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**Testimony of the Office of the Public Defender,
State of Hawaii to the House Committee on Judiciary & Hawaiian Affairs**

February 5, 2025

H.B. 129 H.D. 1: RELATING TO YOUTH FEES AND FINES.

Chair Tarnas, Vice-Chair Poepoe, and Members of the Committee:

The Office of the Public Defender **strongly supports H.B. 129 H.D. 1:**

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 H.B. 129 H.D. 1 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.

This measure 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.



STATE OF HAWAII
DEPARTMENT OF EDUCATION
KA 'OIHANA HO'ONA'AUAO
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 02/05/2025

Time: 02:00 PM

Location: 325 VIA VIDEOCONFERENCE

Committee: House Judiciary & Hawaiian Affairs

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Bill Title: HB 0129, HD1 RELATING TO YOUTH FEES AND FINES.

Purpose of Bill: Prohibits the assessment of any fees, fines, 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 before the effective date of the Act. Limits court-ordered community service for a minor to no more than seventy-two hours. Repeals certain penalties imposed on parents, guardians, or other persons associated with unaccompanied children in streets and unmarried minors in dance halls. Effective 7/1/3000. (HD1)

Department's Position:

The Hawai'i State Department of Education (Department) respectfully provides comments with on HB 129, HD1.

Shifting from monetary penalties to community service for vandalism promotes restorative justice, reduces financial burdens on families, and fosters accountability, empathy, and stronger school connections. However, successful implementation requires careful planning and adequate resources, as it introduces logistical challenges that may require staffing and funding and creates an additional burden on the Department to meet these needs.

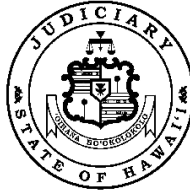
Effective management of community service programs will increase the administrative workload, present logistical challenges in scheduling and compliance tracking, and create barriers for smaller or under-resourced schools. Systems must be in place to manage community service tasks that comply with the 72-hour limit and do not interfere with school or work commitments.

Comprehensive staff training is essential for successful implementation. This includes training on restorative justice principles and practices (examples: conflict resolution, mediation, victim-offender

conferencing), as well as adequate supervision and documentation of community service, including tracking student progress and documenting the nature of work performed, hours completed, and any issues that arise. Additional staff or reassigning existing staff duties will be necessary to support these efforts. Furthermore, the Department requires training for all school administrators on revised disciplinary procedures aligned with restorative justice principles, including updates to Hawai'i Administrative Rules Chapter 19, directly tied to Hawai'i Revised Statutes §302A-1153 regarding vandalism damage to public school property.

HB 129, HD1 has the potential to positively impact students and school communities if supported with the necessary resources. While offering comments, the Department acknowledges the importance of addressing these key concerns to ensure the success of these changes and foster a positive and supportive learning environment for all students.

Thank you for the opportunity to provide testimony for HB 129, HD1.



The Judiciary, State of Hawai‘i

Testimony to the Thirty-Third Legislature, 2025 Regular Session

House Committee on Judiciary & Hawaiian Affairs

Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair

Wednesday, February 5, 2025, 2:00 p.m.
State Capitol, Conference Room 325

by
Andrew T. Park
Judge, Family Court of the First Circuit

WRITTEN TESTIMONY ONLY

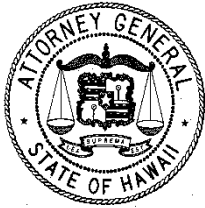
Bill No. and Title: House Bill No. 129, HD1, Relating to Youth Fines and Fees.

Purpose: Prohibits the assessment of any fees, fines, 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 before the effective date of the Act. Limits court-ordered community service for a minor to no more than seventy-two hours. Repeals certain penalties imposed on parents, guardians, or other persons associated with unaccompanied children in streets and unmarried minors in dance halls.

Judiciary's Position:

The Judiciary takes no specific position on House Bill 129, H.D. 1, 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. In addition, we acknowledge the clarifying amendments made by the Committee on Human Services & Homelessness as explained in Standing Committee Report No. 29 and express our gratitude for that Committee's thoughtful consideration of the report submitted to the Legislature by the Administrative Director of the Courts.

Thank you for the opportunity to offer testimony on this bill.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2025**

ON THE FOLLOWING MEASURE:

H.B. NO. 129, H.D. 1, RELATING TO YOUTH FEES AND FINES.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

DATE: Wednesday, February 5, 2025 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

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

Chair Tarnas and Members of the Committee:

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

The purposes of the bill are to (1) prohibit the assessment of any fines, fees, or court costs against individuals adjudicated for an offense committed while the person was under the age of eighteen, as well as against their parents or guardians; (2) limit court-ordered community service for minors to no more than seventy-two hours; and (3) repeal certain penalties imposed on parents, guardians, or other persons associated with unaccompanied children in streets and unmarried minors in dance halls.

The Department appreciates the amendments made by the House Committee on Human Services and Homelessness to address our concerns. However, the Department still notes a potential constitutional issue with the title of the bill and the subjects contained in the bill. Section 14 of article II of the Hawaii Constitution provides, in part, that "Each law shall embrace but one subject, which shall be expressed in its title." The title of the bill, "Relating to Youth Fees **and** Fines," could be construed by a court as embracing two subjects. Additionally, the bill itself addresses "fees, fines, or court costs," three subjects, the last of which may not be encompassed within the title of the bill. While all of these concepts are related and can be included in a single bill, we suggest that the contents of this measure be placed into another bill with a title that

clearly embraces one subject, such as “Relating to Penalties” or “Relating to the Judiciary.”

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



TESTIMONY IN SUPPORT FOR HOUSE BILL 129
RELATING TO YOUTH FEES & FINES

House Committee on Judiciary & Hawaiian Affairs
Hawai'i State Capitol

February 5, 2025

2:00PM

Room 325

Dear Chair Tarnas, Vice Chair Poepoe and members of the House Committee on Judiciary & Hawaiian Affairs:

The Office of Hawaiian Affairs (OHA) **SUPPORTS HB 129** which prohibits the assessments of any fines, fees, or court costs against a person who was adjudicated for an offense while they were a minor under the age of 18, or against the person's parent or guardian, limits court-ordered community service to for a minor to no more than 72 hours, and repeals certain penalties imposed on parents, guardians, or other persons associated with unaccompanied children in streets or unmarried minors in dance halls. HB 129 is an evidence-based measure which ensures youth and their families are not punished for being impoverished.

OHA supports policies which reduce the harmful psychological, social, cultural, and economic impacts associated with discrimination against pa'ahao, their 'ohana, and the greater Hawaiian community. Native Hawaiians have historically been disproportionately impacted by Hawai'i's criminal justice system¹. Though Native Hawaiians account for approximately 20% of the state's population, they comprise more than 40% of the state's prison population². While fees imposed by the courts are an inconvenience for some, for those already struggling to keep up with the skyrocketing cost of living they can be detrimental. As of 2024, 12% of households in Hawai'i are living below the poverty line, and 29% of households identified as ALICE (Asset Limited, Income

¹ "Is There an Uneven Administration of Justice for Native Hawaiians in Hawai'i? - A Report of the Hawai'i Advisory Committee to the United States Commission on Human Rights" Hawai'i Advisory Committee, September 2011) at p.3 - Letter of Transmittal,

<https://www.usccr.gov/files/pubs/docs/HawaiiAdministrationJusticeNativeHawaiiansReport.pdf>

² "Is There an Uneven Administration of Justice for Native Hawaiians in Hawai'i? - A Report of the Hawai'i Advisory Committee to the United States Commission on Human Rights" Hawai'i Advisory Committee (September 2011) at p. 3 - Letter of Transmittal,

<https://www.usccr.gov/files/pubs/docs/HawaiiAdministrationJusticeNativeHawaiiansReport.pdf>

Constrained, Employed)³.

In 2023, the US Department of Justice effectively put states on notice regarding juvenile courts requiring youth fees and fines, acknowledging that the practice could be in violation of the Eighth Amendment prohibition against excessive fines⁴. The imposition of such costs pushes many individuals, and potentially their families, further into debt, often forcing cases to remain open for much longer than they would have been otherwise due to unpaid fees. All for reasons unrelated to public safety.

HB 129 highlights this ineffective accountability practice. Some who cannot afford to pay might opt to spend a few nights in jail instead, which could result in unemployment, loss of driver's license, or even the loss of housing. Not to mention, the cost to house the individual for even a single night in the system often far exceeds the financial penalties assigned. As of 2024, seventeen states have passed legislation repealing all or most youth fees and fines⁵. An additional seven states have passed legislation appealing at least one youth fee and/or fine, while nine states, including Hawai'i have a locality that has repealed at least one youth fee and/or fine, or some other non-legislative appeal was enacted⁶. In the case of Hawai'i, the Kaua'i Office of the Prosecuting Attorney adopted a policy not to impose most youth fees or fines in 2021⁷.

As the report on restitution against minors cited by HB 129 highlights, only 17% of fines ordered against minors were paid in Hawai'i over the past five years, showcasing the ineffectiveness of the system⁸. Access to justice should not be dependent on how much money a person has. Continuing to impose fees upon indigent minors and their families corrodes public trust, economic stability, and community health.

³ "ALICE in Hawaii – 2024 Facts and Figures," Bank of Hawaii Foundation; Aloha United Way; United for ALICE (2024) at p. 4, https://www.auw.org/wp-content/uploads/2025/01/2024_ALICE-Report_Facts-and-Figures_v-25-01-09.pdf

⁴ Associate Attorney General Vanita Gupta, "Access to Justice Spotlight – Fines & Fees," Office for Access to Justice – U.S. Department of Justice (2023) at p.1 – Letter from Associate Attorney General Vanita Gupta, <https://www.justice.gov/d9/2023-11/doj-access-to-justice-spotlight-fines-and-fees.pdf>

⁵ "States that Have Repealed Youth Fees & Fines," Debt Free Justice (November 4, 2024), at Table 1, <https://debtfreejustice.org/states-have-repealed-youth-fees-fines>

⁶ "States that Have Repealed Youth Fees & Fines," Debt Free Justice (November 4, 2024) at Table 1, <https://debtfreejustice.org/states-have-repealed-youth-fees-fines>

⁷ "States that Have Repealed Youth Fees & Fines," Debt Free Justice (November 4, 2024) at Table 1, <https://debtfreejustice.org/states-have-repealed-youth-fees-fines>

⁸ "Report to the Thirty-Third Legislature – 2025 Regular Session – A Report on the Assessment of Youth Fees, Court Costs, Fines and Restitution in Cases Against Minors," Office of the Administrative Director of the Courts – The Judiciary – State of Hawaii (2024) at p. 35, <https://www.courts.state.hi.us/wp-content/uploads/2025/01/RPT-Assessment-of-Fees-Court-Costs-Fines-Restitution-for-Minors-FINAL.pdf>

The Office of Hawaiian Affairs urges this committee to **PASS HB 129**. Mahalo nui for the opportunity to testify.

COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: (808) 927-1214 / kat.caphi@gmail.com

Today's Inmate; Tomorrow's Neighbor



COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Representative David Tarnas, Chair

Representative Mahina Poepoe, Vice Chair

Wednesday, February 5, 2025

Room 325 & VIDEOCONFERENCE

2:00 PM

SUPPORT FOR HB 129 HD1 - YOUTH FEES AND FINES

Aloha Chair Tarnas, Vice Chair Poepoe 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 3,697 Hawai'i individuals living behind bars¹ and under the "care and custody" of the Department of Corrections and Rehabilitation on any given day. We are always mindful that 937 - 49% - of Hawai'i's imprisoned male 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 the opportunity to testify in **support of HB 129 HD1** that prohibits the assessment of any fees, fines, 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. It limits court-ordered community service for a minor to no more than seventy-two hours.

There is broad support the elimination of fees and fines for young people from diverse sectors of the criminal legal system including, The National Council of Juvenile and Family Court Judges, Fair and Just Prosecution, Youth Correctional Leaders for Justice, and Law Enforcement Leaders to Reduce Crime & Incarceration. Moving away from monetary sanctions, like fees and fines, is particularly important in Hawai'i to account for the unique cultural needs of Native Hawaiian youth. Hawai'i has gained national recognition as a trailblazer for racial equity, trauma-informed care, and dismantling punitive systems for

¹ DCR Weekly Population Report, January 20, 2025

<https://dcr.hawaii.gov/wp-content/uploads/2025/01/Pop-Reports-Weekly-2025-01-20.pdf>

our youth. Eliminating outdated systems will free up resources and make space for more creative and restorative solutions.

This bill is important because most [youth have little to no income](#), assets, or money of their own and are not old enough to work, or at least cannot work full time under federal law. Since the vast majority of youth in the system cannot work and come from low-income families, there is no guarantee youth or their families will be able to pay fees and fines. We are glad that most courts do not assess monetary sanctions on our youth, whose brains are still developing. The bill limits community service for youth to 72 hours. The HD1 does allow for certain penalties imposed on parents or guardians. We hope the court will look at the circumstances around the youth offense.

Community Alliance on Prisons respectfully asks the committee to consider the dire straits that many families face daily in Hawai'i. The establishment of programs for youth and treatment centers to address behavioral health issues such as substance misuse, mental health, and the educational challenges of many of our youth would be a much better alternative. We appreciate the committee's commitment to our next generations by hearing (and hopefully passing) this measure. Mahalo nui to the committee for hearing the bill and hopefully supporting this measure to help our youth!

Mahalo nui for the chance to share our thoughts!



Committee: Judiciary & Hawaiian Affairs

Hearing Date/Time: Wednesday, February 5, 2025 at 2pm

Place: Conference Room 325, 415 South Beretania Street

Re: Testimony of the ACLU of Hawai'i in SUPPORT of H.B. 129 Relating to Youth Fees and Fines

Dear Chair Tarnas, Vice Chair Poepoe, and Committee Members:

The American Civil Liberties Union of Hawai'i **SUPPORTS H.B. 129, HD1** 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.

The Department of Justice Supports the Elimination of Fines and Fees

A 2023 report from the U.S. Department of Justice recommended that state and local courts, in addition to juvenile justice agencies, should operate with the understanding that "children and youth under the jurisdiction of the juvenile justice system should be presumed indigent and unable to pay fines and fees."¹ This guidance is not only moral, fair, and just—it is also pragmatic. Associate Attorney General Vanita Gupta, summarizing this report, wrote: "eliminating the unjust imposition of fines and fees is one of the most effective ways for jurisdictions to support the success of youth and low-income individuals, honor constitutional and statutory obligations, and reduce racial disparities in the administration of justice."

National research shows fees and fines imposed on young people increase the risk of recidivism.

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.²

Concerningly, 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. [REDACTED] As fees and fines increased, so did the youth's chances of recidivism.

¹ <https://ojjdp.ojp.gov/news/juvjust/justice-department-addresses-court-imposed-fines-and-fees-youth>

² <https://www.brennancenter.org/our-work/research-reports/steep-costs-criminal-justice-fees-and-fines>

Fining youth also creates 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 reallocated 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 H.B. 129, 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. Others are reducing fees as well.³ Research on these localities suggest that eliminating fees for youth reduces financial burdens for families of justice-involved youth.⁴ Many more are following their lead. We urge you to pass H.B. 129 and implement debt-free justice for youth, which aligns with Hawaii's commitment to reform its juvenile justice system.⁵

Sincerely,

Nathan Lee, Policy Legislative Fellow, ACLU Hawai'i

C: Carrie Ann Shirota, Policy Director, ACLU Hawai'i

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.

³ <https://imprintnews.org/justice/juvenile-justice-2/doj-fines-and-fees/247097>

⁴ <https://www.capolicylab.org/wp-content/uploads/2021/11/Eliminating-fees-in-the-Alameda-County-Juvenile-Justice-System.pdf>

⁵ <https://www.washingtonpost.com/nation/2022/07/25/hawaii-zero-girls-youth-correctional-facility/>



February 3, 2025

Testimony in Support of HB 129, HD 1 Relating to Youth Fines

Aloha Chair Tarnas, Vice-Chair Poepoe
and Members of the Committee on Judiciary & Hawaiian Affairs

My name is Jamee Māhealani Miller, and I am the Co-Executive Director of ‘Ekolu Mea Nui, a Native Hawaiian-led nonprofit organization committed to transforming Hawai‘i’s justice system through reinvestment in Native Hawaiian cultural practices and values. At ‘Ekolu Mea Nui, we refuse to accept the criminal and juvenile legal systems as they are. We believe that alternatives to incarceration and punitive sanctions not only exist but are essential to creating a justice system that truly serves the people.

Our vision is a pono justice system—one that heals and empowers individuals, ‘ohana, and communities. To make this vision a reality, we advocate for innovative laws and policies that move away from punishment and instead focus on restoring the human spirit and strengthening resilient ‘ohana. HB 129 aligns with this mission, and we strongly support its efforts to eliminate fees, fines, and court costs for youth involved in the justice system, as well as related penalties for their families.

By eliminating juvenile fees and fines, Hawai‘i has the opportunity to align itself with national trends and reaffirm its own values of justice and equity. Across the country, jurisdictions are recognizing the harm caused by imposing financial penalties on youth and their families. For Native Hawaiian youth—who are already overrepresented in the justice system—these fees only deepen existing inequities. Shifting away from monetary sanctions reflects a commitment to fostering rehabilitation and healing rather than perpetuating cycles of harm.

These financial penalties place unnecessary burdens on families, forcing many to make impossible choices between paying court obligations or meeting basic needs such as housing, food, and education. This strain disrupts family relationships and creates barriers to rehabilitation for youth. Studies confirm that financial penalties increase the likelihood of recidivism, especially for youth of color, making these sanctions counterproductive to the goal of reducing repeat offenses. HB 129 offers a pathway to accountability that strengthens family bonds and builds a foundation for growth and restoration.

Hawai‘i has already begun to embrace culturally informed practices in its approach to justice, and this bill is an opportunity to expand those efforts. Financial penalties do not align with the

values of restorative justice that Hawai‘i is striving to uphold. Alternatives such as community service, when thoughtfully implemented, allow youth to take responsibility for their actions while reconnecting with their culture and community. However, care must be taken to ensure that these programs are accessible, reasonable in scope, and avoid becoming exploitative. With intentionality, culturally sensitive community service programs can provide youth with the chance to heal, grow, and contribute meaningfully to their communities.

Furthermore, eliminating fees and fines will not result in any financial loss to the court system. The Judiciary has confirmed that these penalties are not a significant source of revenue and are not actively tracked or relied upon for funding. In fact, pursuing these fees often incurs greater costs than the revenue they generate, particularly from low-income families who are unable to pay. By removing these penalties, Hawai‘i can redirect resources toward more effective and impactful approaches to youth accountability.

HB 129 embodies the values of aloha, kuleana, and mālama ‘ohana by prioritizing healing over punishment and financial strain. As Native Hawaiians, we understand that true accountability comes from repairing relationships and restoring balance, not by deepening divides. This bill represents a critical step toward building a justice system that uplifts and supports youth, rather than compounding the challenges they already face.

At ‘Ekolu Mea Nui, we are dedicated to advancing culturally grounded solutions to address intergenerational incarceration and support justice-involved youth and their families. We believe that HB 129, HD 1 is essential to ensuring that Hawai‘i’s youth are given the opportunity to heal, grow, and thrive within their families and communities.

Mahalo nui loa for considering this measure and for your dedication to the well-being of Hawai‘i’s youth and families. We strongly urge the Committee to pass HB 129.

Me ke aloha,

A handwritten signature in cursive script, reading "Jamee Māhealani Miller".

Jamee Māhealani Miller, EdD, LSW
‘Ekolu Mea Nui
Co-Executive Director

jamee@ekolumeanui.org



Testimony in Support of HB 129, HD 1
Submitted by Nā 'Ōpio Waiwai, Youth Council of 'Ēkolu Mea Nui
Committee on Human Services & Homelessness

February 3, 2025

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the Committee on Judiciary & Hawaiian Affairs

We are [Nā 'Ōpio Waiwai](#), the youth council of 'Ēkolu Mea Nui, a collective committed to uplifting Native Hawaiian youth and dismantling intergenerational incarceration through cultural practices and advocacy. As young leaders rooted in the values of aloha 'āina (love for the land) and 'ohana (family), we strive to empower justice-impacted communities and transform systems that disproportionately harm our people. We would have preferred to provide testimony in person today, but as high school students, our school commitments prevent us to participate in person or online. Please accept our apologies.

As Native Hawaiian youth, we speak from personal and shared experiences within our communities. HB 129, HD 1 is not just a policy—it is a step toward justice, equity, and healing for all young people in Hawai'i. For these reasons, we strongly support HB 129, HD 1.

Our WHY:

1. HB 129, HD 1 Reflects Hawai'i's Leadership in Equity and Justice.

Hawai'i is recognized nationally for embracing racial equity and trauma-informed care, and this bill aligns with that leadership. Eliminating juvenile fees and fines ensures that our justice system reflects our shared values of aloha and kuleana (responsibility). Punitive systems built on financial penalties only perpetuate cycles of harm, disproportionately impacting Native Hawaiians and communities of color. Instead, this bill offers us an opportunity to embrace solutions that truly support youth and families.

2. Fees and Fines Punish Families, Not Just Youth

Most youth in the justice system cannot afford to pay fees or fines. We are students, not full-time workers, and many of us come from low-income families. Our families are already making sacrifices to provide us with basic needs like housing, food, and education. Adding court fees to that burden only forces families to choose between paying for necessities and paying the system.

For Native Hawaiian families, who already face some of the lowest median incomes in the state, these penalties feel like additional punishment for being born into circumstances beyond our control. HB 129, HD 1 lifts this unfair weight off the shoulders of families and opens the door to real accountability and growth.

3. HB 129, HD 1 Reduces Recidivism by Focusing on Support, Not Punishment

Fees and fines hurt more than they help. Research shows that financial penalties increase the chances of youth returning to the system. When youth are burdened with unpayable debt, they feel hopeless, which makes it harder to move forward. By eliminating these fees and instead focusing on support, we can break cycles of recidivism and give youth a real chance to succeed.

Our council has seen firsthand the impact of relevant cultural approaches, where youth are supported to take accountability in ways that strengthen, rather than harm, their relationships with their families and communities. HB 129, HD 1 is a critical step in prioritizing support over punishment.

4. This Bill Reflects Hawaiian Values of Ho‘oponopono and ‘Ohana

As Native Hawaiian youth, we value the principles of ho‘oponopono (to make right) and mālama ‘ohana (caring for family). HB 129, HD 1 reflects these values by shifting from punishment to restoration. Penalizing youth and families financially only deepens the hurt and divides caused by the system. Instead, we need policies that help us heal as individuals and families, so we can be stronger individuals and families in our communities.

5. A National Movement for Justice Reform

Hawai‘i should join the growing number of states that have already recognized the harm caused by juvenile fees and fines. By eliminating this outdated and harmful system, Hawai‘i can continue to lead the way in innovative justice reform and demonstrate its commitment to protecting and uplifting its youth.

Our Ask

We ask you to support HB 129, HD 1 not just for us, but for all of Hawai‘i’s families. Eliminating fees and fines is a step toward building a justice system that values restoration, healing, and equity.

We thank you for the opportunity to testify and for your commitment to Hawai‘i’s youth. Together, we can create a system that uplifts rather than punishes, and supports rather than burdens.

Mahalo nui loa,



Ōhāwai Manuel



Zoe Martinez



Aubree K-aloha

Nā ‘Ōpio Waiwai
Youth Council of ‘Ekeolu Mea Nui
now@ekolumeanui.org

Opportunity for Youth Action Hawai'i

February 5, 2025

House Committee on Judiciary and Hawaiian Affairs

Hearing Time: 2:00 PM

Location: State Capitol Conference Room 325

Re: HB129 HD1, Relating to Youth Fines and Fees

Aloha e Chair Tarnas, Vice Chair Poepoe, and Members of the Committee:

On behalf of the Opportunity for Youth Action Hawai'i hui, we are writing in **support of HB129, relating to youth fines and fees**. This bill prohibits the assessment of most fees, fines, 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 before the effective date of the Act. Amendments to the bill clarify that the minor may be ordered to pay restitution when applicable, that a public-school principal may use their discretion in determining whether a student can repair damage caused by vandalism, and restores language requiring a minor to pay the actual cost of property damage or replace damaged property in the case of graffiti. The bill limits court-ordered community service for a minor to no more than seventy-two hours. It also repeals certain penalties imposed on parents, guardians, or other persons associated with minors in specific instances.

Although the latest draft of this bill restores some of the requirements for youth to be charged certain fees, we believe that HB129 continues to represent an important step towards creating a more equitable justice system that prioritizes rehabilitation and accountability over the imposition of punitive financial burdens. As demonstrated by a report from the Administrative Director of the Courts, only seventeen percent of fines ordered against minors in the past five years have actually been paid, demonstrating the impracticality and ineffectiveness of this punitive approach. Current practices disproportionately impact low-income families and communities of color, perpetuating ongoing cycles of poverty and inequity.

The Committee should consider the benefits of pursuing alternative options to the fees restored in the latest house draft. The costs affiliated with these amendments are representative of the same financial barriers that this bill is intended to circumvent. To reiterate, criminological studies demonstrate that imposing fees and fines on youth significantly increases the likelihood of recidivism, even when controlling other factors. Further, data from other states shows that the costs of collecting these fees often exceeds the revenue generated. In Hawai'i, courts do not depend on this revenue, and many family court judges avoid imposing these fees in acknowledgement of their ineffectiveness and the financial strain they place on families.

Opportunity for 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.

Please support HB129 HD1.

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



**THE HONORABLE DAVID A. TARNAS, CHAIR
THE HONORABLE MAHINA POEPOE, VICE CHAIR
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
Thirty-Third State Legislature
Regular Session of 2025
State of Hawai'i**

February 5, 2025

RE: H.B. No. 129: RELATING TO YOUTH FEES AND FINES

Dear Chair Tarnas, Vice-Chair Poepoe, and Members of the Committee:

On behalf of the national Debt Free Justice campaign, we respectfully submit the following testimony to express our strong support for H.B. No. 129, relating to youth fees and fines.

Debt Free Justice is the national campaign to end harmful financial penalties (fees and fines) assessed against youth and their families in juvenile legal systems throughout the country. The campaign is coordinated by the National Center for Youth Law, Juvenile Law Center, and UC Berkeley Law's Policy Advocacy Clinic, and powered by dozens of grassroots state advocacy organizations. Since 2021, Debt Free Justice has supported successful efforts in over 25 states to eliminate youth fees and fines, discharge outstanding court debt, and shift juvenile systems to alternatives that achieve justice and accountability through evidence-based strategies.

Debt Free Justice Hawai'i is a statewide coalition of advocacy organizations, academic institutions, and law and public policy experts dedicated to eliminating the harmful and unjust fees and fines imposed on youth and their families in the Hawai'i Family Court system. Led by Hawai'i non-profit 'Ekolu Mea Nui and supported by the Policy Advocacy Clinic at UC Berkeley School of Law and others, the Coalition has spent over four years researching fees and fines in Hawai'i, engaging directly with impacted youth and families, and crafting policy alternatives in collaboration with juvenile system attorneys and administrators.

Hawai'i state law authorizes the assessment of fees and fines against youth and their families in the juvenile legal system. These costs can range dramatically, from \$10 to \$5,000 for any given fee or fine.¹ These costs can accumulate, quickly becoming an insurmountable debt that imposes long-lasting financial and emotional harm on youth and their families.² It is no surprise that a 2024 report submitted by the Administrative Director of Hawai'i Courts found that youth and families have paid only 17% of fines assessed in juvenile cases over the past five years.³

Recognizing the significant toll that court debt places on young people, Hawai'i courts have already taken bold actions to design alternatives that achieve rehabilitation and accountability for youth without ordering crushing financial penalties. Because many of these fines are mandated by law, judges are forced to order rigid, formulaic penalties where individually tailored, community-centered alternatives have proven their comparable success.⁴ The forced imposition of fines runs contrary to criminology research on youth monetary sanctions, which show that youth had significantly higher likelihood of recidivism (reoffending) when assessed court-ordered fees and fines, even when controlling for demographics and case characteristics.⁵ In effect, the assessment of court fees and fines may further contribute to instances of misconduct that keep youth from achieving their fullest potential.

Analyzing trends from 2021 through 2023, the Hawai'i Department of Human Services' Office of Youth Services found that Native Hawaiian and Pacific Islander youth are disproportionately represented throughout the juvenile legal system, from arrest and petition to detention and probation.⁶ Hawaiians face the lowest median income of all major ethnic groups throughout the state.⁷ The elimination of youth fees and fines provides further incentive to invest in proven alternatives that integrate Native Hawaiian culture and tradition into the justice system.

The federal Department of Justice, national associations of judges,⁸ prosecutors,⁹ correctional leaders,¹⁰ and law enforcement professionals¹¹ all support the elimination of fees and fines for young people.

Hawai'i is an outlier in continuing to authorize monetary sanctions under state law. By removing court-assessed fees and fines against system-involved youth, H.B. No. 129 would bring Hawai'i in-step with the national movement to abolish youth fees and fines. Advocates from across the state of Hawai'i, from juvenile system attorneys to community-led restorative justice organizations, have already joined the call to end youth fees and fines.¹² 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.

Respectfully submitted,



Cameron D. Clark, Esq.
National Co-Coordinator
Debt Free Justice



Jamee Māhealani Miller, EdD, LSW
'Ekolu Mea Nui
Co-Executive Director

¹ See, e.g., Haw. Rev. Stat. § 291E-61 (providing for mandatory fines of up to \$3,000 for first-time juvenile vehicular offenses), § 291E-61.5 (providing for mandatory fines of up to \$5,000 for repeat juvenile vehicular offenses).

² Depending on the circuit, youth and families are charged, on average, over \$600 in court costs per case. See HAW. ST. JUD., A REPORT ON THE ASSESSMENT OF FEES, COURT COSTS, FINES, AND RESTITUTION IN CASES AGAINST MINORS 3 (2024), <https://www.courts.state.hi.us/wp-content/uploads/2025/01/RPT-Assessment-of-Fees-Court-Costs-Fines-Restitution-for-Minors-FINAL.pdf>.

³ From January 2019 through September 2024, Hawai'i family courts ordered roughly \$40,600 in fines against youth and their families; they had only received roughly \$6,900 in repaid fine debt. HAW. ST. JUD., A REPORT ON THE ASSESSMENT OF FEES, COURT COSTS, FINES, AND RESTITUTION IN CASES AGAINST MINORS 3 (2024), <https://www.courts.state.hi.us/wp-content/uploads/2025/01/RPT-Assessment-of-Fees-Court-Costs-Fines-Restitution-for-Minors-FINAL.pdf>.

⁴ See, e.g., Haw. St. Jud., *Papa Hoike Kuleana: Accountability Program of the First Circuit Family Court* (Jul 8, 2016), https://www.courts.state.hi.us/news_and_reports/featured_news/2016/07/papa-hoike-kuleana-accountability-program-of-the-first-circuit-family-court (describing the Program's "innovative approach to helping youth complete their court-ordered restitution and community service obligations, while instilling the values of forgiveness, healing and empowerment through mentorship.").

⁵ 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*, YOUTH VIOLENCE AND JUVENILE JUSTICE, 21(4), 279 (2022).

⁶ HAW. DEP'T HUM. SERVS., OFF. YOUTH SERVS., HAWAII JUVENILE JUSTICE SYSTEM CRIME ANALYSIS, STATE FISCAL YEAR 2021–2023 246–263 (2025), https://drive.google.com/file/d/1BqiWJsxmXWvd17MxxcWK9c9u-tY3ZoWu/view?usp=share_link.

⁷ *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://19of32x2yl33s8o4xza0gf14-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>.

⁸ 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.

⁹ Fair And Just Prosecution, *Fines, Fees, and the Poverty Penalty* (2017), https://fairandjustprosecution.org/wp-content/uploads/2017/11/FJPBrief_Fines.Fees_.pdf.

¹⁰ Youth Corr. Leaders for Just., *Statement on Abolishing Youth Fines and Fees* (May 2021), <https://yclj.org/fines-and-fees>.

¹¹ 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.

¹² COMM. ON HUM. SERVS. & HOMELESSNESS, HAW. ST. LEG., TESTIMONY ON HOUSE BILL 129 (2025), https://www.capitol.hawaii.gov/sessions/session2025/Testimony/HB129_TESTIMONY_HSH_01-28-25_.PDF

HB-129-HD-1

Submitted on: 2/5/2025 2:47:43 AM

Testimony for JHA on 2/5/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nikos Leverenz	Drug Policy Forum of Hawaii	Support	Written Testimony Only

Comments:

Chair Tarnas, Vice Chair Poepoe, and Committee Members:

On behalf of Drug Policy Forum of Hawai‘i, I am writing in strong support of this measure.

Mahalo for the opportunity to provide testimony.

HB-129-HD-1

Submitted on: 2/4/2025 10:25:58 AM

Testimony for JHA on 2/5/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Naomi Manuel	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and all Members of the House Committee on Judiciary & Hawaiian Affairs,

I am writing as a community member to express strong support for Hawai‘i House Bill 129 HD 1, a critical piece of legislation that aims to prohibit the assessment of any fees, fines, or court costs against a person who was adjudicated for an offense committed as a minor, or against the person's parent or guardian, and discharges all related debt obligations assessed before the effective date of the Act. This bill also limits court-ordered community service for a minor and repeals certain penalties imposed on parents, guardians, or other persons associated with unaccompanied children.

This bill is a necessary step toward addressing the longstanding disparities and structural inequities that have disproportionately impacted Native Hawaiian and other underserved youth throughout Hawai‘i. The criminalization of minors through financial penalties intensifies stress, trauma, and systemic cycles of hardship, leading to negative outcomes such as increased anxiety, hopelessness, and the likelihood of recidivism with no sense of fair accountability, healing, and opportunity for growth.

The financial burden of fines and fees on minors and their families not only exacerbates existing economic inequities, but also perpetuates cycles of poverty and systemic disenfranchisement. Low-income and Native Hawaiian families are disproportionately affected by these punitive financial measures, which often ensure deeper financial instability. Eliminating these penalties relieves economic hardship and enables families to focus on healing, growing, and building stronger individuals, ‘ohana, and communities.

Reflective of Native Hawaiian values like ho‘oponopono (to make right) and mālama (to care for), HB129 HD1 has the opportunity to shift the narrative of punishment to restoration as a step towards healing a harmful justice system.

Mahalo piha,

Naomi Manuel

Kahalu‘u, O‘ahu

HB-129-HD-1

Submitted on: 2/5/2025 10:05:57 AM

Testimony for JHA on 2/5/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Angela Young	CARES Community Advocacy Research Education Services	Support	Remotely Via Zoom

Comments:

CARES supports.