financial conditions do not discriminate against the poor. The right to bail is a cornerstone of due process, and dismantling it in the name of fairness may ultimately pave the way for a system that is far more punitive and restrictive than the one it seeks to replace.

Please hold or defer HB 127 and preserve pretrial freedom in Hawai'i.

Thank you.

James Waldron Lindblad

James.Lindblad@gmail.com

808-780-8887

HB-127-HD-1

Submitted on: 3/12/2025 9:21:25 AM

Testimony for JDC on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Dawn O'Brien	Individual	Oppose	Written Testimony Only

Comments:

Aloha State Leaders of the People of Hawai'i~

TYSVM for taking the time to allow written testimony, it means so much to me as a citizen who works multiple jobs & cannot make it to the State Capitol to testify in person. MAHALO!

I stand in strong opposition to HB127 as it allows a wholesale slashing of bail, freeing dangerous criminals. This undermines the hard work of our police force (who are severely under-staffed in Hawaii at this time) as well as the taxes of we the hard-working people of Hawai'i. Also it cripples justice, favors lawbreakers over victims & threatens public safety. Why is this being considered? Who wrote this proposal AND WHY? It is crazy to think thru the consequences of such a bill proposal and even crazier to imagine it becoming law.

In summary, I oppose HB127 and ask you to do the same.

In Great Appreciation & Gratitude,

Dawn O'Brien

President, HOPE HI, Inc.

Resident & tax payer for almost 50 years