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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.