

STAND. COM. REP. NO. 2394

Honolulu, Hawaii

FEB 14 2024

RE: S.B. No. 2323

S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Health and Human Services, to which was referred S.B. No. 2323 entitled:

"A BILL FOR AN ACT RELATING TO YOUTH FEES AND FINES,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) 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 years, or against the person's parent or guardian;
- (2) Discharge all related debt obligations assessed prior to the effective date of this measure;
- (3) Limit court ordered community service for minors to seventy-two hours; and
- (4) Repeal the statewide curfew for minors.

Your Committee received testimony in support of this measure from the Office of the Public Defender, Community Alliance on Prisons, Policy Advocacy Clinic at Berkely Law, ACLU of Hawai'i, Opportunity Youth Action Hawai'i, Hawai'i Friends of Restorative Justice, CARES, and one individual.



Your Committee received comments on this measure from the Department of the Attorney General and The Judiciary.

Your Committee finds that charging fees, fines, and court costs against youth causes undue hardship when choosing between paying court costs or meeting basic needs. Your Committee further finds that assessing fines in juvenile justice proceedings is not an evidence-based practice for rehabilitating, deterring, or even punishing delinquent youth. This measure alleviates the economic burdens placed on juveniles and their families to reduce recidivism and the resulting escalation of crime.

Your Committee notes the testimony of the Department of the Attorney General raising concerns over the measure's repeal of language in existing law allowing minors who have committed an act constituting graffiti to pay restitution to the victim rather than remove the graffiti from the affected property themselves. The Department explained that limiting the method of restitution to removal of the graffiti may require the minor to do so even in situations that may otherwise be dangerous, such as removing graffiti on an overpass sign. Furthermore, monetary restitution will not be a burden on the minor, as a minor, upon being ordered to pay restitution to a victim, will be given the option to participate in the Judiciary's Accountability Program (Papa Hoike Kuleana) that will pay applicable restitution to victims on behalf of the minor upon the minor's completion of the required community service work. Accordingly, this measure requires amendments to address this concern.

Therefore, your Committee has amended this measure by:

- (1) Restoring existing statutory language to allow a minor who has committed an act constituting graffiti or the minor's parents or legal guardians to pay for the actual cost of having the damaged property repaired or replaced rather than remove the graffiti themselves; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Health and Human Services that is attached to this



report, your Committee is in accord with the intent and purpose of S.B. No. 2323, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2323, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Health and Human
Services,



JOY A. SAN BUENAVENTURA, Chair



