

STATE OF HAWAI‘I
OFFICE OF THE PUBLIC DEFENDER

**Testimony of the Office of the Public Defender, State of
Hawai‘i to the Senate Committee on Health and Human Services**

January 31, 2024

S.B. 2323: RELATING TO YOUTH FEES AND FINES.

Chair San Buenaventura, Vice-Chair Aquino, and Members of the Committee:

The Office of the Public Defender strongly supports S.B. 2323:

The Office of the Public Defender represents indigent juveniles in the criminal justice system. Most of our juvenile clients come from families with limited incomes and live in poverty. Many of our clients are not only entangled in the criminal justice system but may also be in foster care and have limited access to resources that many in our community take for granted. We strongly support the purpose of S.B. 2323 and join in the call for the prohibition of fines, fees, and court costs against any person adjudicated for an offense committed during the person’s minority, or against the person’s parent or guardian.

The core principles and goals espoused in HRS § 571-1, which established the Family Courts, read in part as follows:

This chapter shall be liberally construed to the end that children and families whose rights and well-being are jeopardized shall be assisted and protected, and secured in those rights through action by the court; that the court may formulate a plan adapted to the requirements of the child and the child’s family and the necessary protection of the community, and may utilize all state and community resources to the extent possible in its implementation.

This chapter created within the State a system of family courts and *it shall be a policy and purpose of said courts to promote the reconciliation of distressed juveniles with their families, foster the rehabilitation of juveniles in difficulty, render appropriate punishment to offenders, and reduce juvenile delinquency.*

Many of our juveniles involved in the court system are struggling with everything – from access to food and basic amenities, access to a safe place to live, access to transportation, access to a computer and internet access, and access to a working phone. Juveniles in distress include children who are victims of physical and sexual abuse, children who have experienced traumas and face mental health challenges resulting from those traumas. They include children in our foster care system who do not have a loving responsible parent to care and provide for them.

S.B. 2323 will help juveniles and their families concentrate their financial resources on accessing other services more in line with rehabilitation: providing basic needs, maintaining housing, accessing counseling services, educational services, mental health services, and reducing some of the daily pressures on families living in poverty by eliminating court-imposed debt that does nothing to promote rehabilitation, education, or the personal growth of youth in the criminal justice system.

Thank you for the opportunity to comment on this measure.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2024**

ON THE FOLLOWING MEASURE:

S.B. NO. 2323, RELATING TO YOUTH FEES AND FINES.

BEFORE THE:

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

DATE: Wednesday, January 31, 2024 **TIME:** 1:00 p.m.

LOCATION: State Capitol, Room 225 and Videoconference

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

Chair San Buenaventura and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments.

The purposes of the bill are to prohibit the assessment of any fines, fees, or court costs against a person who was adjudicated for an offense committed while the person was a minor under the age of eighteen, or against the person's parent or guardian; limit court ordered community service for minors to seventy-two (72) hours; repeal the statewide curfew for minors; and remove any fines and fees that are currently in collections for minors under the age of eighteen.

It is the Department's understanding that, as it pertains to the family courts across the State, assessment of fines, fees, and court costs are rarely imposed on youth and their parents or guardians. Prohibiting such assessments merely takes away that discretion from the courts. The Department takes no position on a number of provisions of this bill that prohibit assessment of fines, fees, or court costs against adjudicated minors. However, the Department does have concerns on a number of sections of this bill and provides the following comments:

Section 286-136 (c), Hawaii Revised Statutes (HRS), is the current penalty section for violation of section 286-102, 286-122, 286-130, 286-132, 286-133, or 286-134, HRS, by a minor under the age of eighteen. Currently, when a minor appears in court and is sentenced for one of the enumerated sections; such as a violation of driving

without a valid license (section 286-102, HRS), the court may impose a fine or preclude the minor from legally driving a motor vehicle until the age of eighteen. The proposed amendment in this bill to remove the fine of \$500 (page 3, lines 15-19) could severely limit the court's ability to curb any unwanted behavior. The amendment would essentially remove any explicit statutory wording in section 286-136(c), HRS, that would allow for an alternative sanction (\$500 fine) for a minor on subsequent violations of driving without a valid license. Routinely, courts will allow minors or adults to convert any imposed fines to community service work. This bill unfortunately does not authorize the court to impose community service work, nor does it allow for the imposition of a fine that can be converted to community service work. Thus, once a minor is initially sentenced to not operate a motor vehicle until he/she is eighteen years old, there is no incentive for the minor to stop driving.

The Department requests clarification of the term "reimbursements" in the amended section 291E-61(l)(1) in section 12 of the bill (page 32, line 2) and in the amended section 291E-64(j)(1) in section 14 of the bill (page 45, line 13). Although the term "reimbursements" is used or inserted in various other sections of this bill, the Department is concerned that these two sections are more ambiguous, and without further clarification could create statutory confusion, possibly preventing courts from imposing restitution in applicable cases. In an abundance of caution, the Department would suggest including a provision anytime "reimbursements" is referenced, which clarifies that removing the responsibility of any financial reimbursement from the minor does not preclude the courts from ordering restitution to a victim when applicable.

Section 25 amends section 577-3.5(b), HRS, (page 84, line 20, to page 85, line 15) to address sentencing provisions for an act constituting graffiti when involving a minor. The Department believes that the removal of the phrase "or if appropriate, pay for the actual cost of having the damaged property repaired or replaced" (page 85, lines 7-9) makes this section too rigid. Currently, when minors are ordered to pay restitution to a victim, the minor is given the option to participate in the Judiciary's Accountability Program (Papa Hoike Kuleana), which is an innovative program created for minors, to address court-ordered restitution and community service obligations. Minors who

participate in Papa Hoike Kuleana complete community service work through the accountability program, and upon completion of community service work, the program will pay applicable restitution to victims on behalf of the minor. By removing this wording, it may force the minor, parent, or guardian to remove graffiti even in situations that may otherwise be dangerous (graffiti on an overpass sign) to the individual as there is no alternative contemplated or authorized.

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



The Judiciary, State of Hawai'i

**Testimony to the Thirty-Second Legislature
2024 Regular Session**

Senate Committee on Health and Human Services
Senator Joy A. San Buenaventura, Chair
Senator Henry J.C. Aquino, Vice Chair

Wednesday, January 31, 2024 at 1:00 p.m.
State Capitol, Conference Room 225 & Videoconference

WRITTEN TESTIMONY ONLY

by:

Matthew J. Viola

Senior Judge, Family Court of the First Circuit

Bill No. and Title: Senate Bill 2323: Relating to Youth Fees and Fines.

Description: Prohibits the assessment of any fines, fees, or court costs against a person who was adjudicated for an offense committed during the person's minority, or against the person's parent or guardian, and discharges all related debt obligations assessed prior to the effective date of the Act.

Judiciary's Position:

The Judiciary takes no specific position on Senate Bill 2323, which prohibits the assessment of fines, fees, or court costs against adjudicated minors. We note, however, that the intent and purpose of this bill are admirable and the strategies employed are evidence-based. Further, as noted in the bill's Preamble, family courts across the state already rarely impose fines, fees, or costs on youths and their parents.

We thank you for the opportunity to offer testimony on this bill.

**THE HONORABLE JOY A. SAN BUENAVENTURA, CHAIR
THE HONORABLE HENRY J.C. AQUINO, VICE CHAIR
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES
Thirty-Second State Legislature
Regular Session of 2024
State of Hawai‘i**

January 31, 2024

RE: S.B. No. 2323: RELATING TO YOUTH FEES AND FINES

Dear Chair San Buenaventura, Vice-Chair Aquino, and Members of the Committee:

The Policy Advocacy Clinic at Berkeley Law, as a member of the national Debt Free Justice campaign,¹ submits the following testimony to express our support for S.B. No. 2323.

Fees and fines assessed against youth in the juvenile system are punitive and impose long-lasting financial and emotional harm on youth and their families. These monetary sanctions exacerbate existing economic inequality and disproportionately harm low-income, and Native Hawaiian and Pacific Islander families. By ending this ineffective and criminogenic practice, the Legislature would join dozens of states across the country in achieving debt free justice for our youth.

Fees and fines are unaffordable for the youth and families who make up Hawai‘i’s juvenile legal system.

By nature of their age, most youth have little to no income, assets, or money of their own, rendering youth unable to pay fees and fines imposed on them. Some youth in the juvenile system are not old enough to work at all, or at least cannot work full time under federal law.²

Therefore, the de facto burden of fees and fines falls largely on the families of youth. Because Native Hawaiian and Pacific Islander youth are disproportionately represented in the juvenile legal system, this burden tends to fall more heavily on those families.³ According to data from the Office of Juvenile Justice and Delinquency Prevention, Native Hawaiian and Pacific Islander youth are 4.1 times more likely to be arrested, 5.6 times more likely to be referred to court, 10 times more likely to be detained, and 7.5 times more likely to be found delinquent than White youth.⁴

Native Hawaiian youth are also more likely to live in low-income households with parents who cannot afford the costs associated with the system.⁵ Native Hawaiians face the lowest median income of all major ethnic groups throughout the state.⁶ Outside of these major ethnic groups, a 2018 report found that the Marshallese community had the lowest per capita income, although it is important to note these data left out thousands from other Micronesian Islands, such as Chuuk and Kosrae.⁷

With Native Hawaiian and Pacific Islander youth both more likely to be impacted by the juvenile system and poverty, youth fees and fines create a perfect storm of monetary extraction from families least likely to be able to afford it.

Fees and fines are ineffective and drive youth further into poverty.

Fees are designed to generate revenue to cover costs associated with the system. But for youth and their families, fees and fines can be insurmountable and often force families to choose between paying for necessities and paying the court, leading to strained relationships between system-involved youth and their parents and siblings at a time when they need support most.⁸ Monetary sanctions harm not only youth, but their families' financial and psychological well-being.⁹ And yet, research shows that fees and fines generate little or no revenue for local government because most system-involved youth and their families are low-income. Data from other states show that jurisdictions often spend more on collection than they generate in revenue from fees and fines charged to youth.¹⁰

Fines are intended to punish or deter future behavior. However, in practice, both fees and fines are ineffective at supporting youth rehabilitation. Studies by criminologists on the effect of fines, fees, restitution found that youth, specifically youth of color, who had fees and fines imposed on them had a significantly higher likelihood of recidivism, even when controlling for demographics and case characteristics.¹¹

There is growing bipartisan and national support for ending fees and fines for youth.

By removing the authority to assess fees and fines against system-involved youth, S.B. No. 2323 would bring Hawai'i in-step with the national movement towards abolishing fees and fines. States and localities across the continent are recognizing the harms of fees and fines. Over 20 states have abolished fees and/or fines from their juvenile systems, and many more have since followed their lead.¹²

National associations of judges,¹³ prosecutors,¹⁴ correctional leaders,¹⁵ and law enforcement professionals¹⁶ support the elimination of fees and fines for young people.

Hawai'i is an outlier in continuing to authorize monetary sanctions under state law. While Kaua'i County has taken bold action to denounce the imposition of monetary sanctions on youth, it is up to the state legislature to repeal these harmful and outdated statutes.

Removing authorization for assessing fees and fines on youth aligns the law with Hawai'i's existing general practices and its dedication to reforming its justice system.

Thank you for the opportunity to share our research and express our concerns on this measure.

¹ Debt Free Justice is a national campaign dedicated to ending the harmful and unjust fees and fines imposed on youth in the justice system and their families. See more at <https://debtfreejustice.org/>.

² The Fair Labor Standards Act sets 14 as the minimum age for most non-agricultural work. 29 C.F.R. § 570.2 (2012); *see also* U.S. Dept. Labor, Fact Sheet # 43: Child Labor Provisions of the Fair Labor Standards Act (FLSA) for Nonagricultural Occupations (2016), <https://www.dol.gov/whd/regs/compliance/whdfs43.pdf>.

³ *United States of Disparities: National Map: Hawaii*, BURNS INSTITUTE, <https://usdata.burnsinstitute.org/decision-points/12/hawaii-comparison=2&placement=1&racess=2,3,4,5,6&offenses=5,2,8,1,9,11,10&odc=0&dmp=1&dmp-comparison=2&dmp-decisions=2,3,4,6,5,7,10,8,9&dmp-county=-1&dmp-races=1,2,3,4,7,5,6&dmp-year=2014>.

⁴ *Id.*

⁵ *Demographic, Social, Economic, and Housing Characteristics for Selected Race Groups in Hawaii*. Hawaii Department of Business, Economic Development and Tourism 12 (2018). https://files.hawaii.gov/dbedt/economic/reports/SelectedRacesCharacteristics_HawaiiReport.pdf.

⁶ *Income Inequality and Native Hawaiian Communities in the Wake of the Great Recession: 2005 to 2013*. Office of Hawaiian Affairs Research Division 2 (2014), <https://19of32x2y133s8o4xza0gf14-wpengine.netdna-ssl.com/wp-content/uploads/2014/05/Income-Inequality-and-Native-Hawaiian-Communities-in-the-Wake-of-the-Great-Recession-2005-2013.pdf>.

⁷ Anita Hofschneider, *Hawaii Inequality Study Overlooked Thousands of Micronesians*, HONOLULU CIVIL BEAT (May 1, 2018), <https://www.civilbeat.org/2018/05/hawaii-inequality-study-overlooked-thousands-of-micronesians/>.

⁸ Berkeley Law Policy Advocacy Clinic, *Making Families Pay* (2017), <https://www.law.berkeley.edu/wp-content/uploads/2015/12/Making-Families-Pay.pdf>.

⁹ Leslie Paik, "Impact of Juvenile Justice Fines and Fees on Family Life: Case Study in Dane County, WI," 19 (2019), <https://debtorsprison.jlc.org/documents/JLC-Debtors-Prison-dane-county.pdf>.

¹⁰ BRENNAN CENTER FOR JUSTICE, *THE STEEP COSTS OF CRIMINAL JUSTICE FEES AND FINES* (2019), <https://www.brennancenter.org/our-work/research-reports/steep-costs-criminal-justice-fees-and-fines>.

¹¹ Alex Piquero, "Justice System–Imposed Financial Penalties Increase the Likelihood of Recidivism in a Sample of Adolescent Offenders." *Youth Violence and Juvenile Justice*, 15(3), 325 (2017); Alex Piquero, Michael Baglivio, Kevin Wolff, "A Statewide Analysis of the Impact of Restitution and Fees on Juvenile Recidivism in Florida Across Race & Ethnicity," (2022) (on file with authors).

¹² *See State Activity*, DEBT FREE JUSTICE, <https://debtfreejustice.org/state-activity>.

¹³ Nat'l Council of Juv. And Fam. Ct. Judges, *Resolution Addressing Fines, Fees, and Costs in Juvenile Courts* (Mar. 2018), https://www.ncjfcj.org/wp-content/uploads/2019/10/ExXIII_FinesFeesCosts_Resolution.pdf.

¹⁴ Fair And Just Prosecution, *Fines, Fees, and the Poverty Penalty* (2017), https://fairandjustprosecution.org/wp-content/uploads/2017/11/FJPBrief_Fines.Fees_.pdf.

¹⁵ Youth Corr. Leaders for Just., *Statement on Abolishing Youth Fines and Fees* (May 2021), <https://yclj.org/fines-and-fees>.

¹⁶ L. Enf't Leaders To Reduce Crime & Incarceration, *Ensuring Justice and Public Safety: Federal Criminal Justice Priorities for 2020 and Beyond* (Apr. 2020), https://lawenforcementleaders.org/wp-content/uploads/2020/04/2020_04_LEL_Policy_Report_Final.pdf.

SB-2323

Submitted on: 1/31/2024 6:11:30 AM

Testimony for HHS on 1/31/2024 1:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Testify
Angela Melody Young	Testifying for CARES	Support	In Person

Comments:

CAREs testifies in strong support.

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON HEALTH AND HUMAN SERVICES

Senator Joy SanBuenaventura , Chair

Senator Henry Aquino, Vice Chair

Wednesday, January 31, 2024

Room 225

1:00 PM

STRONG SUPPORT FOR SB 2323 -YOUTH FEES & FINES

Aloha Chair SanBuenaventura, Vice Chair Aquino 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 3,868 Hawai`i individuals living behind bars¹ and under the “care and custody” of the Department of Public Safety/Corrections and Rehabilitation on January 22, 2024. We are always mindful that 874 - 25% of the male imprisoned population - of Hawai`i’s imprisoned people 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 testify in strong support of SB 2323 prohibiting fees and fines or court costs for our youth and their families and discharges all obligations assessed prior to the effective date of this Act..

There are more effective, equitable, and sustainable responses when youth commit wrongful acts. Fees and fines run counter to Hawai`i’s dedication to holistic and culturally informed youth rehabilitation practices, including the Judiciary’s Accountability Program.

A 2016 study² found: “Although the use of financial penalties is pervasive in the justice system, there has been limited (and mostly dated) empirical research that has investigated the effect of financial costs incurred by juvenile offenders and the extent to which such costs relate to the likelihood of recidivism and reintegration into society. **This study uses data from a large cohort of adolescent offenders to examine how demographics and case characteristics relate to financial penalties imposed by the**

¹ DPS/DCR Weekly Population Report, January 22, 2024.

<https://dcr.hawaii.gov/wp-content/uploads/2024/01/Pop-Reports-Weekly-2024-01-22.pdf>

² Research Note: Justice System–Imposed Financial Penalties Increase the Likelihood of Recidivism in a Sample of Adolescent Offenders, [Alex R. Piquero](#) du and Wesley G. Jennings, September 14, 2016.

<https://journals.sagepub.com/doi/full/10.1177/1541204016669213>

justice system and the degree to which such monetary penalties are related to recidivism in a 2-year follow-up. Results suggest that financial penalties increase the likelihood of recidivism. Study limitations and directions for future research are also discussed.”

The impacts of youth fees and fines fall on families that can least afford this extra expense. Native Hawaiian and Pacific Islander youth are also more likely to live in low-income households with parents who cannot afford the costs associated with the system. With Native Hawaiian and Pacific Islander youth both more likely to be impacted by the juvenile system and poverty, youth fees and fines create a perfect storm of financial and emotional harm for often already struggling families. Fees and fines be insurmountable and often force families to choose between paying for necessities and paying the court, leading to strained relationships between system-involved youth and their parents and siblings at a time when they need support most.

In short, fees and fines impose long-lasting financial and emotional harm and limit families’ ability to invest in opportunities for their children.

Research shows fees and fines generate little or no revenue for local government because most system-involved youth and their families are low-income. Data from other states show that localities often spend more on collection than they generate in revenue from fees and fines charged to youth.

Hawai`i has made great strides in how we address youthful wrongdoing. National research shows that fees and fines are ineffective and do not support youth rehabilitation.

Hawai`i is in the minority of states that continue to authorize fees and fines against youth.

States and localities across the continent are recognizing the harms of fees and fines. Over 20 states have abolished fees and/or fines from their juvenile systems, and many more have since followed their lead. By removing the authority to charge fees and fines against system-involved youth would bring Hawai`i in-step with the national movement towards abolishing fees and fines.

Removing authorization for assessing fees and fines on youth aligns the law with Hawai`i’s existing general practices and its dedication to reforming its juvenile justice system.



Committee: Health and Human Services
Hearing Date/Time: Wednesday, January 31, 2024 at 1:00pm
Place: Conference Room 415 & via Videoconference
Re: **Testimony of the ACLU of Hawai'i in SUPPORT of S.B. 2323 Relating to Youth Fees and Fines**

Dear Chair San Buenaventura, Vice Chair Aquino and Committee Members:

The American Civil Liberties Union of Hawai'i **SUPPORTS S.B. 2323** which prohibits the assessment of any fines, fees, or court costs against a person who was adjudicated for an offense committed during the person's minority, or against the person's parent or guardian, and discharges all related debt obligations assessed prior to the effective date of this Act, and requires the Office of Administrative Director of the Courts to submit a report to the Legislature.

The ACLU of Hawai'i is committed to Reimagining Public Safety. We advocate for the State to shift spending priorities away from mass criminalization and incarceration towards evidence-based investments in housing, education, employment, and culturally appropriate health and human services in our communities.

National research shows fees and fines imposed on young people are ineffective and do not support rehabilitation.

Fees are designed to cover administrative costs associated with the system. Fines are intended to punish or deter future behavior. However, research shows that fees and fines generate little or no revenue for local government while doing real harm to youth rehabilitation. Data from other states show that jurisdictions often spend more on collection than they generate in revenue from fees and fines charged to youth.¹

Additionally, studies by criminologists found that youth who had fees and fines imposed on them had a significantly higher likelihood of recidivism, even when controlling for demographics and case characteristics.² As the amount of fees and fines increased, so did the youth's chances of recidivism.³

¹ Brennan Center for Justice, *The Steep Costs of Criminal Justice Fees and Fines* (2019), <https://www.brennancenter.org/our-work/research-reports/steep-costs-criminal-justice-fees-and-fines>.

² Alex Piquero, *Justice System–Imposed Financial Penalties Increase the Likelihood of Recidivism in a Sample of Adolescent Offenders*, 15 YOUTH VIOLENCE AND JUVENILE JUSTICE 325 (2017); Alex Piquero, Michael Baglivio & Kevin Wolff, *A Statewide Analysis of the Impact of Restitution and Fees on Juvenile Recidivism in Florida Across Race & Ethnicity* (forthcoming 2023) (on file with authors).

³ *Id.*

Moreover, when governments rely on fees to fund essential government functions, it creates an incentive for unnecessary laws, regulations, and enforcement. Law enforcement officers spend an extraordinary amount of time and resources on arresting and booking people for minor offenses with hefty fees attached, or for not paying those fees. Instead, those resources could be reallocate into prevention programs and other services that address pathways to involvement in the criminal legal system.

Imposing fines and fees disparately impacts Native Hawaiian and Pacific Islander youth and their families.

Financial costs for juveniles associated with fines, fees, or court costs are unnecessarily punitive and can result in long-lasting financial harm and stress for these youth and their families.

The majority of youth have no means to pay fees and fines as they have little to no income or assets of their own. As a result, the burden falls largely on their families. Because Native Hawaiian and Pacific Islander youth are disproportionately represented in the juvenile legal system, this burden tends to fall more heavily on those families.

By passing S.B. 2323, Hawai‘i will join dozens of states that have already achieved debt free justice for youth and their families.

Over 20 states and localities are acknowledging the harm created by imposing fines and fees on young people by abolishing them from their juvenile justice systems. Many more are following their lead.

We urge you to pass **S.B. 2323** and implement debt free justice for youth aligns with Hawaii’s commitment to reform its juvenile justice system. ⁴

Sincerely,

Carrie Ann Shirota

Carrie Ann Shirota
Policy Director
ACLU of Hawai‘i
cshirota@acluhawaii.org

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 that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai‘i has been serving Hawai‘i for over 50 years.

American Civil Liberties Union of Hawai‘i
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⁴ <https://www.washingtonpost.com/nation/2022/07/25/hawaii-zero-girls-youth-correctional-facility/>

Opportunity Youth Action Hawai'i

January 31, 2024

Senate Committee on Health and Human Services

Hearing Time: 1:00 PM

Location: State Capitol Conference Room 225

Re: SB2323, RELATING TO YOUTH FEES AND FINES

Aloha e Chair San Buenaventura, Vice Chair Aquinto, and members of the Committee:

On behalf of the Opportunity Youth Action Hawai'i hui, we are writing in **strong support** of SB2323, relating to youth fees and fines. This bill will prohibit the assessment of any fines, fees, or court costs against a person who was adjudicated for an offense committed during the person's minority, or against the person's parent or guardian, and discharges all related debt obligations assessed prior to the effective date of the Act. It also requires the Office of the Administrative Director of the Courts to submit a report to the legislature.

It is crucial to recognize that individuals who committed offenses during their minority often lack the financial means to satisfy fines, fees, and court costs. Subjecting them to such financial burdens can hinder their ability to reintegrate into society, making it more challenging for them to secure employment, housing, and pursue education. An inability to pay fines and fees may lead to extended legal troubles, creating a cycle of involvement with the criminal justice system and potentially contributing to higher recidivism rates.

Moreover, holding the parents or guardians financially responsible for the actions of their minor children may exacerbate existing economic disparities and place undue strain on families already facing challenges. By discharging related debt obligations, SB2323 takes a significant step towards fostering a fair and equitable legal system that acknowledges the unique circumstances surrounding offenses committed during one's minority.

Further, the provision requiring the Director of the Courts to submit a report to the legislature adds transparency and accountability, allowing for a comprehensive evaluation of the impact of this bill.

Opportunity Youth Action Hawai'i is a collaboration of organizations and individuals committed to reducing the harmful effects of a punitive incarceration system for youth; promoting equity in the justice system; and improving and increasing resources to address adolescent and young adult mental health needs. We seek to improve the continuity of programs and services for youth and young adults transitioning from minor to adult status; eliminate youth homelessness and housing market discrimination against young adults; and promote and fund more holistic and culturally informed approaches among public/private agencies serving youth.

1099 Alakea Street, Suite 2530 | Honolulu, Hawaii 96813 | (808) 447-1840

THE HONORABLE JOY A. SAN BUENAVENTURA, CHAIR
THE HONORABLE HENRY J.C. AQUINO, VICE CHAIR
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES
Thirty-Second State Legislature
Regular Session of 2024
State of Hawai'i

January 28, 2024

RE: S.B. No. 2323: RELATING TO YOUTH FEES AND FINES

Dear Chair San Buenaventura, Vice Chair Aquino, and Members of the Committee:

Mahalo for your work. Hawai'i Friends of Restorative Justice submits the following testimony to express our strong support for S.B. 2323.

Fees and fines assessed against youth in the juvenile system are punitive and can impose long-lasting financial and emotional harm on youth and their families. Fees and fines exacerbate existing economic inequality and disproportionately harm low-income, and Native Hawaiian and Pacific Islander families. By ending this ineffective and criminogenic practice, the Legislature would join dozens of states across the country in achieving debt free justice for our youth.

Youth and families cannot pay fees and fines

Most youth cannot pay fees and fines because they have little to no income, assets, or money of their own. As a result, the burden of fees and fines falls largely on the families of youth. Because Native Hawaiian and Pacific Islander youth are disproportionately represented in the juvenile legal system, this burden tends to fall more heavily on those families.

Native Hawaiian and Pacific Islander youth are also more likely to live in low-income households with parents who cannot afford the costs associated with the system. With Native Hawaiian and Pacific Islander youth both more likely to be impacted by the juvenile system and poverty, youth fees and fines create a perfect storm of financial and emotional harm for often already struggling families. Fees and fines be insurmountable and often force families to choose between paying for necessities and paying the court, leading to strained relationships between system-involved youth and their parents and siblings at a time when they need support most.¹

National research shows that fees and fines are ineffective and do not support youth rehabilitation.

Fees are designed to cover administrative costs associated with the system, and fines are intended to punish or deter future behavior. And yet, research shows that fees and fines generate little or no revenue for local government and harm youth rehabilitation. Data from

¹ Berkeley Law Policy Advocacy Clinic, *Making Families Pay* (2017), <https://www.law.berkeley.edu/wp-content/uploads/2015/12/Making-Families-Pay.pdf>.

other states show that jurisdictions often spend more on collection than they generate in revenue from fees and fines charged to youth.²

Additionally, studies by criminologists found that youth who had fees and fines imposed on them had a significantly higher likelihood of recidivism, even when controlling for demographics and case characteristics.³ As the amount of fees and fines increased, so did the youth's chances of recidivism.⁴

By passing this bill, Hawai'i will join the dozens of states that have achieved debt free justice for youth and families.

States and localities across the continent are recognizing the harms of fees and fines. Over 20 states have abolished fees and/or fines from their juvenile systems, and many more have since followed their lead. By removing the authority to charge fees and fines against system-involved youth, H.B. 317 would bring Hawai'i in-step with the national movement towards abolishing fees and fines.

Eliminating the assessment of juvenile fees and fines on youth aligns the law with Hawai'i's existing general practices and its dedication to reforming its juvenile justice system.

We respectfully ask for "Aye" vote.

Mahalo,

Lorenn Walker, JD, MPH

Director, Hawai'i Friends of Restorative Justice

² Brennan Center for Justice, *The Steep Costs of Criminal Justice Fees and Fines* (2019), <https://www.brennancenter.org/our-work/research-reports/steep-costs-criminal-justice-fees-and-fines>.

³ Alex Piquero, *Justice System—Imposed Financial Penalties Increase the Likelihood of Recidivism in a Sample of Adolescent Offenders*, 15 YOUTH VIOLENCE AND JUVENILE JUSTICE 325 (2017); Alex Piquero, Michael Baglivio & Kevin Wolff, *A Statewide Analysis of the Impact of Restitution and Fees on Juvenile Recidivism in Florida Across Race & Ethnicity* (forthcoming 2023) (on file with authors).

⁴ *Id.*

SB-2323

Submitted on: 1/30/2024 10:53:53 AM

Testimony for HHS on 1/31/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cassandra Chee	Individual	Support	Written Testimony Only

Comments:

Please pass SB2323 to support the health of our youth and families. This is a matter of racial and economic justice. Enable parents and caretakers to save and spend their money on the support and care of their children. Black, Indigenous, Native Hawaiian, and Pacific Islanders are disproportionately incarcerated in Hawai'i.

You have the power to stop the school to prison pipeline. Please pass this bill to eliminate fees and fines as one step towards lessening financial burden on families. We must invest in family support, healthcare, and education to strengthen our community and decarcerate Hawai'i.

Mahalo nui,

Cassie Chee

Honolulu, 96817