

Honolulu, Hawaii

FEB 28 2025

RE: S.B. No. 778
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B.
No. 778 entitled:

"A BILL FOR AN ACT RELATING TO SENTENCING,"

begs leave to report as follows:

The purpose and intent of this measure is to change the age
for which individuals are eligible for life without parole
sentences from eighteen years of age or older to twenty-one years
of age or older.

Your Committee received testimony in support of this measure
from the Office of Public Defender.

Your Committee received testimony in opposition to this
measure from four individuals.

Your Committee received comments on this measure from the
Office of the Prosecuting Attorney of the County of Kaua'i.

Your Committee finds that through a court decision,
Massachusetts became the first state to ban life without parole
sentences for individuals eighteen years old through twenty years
old, considering those in this age group as "emerging adults".
Your Committee further finds that the court extended the bright
line age cut-off from eighteen years of age to twenty years of age
in part due to neuroscience research that supports that brain



maturation continues through an individual's mid-twenties. Your Committee believes that, given the research supporting emerging adult brain development, these defendants should have the opportunity for parole after establishing a clear pattern of rehabilitation as established by positive behaviors while in custody. This measure will allow certain defendants who have embraced a life dedicated to positive change and who embody the concept of rehabilitation to earn the privilege of parole after the completion of an appropriate minimum term of imprisonment.

Your Committee notes that this measure is not intended to prohibit the sentencing of defendants to life imprisonment with the possibility of parole or a potential lengthy minimum term of imprisonment for defendants between the ages of eighteen and twenty-one.

Your Committee has amended this measure by:

- (1) Deleting language that would have amended existing law to change the age for which individuals are eligible for life without parole sentences from eighteen years of age or older to twenty-one years of age or older;
- (2) Inserting new statutory language that prohibits emerging adult defenders from being sentenced to life imprisonment without the possibility of parole;
- (3) Defining emerging adult defendant as a person convicted of a crime who is over eighteen years of age and less than twenty-one years of age; and
- (4) 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 778, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 778, S.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary,

Karl Rhoads

KARL RHOADS, Chair



The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 778</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">JDC</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">1/31/25</div>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended 2312</div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div style="text-align: center;"><input type="checkbox"/> Hold 2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit 2313</div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
CHANG, Stanley	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton				✓
TOTAL	4	—	—	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; margin-top: 10px;">Mike Gabbard</div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

***Only one measure per Record of Votes**