

HB 819



EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

Testimony of
Linda L. Smith
Senior Policy Advisor to the Governor

WRITTEN ONLY

Before the
SENATE COMMITTEE ON HUMAN SERVICES
Tuesday, March 24, 2009, 2:40 p.m.
Room 016, State Capitol

H.B. 819, HD2 RELATING TO CRIME

Chair Chun Oakland, Vice Chair Ihara, and members of the Committee:

The Office of the Governor **supports** H.B. 819, HD2. This bill seeks to mandate that minors aged 15 to 17 be tried as adults in cases of first and second degree murder, requiring that the family court waive jurisdiction in favor of criminal proceedings in circuit court. This measure would also give discretion to the Circuit Court to remand the minor back to family court in specified instances.

By providing for an accelerated judicial process for trying accused murderers as adults, this measure would bring closure more quickly for victims' families. Waiver hearings in family court can be long, drawn-out affairs that can take many months, or, as in one recent case, more than a year to complete. Given the heinousness of murder, these defendants should be tried as adults and the presumption should be that the circuit court has jurisdiction over them for criminal proceedings. Victims' families should not need to wait lengthy periods of time for the family court to determine jurisdiction and provide a waiver. The waiver should be mandatory.

The Office of the Governor supports this measure and respectfully requests that the Committee pass H.B. 819, HD2.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU
801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulupd.org

MUFI HANREMANN
MAYOR



BOISSE P. CORREA
CHIEF

PAUL D. PUTZULU
KARLA A. GUDSEY
DEPUTY CHIEFS

OUR REFERENCE RR-NTK

March 24, 2009

The Honorable Suzanne Chun Oakland, Chair
and Members
Committee on Human Services
The Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair Chun Oakland and Members:

Subject: House Bill No. 819, H.D. 2, Relating to Crime

I am Richard C. Robinson, captain of the Criminal Investigation Division of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department supports House Bill No. 819, H.D. 2, Relating to Crime. Passage of this bill would allow for a more expedient judicial process for accused murderers who are aged fifteen to seventeen. Currently, juvenile murder suspects have a waiver hearing in Family Court to determine if the juvenile can be prosecuted as an adult.

In 2007, a juvenile murder suspect was arrested, and a petition for waiver was filed. It took five separate Family Court hearings and more than one year before he was waived to be tried as an adult. Until today, the family of the victim has been deprived of the right to see the juvenile stand trial for his crimes. The Honolulu Police Department strongly believes that the victims' families deserve closure and justice, and justice delayed is justice denied.

The Honorable Suzanne Chun Oakland, Chair
and Members
Page 2
March 24, 2009

The Honolulu Police Department urges you to support House Bill No. 819,
H.D. 2, Relating to Crime.

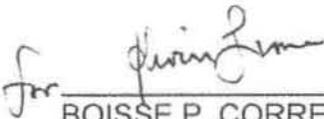
Thank you for the opportunity to testify.

Sincerely,



RICHARD C. ROBINSON, Captain
Criminal Investigation Division

APPROVED:



BOISSE P. CORREA
Chief of Police



Hawaii Rifle Association

State Affiliate of the National Rifle Association
Founded in 1857

March 23, 2009

Testimony on HB 819, HD 2, Relating to Crime

IN SUPPORT

Before the Committee on Human Services

Senator Suzanne Chun Oakland, Chair

Senator Les Ihara, Jr., Vice Chair

DATE: Tuesday, March 24, 2009

TIME: 2:40 PM

PLACE: Conference Room 016

HMSTestimony@Capitol.hawaii.gov

Honorable Chair, Vice Chair, and Members,

I would like to provide testimony in **SUPPORT** of this bill.

Please help take a stand on the side of victims against violent crime.

Please **SUPPORT** the passage of this bill.

Sincerely,

Mr. Mark Plischke
Legislative Co-Chair
Hawaii Rifle Association
478-9393

Subject:

FW: HB819

Members of the Committee:

My name is Malanie McLellan and I am Karen Ertell's daughter. I am writing in support of HB819.

I found my mother's body when I was 9 months pregnant with the grandson she will never meet. She had been brutally attacked, raped, beaten, robbed and finally strangled to death. The police describe the attack as "very well planned, very well executed and very well covered up". These are not the actions of a child but of a mature minded juvenile who will now face trial as an adult.

It took 15 long months before it was even determined whether her killer would be tried as a juvenile or as an adult for his crimes. These 15 long months were horrible. Day after day wondering when and if justice would be served. I would not wish this on anyone. It felt like we had been victimized yet again, only this time by the judicial system. The waiver hearing system in place for juveniles works for petty crimes but is not efficient for heinous crimes like 1st and 2nd degree murder. It is an enormous waste of manpower and taxpayer money.

Some opponents to this bill argue that the juvenile may have mental health issues in these cases but that is a moot point. Adults also have mental health issues in murder trials and those circumstances are taken into account regardless of whether it is a juvenile or adult case. The individual who committed the crime will still be allowed a fair trial and a chance to prove their innocence or guilt, and will also have a chance to present their own unique circumstance to the Judge and jury.

We are not talking about children, we are talking about 15-17 year olds who know right from wrong. What will it take before Hawaii sends the message that premeditated murder will not be tolerated? My mother's killer told his father and the police that part of the reason he kept up his criminal behavior is because he knew he could get away with it.

I urge you to please pass this bill to keep Hawaii safe and to prevent other families from having to go through what we went through.

Thank you for your consideration.

Malanie A.S. McLellan

>
> My name is Andrew McLellan and I am Karen's son-in-law.
> I am writing in support of HB819.
>
> I discovered my mother-in-law's body with my wife after she had been
> murdered. We expected justice to be swift.
> Instead, we waited for 15 months for a waiver hearing that only
> determined that Vernon Bartley would be tried as an adult for his very
> adult crime. This wait was a waste of time and money, and prolonged
> the grieving of Karen's family and friends.
>
> The waiver hearing process is sufficient for petty crimes but not for
> calculated murder. This should be a given.
> 15-17 year olds are mature enough to be emancipated in the state of
> Hawaii, yet why do we not hold them accountable for something as
> serious as planned murder?
>
> Please pass this bill.
>
> Thank you very much.
>
> Aloha,
>
> Andrew J. McLellan

Subject: FW: Karen's Law Testimony/PLEASE ADVISE MALANIE

Fm: Kevin P. Callahan
Subj: Karen's Law

I am the longtime boyfriend of Karen Ertell who was brutally Raped and Murdered by her then 15 year old neighbor who lived across the street. Her daughter and I found her body in her home that morning when she did not show up for work.

Like I said at the Press Conference; I cannot describe to you the daily pain and anguish that Karen's family and loved ones have endured since her murder. This anguish turned into weeks, then months and now almost two years; yet there has been no trial.

In the Family Court we endured eight delays and postponements as the Legal wheels turned painfully slow before the Judge finally made a decision to waive jurisdiction and move the case to Adult Court. This took nearly eighteen months!

This not only put Karen's Family through hell; it cost an incredible amount of Taxpayer Money and manpower.

Some will say the system works since they claim that every murder committed by a Juvenile in Hawaii in the last 10 years has been waived. That is not exactly the case. It also cost a huge amount of money and manpower to do so; when these cases could have gone straight to adult court.

There has been many cases in Hawaii where the Juvenile system came into play. The girl beat to death in the middle of the street in Kailua was killed by a man who was reported by the media to have 67 Juvenile arrest....some of these were undoubtedly violent crimes. The young man who killed Ned Nakoa on the streets of Waikiki was released from Juvenile detention by the very Judge who over saw Karen's killer's case, only to kill, after having an attempted murder rap on his record.

The vast majority of states in our country send these cases of violent crime to adult court, most specifically Murder and Rape.

Hawaii does not have "Pre-Meditated Murder" or 1st Degree Murder UNLESS a Judge, Police Officer or Witness is murdered. Hawaii only has 2nd degree Murder on the books for almost all cases and 1st degree Murder charges are extremely rare. The difference being the sentence: 1st Degree carries a sentence of 'Life without Parole while 2nd degree Murder carries a sentence of 'Life with Parole'. The average time a murder conviction spends in jail is only 15 years in Hawaii. Recently a convicted Murderer was released after 15 years and in less then one year killed again.

We cannot confine Karen's law to 1st degree Murder only as this would eliminate all but the rarest

3/5/2009

cases. It should include Rape, 2nd degree Murder and "3 Strikes and your out" for violent crimes as a Juvenile.

Last year one of Honolulu's TV stations conducted a Poll asking the public if they thought this and other cases should be moved immediately to Adult Court. The response was an overwhelming 80% in favor of doing so. PLEASE listen to your constituents. The Community is tired of this type of Juvenile Crime and wants to be safe.

Thank you for your time and consideration in this Bill.

Kevin P. Callahan .

Aloha Senator Chun Oakland,

I am a constituent and a registered voter in your district, making you my elected representative. I am humbly asking that you would hear Karen's Law, which is sitting before you in the Human Services Committee. As you have the complete authority to ensure that the public's best interests are taken into account when selecting bills to be heard, I would largely appreciate an effort by your part to make sure that your constituents are represented by the best of your abilities. As the crime rate has risen with the recent economic downturn, you as elected officials, must take responsibilities to ensure a safer environment for the people of Hawaii. If we allow party politics and special interests to drown out the voices of the public, then surly legislators are failing to represent our needs. In this time, elected officials must come together to create better laws for the state of Hawaii. If a such a bill like Karen's Law cannot pass at the Hawaii State Legislature, then surly, there is no immediate hope for a safer Hawaii. As a strong advocate for protecting and educating the keiki of Hawaii, I hope you can see the importance to ensure that HB819 is a strong protective mechanism for our children. HB819 has passed the House with much support by the Legislators and even more support by their actual constituents. Please hear HB819.

Thank you,

Sarah Hunt

The Honorable Chair's: Suzanne Chun Oakland & Brian Taniguchi;

**I am testifying as to being strongly in favor of; "Karen's Law",
HB819HD2.**

**It is a must that we the State of Hawaii Residents and our Representatives send a
STRONG message to the youth offenders.**

**We must let them know it's time for them to not only obey the laws as an adult.
The want all the rights and privileges as adults, (per say) receive there for let
them be brought to justice as an adult.**

Do the right thing and get this law passed, Mahalo!

God Bless! May God be with you as you both lead your respective Committees.

**James Ward
1630 Liholiho St. #1802**

Honolulu, HI 96822-2937

I AM AN EWA BEACH RESIDENT AND I AM VERY CONCERNED WITH THE VIOLENCE THAT IS HAPPENING IN OUR NEIGHBORHOOD. THE YOUTH OF TODAY SEEM BENT ON DOING WHAT THEY WANT EVEN WHEN THEY KNOW IT IS WRONG. BUT THEN THEY DON'T WANT TO SUFFER THE CONSEQUENCES. WHEN THERE ARE MORE AND MORE TEENAGERS COMMITTING MURDER; DO WE REALLY THINK A FEW YEARS OF INCARCATION CAN MAKE THEM READY FOR SOCIETY WHEN THEY TURN 18. IF THEY WANT TO ACT LIKE ADULTS WE SHOULD TREAT THEM LIKE ADULTS. PLEASE TRY TO PASS KAREN'S LAW.

SHIRLEY AGANAD
91-1037 KAI IKUWA ST
EWA BEACH, HI. 96706

Attn: Chair Suzanne Chun Oakland

Whereas "Karen's Law", HB819HD2 is a common-sense proposal to me, I'm disappointed that it appears to receive so much resistance from our lawmakers. Although the proposal appears unfair because it is dealing with youth, the fail-safe clause in the end is that they will still be adjudicated in a court of law.

Our youth is much more mature today at a younger age than they were in the days the current laws were formulated. The laws need to change to reflect today's Hawaii. I live in Ewa Beach, and I have witnessed a steady, but sure decline in the general respect for the law by juveniles in my community. There is a "lawlessness" on our streets: explosives of all types going on continuously, the roar of illegal motorized vehicles, open drug and alcohol consumption, fight-clubs and "challenges" displayed in the middle of the road. All happening for all to see, all hours of the day and night. And sometimes, with the support of the adults around them, including parents. Recall if you will, a recent news report about the latest fad of "bumping" teachers, making hard physical contact with teachers under the guise of it being accidental.

Specifically in the case of Karen Ertell, allegedly by the same individual, she was harassed, then terrorized, and finally raped and murdered. The crimes escalated, were carefully planned, and carried out with precision, including a cover-up. These are not the actions of an immature individual that is too young to understand the difference between right and wrong specific to this assault and murder. I feel that it's important to note that it's been reported by the local media that friends of this accused continued with this outrageous behavior, allegedly threatening and assaulting potential witnesses in the case.

I plead directly to you and your associates for the ratification of this bill. It's a common-sense bill, given today's times. I'm confident that the majority of our citizens would concur that the individual in this case should be tried as an adult, and there should be a law that reflects and assures that in case it happens again.

Melvin A. McKeague

91-1111 Ahona St.

Ewa Beach, HI 96706

808-689-0272

We are asking you to please support the above bill and help pass it so that we citizens of Ewa Beach can feel a little safer in our homes; and everyone else around Oahu will also feel safer.

We firmly believe that any juveniles 15-17 are fully in charge and know exactly what they are doing to anyone, especially Karen Ertell who believed in the young man who she was trying to help him and get him to live a better life when he brutally raped her and then murdered her.

This is not fair for her and her family, to allow this young man to be tried as a juvenile and go almost free to do it again to someone else who decides to befriend him.

Karen's family has suffered enough and Karen herself cannot continue to enjoy her daughter, her grandchild, and anyone else who came in contact with this lovely person.

Please help all you can to pass the above bill & make our life safer and also save the State money in prosecuting any juvenile as adults if they commit any such crime as what this young man did to Karen.

Please help us all

Edward & Marie St Pierre,

Marie A. L. St. Pierre, R-GRI dba Aneka Realty
PO Box 2580, Ewa Beach, HI 96706-0580
Tel: (808) 689-4314; Fax (808) 689-4501; (c) 808-225-2863
email: Aneka001@hawaii.rr.com

Aloha,

Chair Suzanne Chun Oakland, and members of Human Services

Mahalo for the opportunity to testify on House Bill 819 HD2 that allows minors ages 15-17 to be tried as adults in cases of first and second degree murder.

I am testifying for this bill because:

Society has changed. Many young teens have grown up with too many freedoms and have a different attitude towards other people. Discipline has been lacking in their lives; however, they know what is right or wrong but throw disregard to the wind. They also know that under current law, they can get away with murder with nothing more than a slap on the hand. It is time to change our laws to make the commission of serious crimes committed by youth that result in death of an innocent victim punishable the same as an adult. When death is the result, the victim's family is the one to suffer. The youthful individual that commits the crime can shrug it off knowing that they may receive some jail time but not for long. This is wrong and must be corrected. Passage of HB 819 HD2 will go a long way to even the stakes and give the victim's family some relief that the offender will not do the same thing again for several years if tried as an adult.

This bill needs to be heard now. It is past time that this should have been initiated years ago.

Mahalo for allowing me to testify.

John P. Gallagher
91-893 Nohoihoewa Pl
Ewa Beach, HI 96706

gallaghej002@hawaii.rr.com

This is Doctor Ruben Morales giving my support of Karen's Law. My cellular is 808-375-4405 as a supporter.

I support the passage of Karen's law. It is time for changes. Maybe, it just may put pressure on some of the state or county care givers of these really troubled youngsters to keep them locked up instead of a revolving door that eventually ends in disaster for some adult.

commit an adult crime, get tried in court as an adult.

A.Rodrigues

Please support HB819HD2, introduced by Representative Pine and Representative Mizuno which would mandate that juveniles, 15-17 years of age charged with first or second degree murder, be automatically tried as an adult. "Karen's Law," would save the taxpayers' money in facing this financial deficit by cutting court proceedings down from two to one and help the families in their grieving process.

v/r,
Sheridan K. Parker

I support this effort. When an individual makes a decision to commit a capital offense, and is mentally competent, it is no less of an offense due to age. If it were, it would not be a capital offense, but an accident with severe consequences. If an accident, than it is the right of the people, to determine such. If it is not, than the punishment should be balanced across all of society. This is our law and it originated from men who today, would be called children themselves. We cannot allow our emotions to cast shadows over responsibility for our actions.

Respectfully Submitted;

Paul Major

Ewa Beach

I am in support of Karen's Law. I am a resident of Ewa Beach, a mother and a teacher at the school that Vernon Bartley attended. Vernon had a history of being a violent student and while the school, his teachers and his counselors tried to get him back on track, but his violent streak continued and ultimately cost a woman her life. His blatant disregard for life warrants a punishment fit for a killer. No child would do something so heinous- this was no accident and therefore he and all people who decide to commit such acts should be punished.

Sincerely,

Jennifer Hoffman

Chair Suzanne Chun Oakland,

I'm writing to you in support for Karen's Law, HB819HD2. I firmly believe that it's time for law abiding citizens to receive support and protection from the violent nature of some youths. I have been shocked by the number of brutal attacks that have taken place in my neighborhood in recent days and wonder how many of them could have been prevented by Karen's Law?

I once read that a murderer doesn't just wake up one morning and decide to kill, he or she starts with smaller crimes like assault, rape, then aggravated assault before becoming a murderer. Although I realized the author's statement wasn't always true, I can't help but wonder how many lives could have been saved if Karen's Law had already been on the books?

Please help protect me, my family and my neighborhood and support Karen's Law.

Very Respectfully,

David A. Brewster

91-1022 Kai Moana St.

Ewa Beach, HI 96706

Cell: (808) 222-6140

brewster@hawaii.rr.com

Chief Warrant Officer, U.S. Navy (RET)

Chair Suzanne Chun Oakland,

Please see that "Karen's Law", HB819HD2, receives a fair hearing and is passed in your committee and in the Senate. This bill assures justice for the victims and their survivors, as well as for the defendants. The head of HPD's Violent Crime division has testified that this bill, if passed into law, will reduce the number of murders committed by underage, young adults. Hawaii is not the only state with such laws; most states have similar laws on their books. Recall the recent stories aired in the media about teenagers used by the drug cartels as hit men. These killers are committing violent crimes because they think they will only serve a few years in Juvenal Hall and then be released to kill again. We need this law to assure the safety of law-abiding citizens and improve our system of justice.

Thank you,

Terry M. Allard

Ewa Beach, HI

vanrana@hotmail.com

The Honorable Suzanne Chun Oakland

Chair, Human Services Committee

Aloha Ms. Oakland:

We are very concerned. We have had two brutal murders in Ewa Beach recently and we are seeing an increase in domestic and family violence reported in our local newspapers. As you know families are stressed to the max with pressures associated with the economy. Drug and alcohol crimes are on the increase and the damaged brains from chemical dependency often precipitates serious violence. The current epidemic of Methamphetamine users poses a serious threat to our young offenders because Methamphetamine stimulates incredible angry homicidal and suicidal outbursts. Karen's law specifically benefits our families, our courts, and our neighborhoods. We deserve and demand safe streets and neighborhoods. We know that these very disturbed young criminals, unless tried as adults, will be right back on the streets when they reach adulthood. In our opinion Karen's law will provide a full and fair opportunity for the courts to protect the rights of the accused, mete out justice for criminals, and protect our loved ones. Please in the name of God, do all you can to make sure that criminals, especially the young, are not able to hide behind our compassion and mercy for misguided youth, while they brutalize our loved ones.

Sincerely and Respectfully,

Mitchell & Lisa Hart

Ewa Beach, HI

Chair Suzanne Chun Oakland,

We ask that you favor HB819HD2 with a YES Vote.

John and Lola Rosky

91-1210 Kaileolea Drive, 2L5

Ewa Beach, HI 96706

Testimony for HMS 3/24/2009 2:40:00 PM HB819

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Ronald Livingston
Organization: Individual
Address: 7021 Kamilo St
Phone: 808-395-6559
E-mail: rglivinghi@aol.com
Submitted on: 3/22/2009

Comments:

I strongly support this bill for the charge of murder.

Dear Legislators,

I am a supporter of HB 819 Karen's Law and hope you are too!

As an Ewa Beach resident, I was horrified of the circumstances surrounding the death of a fellow Ewa Beach resident. Unfortunately, our times have changed and some (unfortunately) teenagers no nothing about consequences or the respect of a fellow human being, especially the elderly. It is an outrage what happened to Ms. Karen Ertell and HOPE the Hawaii State Legislators help protect our communities.

In my opinion, the passage of this bill will help send a loud and clear message to our troubled teenagers that their actions will be held accountable and severe consequences will be imposed.

Respectfully,

P.O. Box 2012

Ewa Beach, HI 96706

COMMITTEE ON HUMAN SERVICES

March 24, 2009

Senator Suzanne Chun Oakland, Chair,
Senator Les Ihara, Jr., Vice Chair,
Members of the Committee:

Thank you for the opportunity to submit testimony.

On behalf of the organization, Lessons in Firearms Education, I would like to voice my support for HB 819.

Those that oppose this bill say we shouldn't treat "children" like adults. Some feel minors at age 15 are not mature enough to comprehend the "adult" consequences of their actions when they engage in premeditated murder. I would disagree.

Adult privileges carry with them adult responsibilities. There are many instances in Hawaii law where minors are afforded the opportunity to engage in traditionally adult behavior. They can drive, have sex, and consent to medical care, including abortions. So, it seems somewhat disingenuous to argue that in some circumstances a minor should be afforded adult privileges and responsibilities, while avoiding penalties that arise out of adult behaviors, like murder.

First and second degree murder are adult offenses. If a minor commits these crimes, they should be tried as an adult. Violent offenders, regardless of age, should not be allowed back on the streets to terrorize innocent citizens.

Thank you.

Bill Richter,
Instructor
Lessons in Firearms Education

Subject:

FW: HB 819 Karen's Law SUPPORTER

Dear Legislators,

I am a supporter of HB 819 Karen's Law and hope you are too!

As an Ewa Beach resident, I was horrified of the circumstances surrounding the death of a fellow Ewa Beach resident. Unfortunately, our times have changed and some (unfortunately) teenagers no nothing about consequences or the respect of a fellow human being, especially the elderly. It is an outrage what happened to Ms. Karen Ertell and HOPE the Hawaii State Legislators help protect our communities.

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Respectfully,

P.O. Box 2012
Ewa Beach, HI 96706

Dear Sen. Taniguchi,

I wanted to apologize for barging into your office yesterday. Thank you for being so gracious as to hear me for a few moments.

I do believe it is vital to secure passage of HB819 HD2 which may soon want hearing at your committee.

Having known Karen Ertell personally (she custom roasted coffee for my wife's boutique coffee company) I was particularly incensed by the callous and cold-blooded crime that took her life. I believe that the perpetrator of such a vicious and cruel act should be punished.

I am also aware of the bragging rights of teenage toughs who commit crimes knowing that they can escape full responsibility for their behavior simply because they have not reached the age of majority.

A line has to be drawn. Certainly, one should not escape the consequences of having committed murder because of such calculation. Certainly, our community deserves to be protected from the ravages of such felons.

When it comes your way, please give fair hearing and help to secure passage of HB819 HD2, also known as "Karen's Law," without delay and to inform the malicious elements of our community that any perpetrator of such heinous acts will be severely punished.

Thank you again for your time and attention.

Michael G. Palcic
MacMouse, Club, Inc.
627 South Street, suite 105
Honolulu, HI 96813
921-8294/w
737-1372/h
255-5633/c

----- End of Forwarded Message

Subject:

Karen's Law HB819HD2

The Honorable Suzanne Chun Oakland
Chair, Human Services Committee

Aloha Ms. Oakland:

We are very concerned. We have had two brutal murders in Ewa Beach recently and we are seeing an increase in domestic and family violence reported in our local newspapers. As you know families are stressed to the max with pressures associated with the economy. Drug and alcohol crimes are on the increase and the damaged brains from chemical dependency often precipitates serious violence. The current epidemic of Methamphetamine users poses a serious threat to our young offenders because Methamphetamine stimulates incredible angry homicidal and suicidal outbursts. Karen's law specifically benefits our families, our courts, and our neighborhoods. We deserve and demand safe streets and neighborhoods. We know that these very disturbed young criminals, unless tried as adults, will be right back on the streets when they reach adulthood. In our opinion Karen's law will provide a full and fair opportunity for the courts to protect the rights of the accused, mete out justice for criminals, and protect our loved ones. Please in the name of God, do all you can to make sure that criminals, especially the young, are not able to hide behind our compassion and mercy for misguided youth, while they brutalize our loved ones.

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Thank you,

Terry M. Allard
Ewa Beach, HI
vanrana@hotmail.com

Chair Suzanne Chun Oakland,

I'm writing to you in support for Karen's Law, HB819HD2. I firmly believe that it's time for law abiding citizens to receive support and protection from the violent nature of some youths. I have been shocked by the number of brutal attacks that have taken place in my neighborhood in recent days and wonder how many of them could have been prevented by Karen's Law?

I once read that a murderer doesn't just wake up one morning and decide to kill, he or she starts with smaller crimes like assault, rape, then aggravated assault before becoming a murderer. Although I realized the author's statement wasn't always true, I can't help but wonder how many lives could have been saved if Karen's Law had already been on the books?

Please help protect me, my family and my neighborhood and support Karen's Law.

Very Respectfully,

David A. Brewster

91-1022 Kai Moana St.

Ewa Beach, HI 96706

Cell: (808) 222-6140

brewster@hawaii.rr.com

Chief Warrant Officer, U.S. Navy (RET)

I am in support of Karen's Law. I am a resident of Ewa Beach, a mother and a teacher at the school that Vernon Bartley attended. Vernon had a history of being a violent student and while the school, his teachers and his counselors tried to get him back on track, but his violent streak continued and ultimately cost a woman her life. His blatant disregard for life warrants a punishment fit for a killer. No child would do something so heinous- this was no accident and therefore he and all people who decide to commit such acts should be punished.

Sincerely,
Jennifer Hoffman

A Good Credit Score is 700 or Above. See yours in just 2 easy steps!

I support this effort. When an individual makes a decision to commit a capital offense, and is mentally competent, it is no less of an offense due to age. If it were, it would not be a capital offense, but an accident with severe consequences. If an accident, than it is the right of the people, to determine such. If it is not, than the punishment should be balanced across all of society. This is our law and it originated from men who today, would be called children themselves. We cannot allow our emotions to cast shadows over responsibility for our actions.

Respectfully Submitted;

Paul Major
Ewa Beach

Please support HB819HD2, introduced by Representative Pine and Representative Mizuno which would mandate that juveniles, 15-17 years of age charged with first or second degree murder, be automatically tried as an adult. "Karen's Law," would save the taxpayers' money in facing this financial deficit by cutting court proceedings down from two to one and help the families in their grieving process.

v/r,
Sheridan K. Parker

I support the passage of Karen's law. It is time for changes. Maybe, it just may put pressure on some of the state or county care givers of these really troubled youngsters to keep them locked up instead of a revolving door that eventually ends in disaster for some adult.

commit an adult crime, get tried in court as an adult.

A.Rodrigues

Aloha,

Chair Brian Taniguchi and members of Judiciary Committee,

Mahalo for the opportunity to testify on House Bill 819 HD2 that allows minors ages 15-17 to be tried as adults in cases of first and second degree murder.

I am testifying for this bill because:

Society has changed. Many young teens have grown up with too many freedoms and have a different attitude towards other people. Discipline has been lacking in their lives; however, they know what is right or wrong but throw disregard to the wind. They also know that under current law, they can get away with murder with nothing more than a slap on the hand. It is time to change our laws to make the commission of serious crimes committed by youth that result in death of an innocent victim punishable the same as an adult. When death is the result, the victim's family is the one to suffer. The youthful individual that commits the crime can shrug it off knowing that they may receive some jail time but not for long. This is wrong and must be corrected. Passage of HB 819 HD2 will go a long way to even the stakes and give the victim's family some relief that the offender will not do the same thing again for several years if tried as an adult.

This bill needs to be heard now. It is past time that this should have been initiated years ago.

Mahalo for allowing me to testify.

John P. Gallagher
91-893 Nohoihoewa Pl
Ewa Beach, HI 96706

gallaghej002@hawaii.rr.com

Subject: "Karen's Law" HB819HD2

We are asking you to please support the above bill and help pass it so that we citizens of Ewa Beach can feel a little safer in our homes; and everyone else around Oahu will also feel safer.

We firmly believe that any juveniles 15-17 are fully in charge and know exactly what they are doing to anyone, especially Karen Ertell who believed in the young man who she was trying to help him and get him to live a better life when he brutally raped her and then murdered her.

This is not fair for her and her family, to allow this young man to be tried as a juvenile and go almost free to do it again to someone else who decides to befriend him.

Karen's family has suffered enough and Karen herself cannot continue to enjoy her daughter, her grandchild, and anyone else who came in contact with this lovely person.

Please help all you can to pass the above bill & make our life safer and also save the State money in prosecuting any juvenile as adults if they commit any such crime as what this young man did to Karen.

Please help us all
Edward & Marie St Pierre,

Marie A. L. St. Pierre, R-GRI dba Aneka Realty
PO Box 2580, Ewa Beach, HI 96706-0580
Tel: (808) 689-4314; Fax (808) 689-4501; (c) 808-225-2863
email: Aneka001@hawaii.rr.com

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The vast majority of states in our country send these cases of violent crime to adult court, most specifically Murder and Rape.

Hawaii does not have "Pre-Meditated Murder" or 1st Degree Murder UNLESS a Judge, Police Officer or Witness is murdered. Hawaii only has 2nd degree Murder on the books for almost all cases and 1st degree Murder charges are extremely rare. The difference being the sentence: 1st Degree carries a sentence of 'Life without Parole while 2nd degree Murder carries a sentence of 'Life with Parole'. The average time a murder conviction spends in jail is only 15 years in Hawaii. Recently a convicted Murderer was released after 15 years and in less than one year killed again.

We cannot confine Karen's law to 1st degree Murder only as this would eliminate all but the rarest cases. It

To: Human Services Committee/ Judiciary Committee
Fm: Kevin P. Callahan
Subj: Karen's Law

I am the longtime boyfriend of Karen Ertell who was brutally Raped and Murdered by her then 15 year old neighbor who lived across the street. Her daughter and I found her body in her home that morning when she did not show up for work.

Like I said at the Press Conference; I cannot describe to you the daily pain and anguish that Karen's family and loved ones have endured since her murder. This anguish turned into weeks, then months and now almost two years; yet there has been no trial.

In the Family Court we endured eight delays and postponements as the Legal wheels turned painfully slow before the Judge finally made a decision to waive jurisdiction and move the case to Adult Court. This took nearly eighteen months!

This not only put Karen's Family through hell; it cost an incredible amount of Taxpayer Money and manpower.

Some will say the system works since they claim that every murder committed by a Juvenile in Hawaii in the last 10 years has been waived. That is not exactly the case. It also cost a huge amount of money and manpower to do so; when these cases could have gone straight to adult court.

There has been many cases in Hawaii where the Juvenile system came into play. The girl beat to death in the middle of the street in Kailua was killed by a man who was reported by the media to have 67 Juvenile arrest....some of these were undoubtedly violent crimes. The young man who killed Ned Nakoia on the streets of Waikiki was released from Juvenile detention by the very Judge who over saw Karen's killer's case, only to kill, after having an attempted murder rap on his record.

Attn: Chair Suzanne Chun Oakland

Whereas "Karen's Law", HB819HD2 is a common-sense proposal to me, I'm disappointed that it appears to receive so much resistance from our lawmakers. Although the proposal appears unfair because it is dealing with youth, the fail-safe clause in the end is that they will still be adjudicated in a court of law.

Our youth is much more mature today at a younger age than they were in the days the current laws were formulated. The laws need to change to reflect today's Hawaii. I live in Ewa Beach, and I have witnessed a steady, but sure decline in the general respect for the law by juveniles in my community. There is a "lawlessness" on our streets: explosives of all types going on continuously, the roar of illegal motorized vehicles, open drug and alcohol consumption, fight-clubs and "challenges" displayed in the middle of the road. All happening for all to see, all hours of the day and night. And sometimes, with the support of the adults around them, including parents. Recall if you will, a recent news report about the latest fad of "bumping" teachers, making hard physical contact with teachers under the guise of it being accidental.

Specifically in the case of Karen Ertell, allegedly by the same individual, she was harassed, then terrorized, and finally raped and murdered. The crimes escalated, were carefully planned, and carried out with precision, including a cover-up. These are not the actions of an immature individual that is too young to understand the difference between right and wrong specific to this assault and murder. I feel that it's important to note that it's been reported by the local media that friends of this accused continued with this outrageous behavior, allegedly threatening and assaulting potential witnesses in the case.

I plead directly to you and your associates for the ratification of this bill. It's a common-sense bill, given today's times. I'm confident that the majority of our citizens would concur that the individual in this case should be tried as an adult, and there should be a law that reflects and assures that in case it happens again.

Melvin A. McKeague

91-1111 Ahona St.

Ewa Beach, HI 96706

808-689-0272

Aloha Senator,

Hope you're having an outstanding day today! I know you're really busy with so many things going on, but wanted to ask, I understand that one of the bills I was helping John and Kym with on the House side was recently referred to HMS, House Bill No. 819 HD2 Relating to Crime - would it be possible for you to consider scheduling a hearing? Let me know what you think.

Thanks again for everything you do and for all your help on everything! Let me know if there's anything that I can do for you, as always.

Mahalo,

Danny

I am writing to express my hope that this law is passed. It is to my continued amazement at how brutal crimes in Hawaii are not punished severely enough. Bail get's set at such low amounts for murders, rapists, violent crimes - what are you guys thinking? Please protect the law abiding citizens of this state against lawless vicious yound men growing up here with no sense of right or wrong. Things have changed in Hawaii nei, and this law needs to pass. Thank you for considering the importance of punishing degraded and dangerous males in our community.

Kathryne Kent
P.O. Box 375
Honaunau, HI 96726 808-938-9655 ponies@lava.net

Subject:

Karen's Law

I support Karen's Law. Murder is murder and age should not be a factor in the judgement of the sentence. 15-17 yr olds have adult rights, such as driving and working, so they should also be able to take on adult responsibilities. I've watched my cousin grieve over her mother's death for over a year now, because the murderer was a minor and the trial dragged on. There is no reason why he should get less than the standard penalty for murder, if he did indeed commit the murder.

Jocelyn Larsson

Subject: karen's law

i support karen's law. any minor 15-17 year old that is charged with a 1st or 2nd degree murder must be tried as an adult. that type of crime should be punishable to the full extent of the law.

thank you,
reuben nakagawa

Subject: Karen's Law

I support Karen's Law.

Subject:

Karen's Law

Please I am in favor of Karen's Law. These outrageous crimes need fine tuning which is what Karen's Law would provide to the victims.
Thank You!

Subject: I support Karen's Law

I support Karen's Law.

Subject: House Bill 819

To whom it may concern,

My name is Charles Asselbaye and I support Karen's Law in order to better protect my family from going through this painful period that Karen's relatives are going through right now.

Aloha,
Charles

Subject:

House Bill 819

I support Karen's Law.
Please help protect the people of Hawai'i.
Thank you.
Eric Martin
Mililani Hi.

Subject:

House Bill 819

I am in support of House Bill 819 "Karen's Law". I feel it necessary to try minors as adults that have consciously made the decision to end another's life. By implementing this law I feel our judicial system will work more efficiently by removing the pre-trial waiver hearing that has proven to only be a drawn out time consuming process that keeps all parties involved in a state of limbo. Thank you for your time and effort in support of this bill.

Mahalo,
Jonathan Glaser

Subject: House Bill 819

I urge you to pass Karen's Law.

Amy Moore

Subject:

House Bill 819

Dear Sir/Madam, I am writing in support for Karen's Law. Pre-trial hearings on whether or not to try 15-17 year old to be tried as adults for very heinous crimes is not only unfair to the families of the victims, it is also emotionally devastating. I have known Karen for 5 years, and was also a former employee of hers. Her lost to myself and her family is still being felt as strongly as the day she died. I only hope that no other family and friends would have to suffer through the burden of waiting to see if justice would be sought. I believe 15-17 year olds are old enough to know what is right and wrong, and are fully responsible for their actions. The law seeks to try these individuals for exceptionally heinous crimes, such as the case with Karen. Premeditated murder is a very adult crime, and 15-17 year olds are very capable of these crimes. I plead with you to pass Karen's Law. It will go a long way in making Hawaii safer for other families. Sincerely, Chester Huan Bright Eyes Coffee 808-371-0878 communitycoffee@mac.com

Subject:

HB 819

Please give this bill a hearing and protect others. It won't change anything for Karen's family, except to know that others will be better protected and families will not endure protracted grief.

Sincerely,
Irene Ertell

Subject: HB819

To Whom it May Concern:

My name is Andrew McLellan and I am Karen's son-in-law. I am writing in support of HB819.

I discovered my mother-in-law's body with my wife after she had been murdered. We expected justice to be swift. Instead, we waited for 15 months for a waiver hearing that only determined that Vernon Bartley would be tried as an adult for his very adult crime. This wait was a waste of time and money, and prolonged the grieving of Karen's family and friends.

The waiver hearing process is sufficient for petty crimes but not for calculated murder. This should be a given. 15-17 year olds are mature enough to be emancipated in the state of Hawaii, yet why do we not hold them accountable for something as serious as planned murder?

Please pass this bill.

Thank you very much.

Aloha,

Andrew J. McLellan

Subject:

HB819

I would like to express my support of Karen's Law. It is my hope that this law will make Hawaii a safer place for all of our families. These children who are committing these heinous crimes need to be punished accordingly. Karen's Law is just what this island needs. Please consider the families who have already suffered and take action to prevent it from happening again.

Mahalo for considering my opinion in this important matter.

Sincerely,

--

Trish Holzman

Subject:

HB819

I support Karen's Law

Paul Giles

Subject:

HB819

I support Karen's Law House Bill 819 because people need to be responsible for their behavior in our society.

April S. Ohara

Subject:

HB819

I am Karen Ertell's niece and I support House Bill 819.

Other families should not have to wait to hear if their loved one's killer, no matter their age, will be held to the same laws as everyone else.

Sincerely,

Kelsy S Dunlap

I strongly support Karen's Law, HB 819. Please email me with any questions.

Sincerely,

Jessica Brunsvold

I hope it's not too late to send this in: I SUPPORT KAREN'S LAW with all of my heart! Please give this family some closure. Thank you for your kindness.
- Genevieve Gandy (Special Education Teacher DOE)

Subject:

Fw: HB819

--- On Mon, 2/2/09, April Ohara <aprilsohara@yahoo.com> wrote:

> From: April Ohara <aprilsohara@yahoo.com>
> Subject: HB819
> To: hustestimony@capitol.hawaii.gov
> Date: Monday, February 2, 2009, 10:05 AM I support Karen's Law House
> Bill 819 because people need to be responsible for their behavior in
> our society.
>
> April S. Ohara

Subject: Karen's Law

Please pass Karen's Law for the protection of law-abiding citizens. The Hawaii State Legislature is quick to deny citizens the right to protect themselves but is slow to pass laws to protect them. This legislature is always ready to deny us our Second Amendment rights and is even going so far as to try to ban pocket knives! When will it start coming down hard on criminals? Why are you constantly punishing law-abiding citizens for the criminal acts of violent criminals? Do you really want to protect violent juveniles by sacrificing innocent victims. People who can commit crimes as vicious as those identified in this bill are not children and do not deserve to be treated as children.

Terry M. Allard
91-179 Makale'a Street
Ewa Beach 96706
Phone: 685-3430
vanrana@hotmail.com

Subject:

Karen's Law Testimony

Aloha,

I am David A Verret, of Mililani.

I am testifying IN FAVOR OF Karen's law. My reasons for doing so are simple. It will help protect innocent people when such offenders know that there will be more serious consequences. Our society is rapidly taking away this idea of responsibility and consequences for our actions. You can change that. And if this law protects just ONE innocent woman, then it will have been worth the effort.

David Verret
623-9466

Subject:

Karen's Law

I am sending this submitted testimony in support of Rep. Pine's effort to establish Karen's Law HB819. I am an Ewa Beach resident also who can no longer enjoy my leisurely walk around the community knowing people are going around raping and killing innocent victims because there is no proposed punishment for them to reconsider their thoughts. I fully agree that anyone doing these horrible acts of violence should be punished for the crime they commit regardless of their age! It is utterly ridiculous to reduce punishment for a crime committed just because the offender is a juvenile. The lesson or message you're sending out in that perspective is that they can do these crimes as juveniles and get away with it. So they continue on this path until they become an adult and by that time their minds are beyond logical thinking and it becomes their way of life, thanks to the judicial system that refused to punish a crime for what it really is despite the criminal's age!

I believe you were put in office for a reason... to better the community, to make this world a safer place.

Respectfully,

L. Angela Cacho

Angela (Rico)

Subject:

Karen's Law

"I support Karen's Law" or "In favor of House Bill 819" Please let me know if you need any more information.

Shauna Conry
Resident Of Kailua, HI

Subject:

HB 819

We strongly support Kimberly's Law (HB 819). Many juveniles commit major crimes because they know that, if caught, they'll get a virtual slap on the wrist. Criminal gangs often take advantage of this, sending teenagers out as assassins or drug mules. Thus we support the measure not only as an action against individuals, but as one against the gangs that plague our nation. We believe Kimberly's Law would have a significant deterrent effect against juvenile offenders.

Cordially,

William & JoAnne Georgi
PO Box 51040
Ele'ele, HI 96705
madmonk@hawaiian.net

Dear Sirs,

Without question, I feel that Karen's Law should be implemented. Anyone who commits a heinous crime, regardless of age should receive punishment fitting the crime.

Individuals that intentionally commit murder, especially commit murder to torture and to hurt the victim in my opinion have shown that they have no redeeming qualities and will always be a threat to others.

Karen's Law will also give the family of the victim reassurance that a just and equitable punishment will be delivered by the court.

Michael Uechi, M.D.

Cc: Rep. Pines office email:
hunt@capitol.hawaii.gov

My wife and I support House Bill 819. We have family and close friends who live in the neighborhood where Karen Ertell was murdered by a teen-aged boy. That case is rightfully being tried in Circuit Court, but only after months and months of anguish and uncertainty. House Bill 819 won't bring back Karen Ertell but it will eliminate the uncertainty about the consequences of such heinous crimes.

Juveniles on ice can no longer murder without fear of long-term consequences. It will ensure that perpetrators, young or old, convicted of first or second degree murder will face the full penalty of the law.

Please support House Bill 819. Mahalo and

Very truly yours,

/s/ H. William Burgess

/s/ Sandra Puanani Burgess

H. William Burgess & Sandra Puanani Burgess

Honolulu, Hawaii 96822

Tel: (808) 947-3234

Fax: (808) 947-5822

Cell: (808) 372-3800

Subject:

Karen's Law Supporter HB819

To the State of Hawaii Legislators and Judiciary Officials,

As a Ewa Beach resident and citizen of this state, I fully support Karen's Law bill. It was a tragedy what occurred to Ms. Karen Ertell. We, as a community, need to take the responsibility in passing this law to define the consequences for young people committing such heinous crimes. It is so sad that one of our young people in the community would commit such a monstrous crime against another person, especially an elderly person. We have so many elderly in our community. They should not feel threaten or scared by our youth.

No one can image what Ms. Ertell went through or what her family has had to endure. I hope Karen Law's bill passes - to send a loud and clear message THAT THIS TYPE OF CRIME BY ANY YOUNG PERSON WILL NOT BE TOLERATED AND IF COMMITTED HE/SHE WILL FACE SERIOUS CONSEQUENCES.

Respectfully,

***** *****

808-497-3230

Subject: Fw: Karen Ertell's murder

Categories: Orange Category

Smile at a star

--- On **Mon, 2/2/09**, Valerie Callahan <bastileday714@yahoo.com> wrote:

From: Valerie Callahan <bastileday714@yahoo.com>

Subject: Karen Ertell's murder

To: hustestimony@capitol.hawaii.gov

Date: Monday, February 2, 2009, 12:55 PM

To All Concerned Law Makers;

Karen's law will be the simplest thing you can do in your legislative session for 2009. You don't need any major research done, the facts are plain and simple. You kill you go to jail.

You kill when you are young you go to jail. Any 15-17 year old knows right from wrong. MURDER IS WRONG. Let the children and young adults of today know you are serious about changing the crime in Hawaii.

Valerie Callahan

Subject: Karen's Law

Categories: Orange Category

I am in favor of Karen's Law.
Please pass it and help protect Hawaii citizens.
Eric Martin
94590 Holaniku St
Mililani Hi 96789

Subject: Karen's Law: Bill 819

Categories: Orange Category

I am in support of House Bill 819 "Karen's Law". I feel it necessary that minors be tried as adults that have consciously planned and made the decision to end another's life. By implementing this law I feel our judicial system will work more efficiently by removing the pre-trial waiver hearing that has proven to only be a long drawn out time consuming process that keeps all parties involved in a state of limbo. Thank you for your time and effort in support of this bill.

Mahalo,
Jonathan Glaser

Subject: I support Karen's Law.

Categories: Orange Category

To Whom It May Concern:

As a wife and mother who wants to make sure that her neighborhood and community is safe, I feel I must write in support of Karen's Law. I was amazed to hear that so much of my tax money and legislative time is being spent to determine whether a 15-17 year old accused murderer should be tried as an adult. Our legal system has not kept pace with a changing society if it does not account for the ability of teens to act maturely and understand the consequences of their actions.

Karen's law will speed trials for the accused and grant victims' families an earlier chance at much-needed closure. It is an essential piece of legislation that I feel you must pass.

Thank you for your service to our state,

Sarah Marston Bogdanovich
Nu'uuanu, Oahu

Windows Live™: E-mail. Chat. Share. Get more ways to connect. [Check it out.](#)

Subject: house bill 819

Categories: Orange Category

I support Karen's Law!

Subject: Kearen's Law

Categories: Orange Category

I support Karen's law.

Subject: HB819 "Karen's Law"

Categories: Orange Category

Our youth is much more mature today at a younger age, than they were in the days the current laws were formulated. The laws need to change to reflect today's Hawaii. I live in Ewa Beach, and I have witnessed a steady, but sure decline in the general respect for the law by juveniles in my community. There is a general "lawlessness" on the street: explosives of all types going on continuously, the roar of illegal motorized vehicles, open drug and alcohol consumption, fight-clubs and "challenges" displayed in the middle of the road, all happening for all to see, all hours of the day and night. And sometimes, with the support of the adults around them, including parents.

Specifically in the case of Karen Ertell, allegedly by the same individual, she was harassed, then terrorized, and finally raped and murdered. The crimes escalated, were carried out with precision, carefully planned, including a cover-up. These are not the actions of an immature individual that is too young to understand the difference between right and wrong specific to this assault and murder. I urge the ratification of this bill. It's a common-sense bill, given today's times. I'm confident that the majority of our citizens would concur that the individual in this case should be tried as an adult, and there should be a law that reflects and assures that in case it happens again.

Melvin A. McKeague
91-1111 Ahona St.
Ewa Beach, HI 96706
808-689-0272

I SUPPORT KAREN'S LAW!!!!

Cathy Schoonover

I am in favor of Karen's Law, House Bill B819. It is a very important to pass this bill now!
Thank you in advance for moving this bill into law.

Nancy McLellan
91 589 Puhilaka Pl
Ewa Beach HI 96706

Reference: HB 819

My name is Marc Witter, I reside in Hawaii and as a resident I am writing to voice my support for HB 819, Karen's Law. I support this proposed bill on the basis that it is unfair not to punish those who commit such serious deadly crimes, regardless of their juvenile status.

The legislation is needed and I hope every elected official will vote yes on HB 819.

Thank you for the opportunity to testify today.

Hawaii Rifle Association would like to express support of HB 819.

Those that oppose this bill say we shouldn't treat "children" like adults. Some feel minors at age 15 aren't mature enough to comprehend the "adult" consequences of their actions when they engage in premeditated murder. We would disagree.

Adult privileges carry adult responsibilities. There are many instances in Hawaii law where minors are afforded the opportunity to engage in traditionally adult behavior. They can drive, have sex, and consent to medical care, including abortions. So, it seems somewhat disingenuous to argue that in some circumstances a minor should be afforded adult privileges and responsibilities, while avoiding penalties that arise out of adult behaviors, like murder.

First and second degree murder are adult offenses. If a minor commits these crimes, they should be tried as an adult. Violent offenders, regardless of age, should not be allowed back on the streets to terrorize innocent citizens.

Thank you.

Bill Richter
Secretary,
Hawaii Rifle Association.

I'm Dan Douglass a Salt Lake resident who is concerned about the recent spike in the amount of and severity of crime in my neighborhood.

The recent offenses have been by offenders mostly in their teens to early 20s.

Karen's Law is the kind of legislation that would signify to such offenders that our state is serious about keeping the peace in our streets and homes.

I ask you to fully support HB819.

Mahalo.

Dan Douglass

3030 Alameda St. #1103

Lehi, UT 84043

248-0783

My name is **Kristy Kotrys** and I am testifying in **SUPPORT** of this bill. Karen Ertell's murder happened in my community. As a resident of Ewa Beach, I strongly believe this bill will not only protect the people of Hawaii, but it will also help serve justice to victim's families and give them closure so they can finally move on with their lives.

This bill targets a very small group of people (minors aged 15-17) who commit very heinous crimes (first and second degree murder).

Please representatives, let us move this measure forward so that we can finally give Karen Ertell's family some closure, so that they may move on and realize that their loved one did not die in vain.

Thank you for the opportunity to testify.

Subject: House Bill 819

My wife and I support House Bill 819. We have family and close friends who live in the neighborhood where Karen Ertell was murdered by a teen-aged boy. That case is rightfully being tried in Circuit Court, but only after months and months of anguish and uncertainty.

House Bill 819 won't bring back Karen Ertell but it will eliminate the uncertainty about the consequences of such heinous crimes. Juveniles on ice can no longer murder without fear of long-term consequences. It will ensure that perpetrators, young or old, convicted of first or second degree murder will face the full penalty of the law.

Please support House Bill 819. Mahalo and

Very truly yours,

/s/ H. William Burgess

/s/ Sandra Puanani Burgess

H. William Burgess & Sandra Puanani Burgess

Honolulu, Hawaii 96822

Tel: (808) 947-3234

Fax: (808) 947-5822

Cell: (808) 372-3800

3/5/2009

I support of House Bill 819.

Primary government concern is the protection of it's citizens.

I live in the immediate neighborhood of Karen Ertell, and her accused killer. What occurred at the victims home came as a shock to myself and neighbors. What happened to Ms. Ertell could have happened in anyone of our homes. In this case the accused rightfully will be tried in Circuit Court, but only after months, and months of anguish, guessing what the Family Court would decide.

Surely as there are evil people young and old in Hawaii, heinous crimes will be in our future. The State of Hawaii needs to send the message that perpetrators no matter their age will be dealt with severely in adult court.

Maximum penalties under law will ensure suspects young or old who are convicted of such crimes will be separated from the community for a very, very long time. Not for the good of the accused, but for the good and piece of mind of honest citizens.

Please pass House Bill 819.

Mahalo,

/s/Earl Arakaki

Mahalo for the opportunity to testify on House Bill 819 that allows minors ages 15-17 to be tried as adults in cases of first and second degree murder.

I am testifying for this bill because:

Society has changed. Many young teens have grown up with too many freedoms and have a different attitude towards other people. Discipline has been lacking in their lives; however, they know what is right or wrong but throw disregard to the wind. They also know that under current law, they can get away with murder with nothing more than a slap on the hand. It is time to change our laws to make the commission of serious crimes committed by youth that result in death of an innocent victim punishable the same as an adult. When death is the result, the victim's family is the one to suffer. The youthful individual that commits the crime can shrug it off knowing that they may receive some jail time but not for long. This is wrong and must be corrected. Passage of HB 819 will go a long way to even the stakes and give the victim's family some relief that the offender will not do the same thing again for several years if tried as an adult.

This bill needs to be heard now. It is past time that this should have been initiated years ago.

Mahalo for allowing me to testify.

John P. Gallagher
91-893 Nohoihoewa Pl
Ewa Beach, HI 96706

gallaghej002@hawaii.rr.com

3/5/2009

I am in support of House Bill 819.

I believe Hawaii citizens below the age of 18 who commit heinous crimes should automatically be remanded to adult court where it will be determined whether or not the accused would remain for trial or be sent to juvenile court for disposition. It is done in other states, and Hawaii should do likewise.

The protection of the community should be governments first responsibility.

I live two doors away from Karen Ertell's home.

I used to see the suspect walk past my home all the time. I couldn't read his mind.

However, I now know what kind of mind he has. The evidence at the crime scene speaks volumes about his the mind set. And, of those who commit such atrocious crimes.

Young people who are convicted of such crimes need to be separated from the community for a very, very long time. Not for the good of the accused, but for the citizens and the honest people.

Do you want people like the suspect in the Karen Ertell case to be your neighbor in a few short years? I certainly don't.

Please pass House Bill 819.

Mahalo,

/s/ Marge Akana

Importance: High

Please, we ask that you hear & support the above bill, or, waive it from the finance committee.

We are all supporters of the above bill, but we NEED YOUR help in passage of this bill.

Aloha

Edward & Marie A. L. St Pierre, R-GRI
Ewa Beach, HI

Marie A. L. St. Pierre, R-GRI dba Aneka Realty
PO Box 2580, Ewa Beach, HI 96706-0580
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3/5/2009

Subject: Fw: Karen's Law

Please pass Karen's Law for the protection of law-abiding citizens. The Hawaii State Legislature is quick to deny citizens the right to protect themselves but is slow to pass laws to protect them. This legislature is always ready to deny us our Second Amendment rights and is even going so far as to try to ban pocket knives! When will it start coming down hard on criminals? Why are you constantly punishing law-abiding citizens for the criminal acts of violent criminals? Do you really want to protect violent juveniles by sacrificing innocent victims. People who can commit crimes as vicious as those identified in this bill are not children and do not deserve to be treated as children.

Terry M. Allard
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3/5/2009

Without question, I feel that Karen's Law should be implemented. Anyone who commits a heinous crime, regardless of age should receive punishment fitting the crime.

Individuals that intentionally commit murder, especially commit murder to torture and to hurt the victim in my opinion have shown that they have no redeeming qualities and will always be a threat to others.

Karen's Law will also give the family of the victim reassurance that a just and equitable punishment will be delivered by the court.

Michael Uechi, M.D.

Cc: Rep. Pines office email:
hunt@capitol.hawaii.gov

3/5/2009

reference: HB 819

My name is Marc Witter, I reside in Hawaii and as a resident I am writing to voice my support for HB 819, Karen's Law. I support this proposed bill on the basis that it is unfair not to punish those who commit such serious deadly crimes, regardless of their juvenile status.

The legislation is needed and I hope every elected official will vote yes on HB 819.

3/5/2009

Senate Committee on Human Services
Senator Suzanne Chun-Oakland, Chair
Senator Les Ihara, Jr., Vice-Chair

March 23, 2009

HB819 HD2

Testimony by
Earl Arakaki

91-030 Amio Street, Ewa Beach, HI., 96706, Ph. (h) 689-3400

Honorable Senator Chun-Oakland and Members of the Senate Committee on Human Services.

I hereby submit testimony in strong support of House Bill 819 HD2

Primary government concern is the protection of it's citizens.

I live in the immediate neighborhood of Karen Ertell, and her accused killer. What occurred at the victims home came as a shock to myself and neighbors. What happened to Ms. Ertell could have happened in anyone of our homes. In this case the accused rightfully will be tried in Circuit Court, but only after months, and months of anguish, guessing what the Family Court would decide.

Surely as there are evil people young and old in Hawaii, heinous crimes will be in our future. The State of Hawaii needs to send the message that perpetrators no matter their age will be dealt with severely in adult court.

Maximum penalties under law will ensure suspects young or old who are convicted of such crimes will be separated from the community for a very, very long time. Not for the good of the accused, but for the good and piece of mind of honest citizens.

Please pass House Bill 819.

Mahalo,

/s/Earl Arakaki

**Testimony of the Office of the Public Defender,
State of Hawaii to the Senate Committee on Human Services**

March 24, 2009

H.B. No. 819 HD2: RELATING TO CRIME

Chair Chun Oakland and Members of the Committee:

We oppose the passage of H.B. No. 819 HD2. This bill would remove the requirement of a hearing in the family court on the issue of waiver of family court jurisdiction over a minor who is at least fifteen years of age where the minor has been charged with Murder in the First or Second Degree.

Under the current law, minors in this age category who are alleged to have committed murder are subject to waiver of family court jurisdiction ("waiver") pursuant to HRS § 571-22(b). However, such a waiver can only be accomplished following a full investigation and hearing before a family court judge. Waiver of minors in this age group is currently discretionary, not mandatory.

This bill seeks to make waiver mandatory and also to dispense with the need for the family court hearing when the minor is alleged to have committed the specified offenses. The bill does provide that, upon motion by the defendant, the circuit court can remand the minor back to family court jurisdiction if rehabilitation of the minor would be seriously impaired if the minor is retained in the circuit court. The circuit court could also remand the minor to family court if it finds that the minor is committable to a mental institution. We are deeply concerned that the bill seeks to remove the right to a family court waiver hearing which is an important due process protection for the accused. Law enforcement authorities need simply accuse a child of murder to immediately place the child in the adult criminal justice system.

The effects of a waiver of family court jurisdiction on a minor are extreme. The child is immediately placed under bail which would presumably be very high for an offense such as murder. If the child cannot post bail, he/she would be detained until the trial in the youth correctional facility. If the child is convicted, he/she would receive a life prison term with virtually no hope of rehabilitation.

The entire concept of juvenile justice centers on the principle that children must be dealt with differently than adults by the court system. Indeed, research now supports what many experts have long advocated – that a child and adolescent's brain is different from the adult brain. The National Institute for Mental Health, using magnetic resonance imaging (MRI), has found that the teen brain is not a finished product. New findings show that the greatest changes to the parts of the brain that are responsible for functions such as self-control, judgment, emotions, and organization occur between puberty and

adult-hood. Moreover, brain development can be impaired by exposure to trauma, violence and abuse – factors which are prevalent among youth in the justice system.

A child's brain is not fully developed at fifteen years of age. Many children suffer from developmental disabilities and would not be able to meaningfully participate in their defense. Others are victims of the familial circumstances which surround them and cannot be expected to function as a young adult. One of the assurances of the juvenile justice system is that each child will be treated as an individual and will be given the assistance he or she needs to enter adulthood as a well-adjusted, responsible citizen. This bill simply extends a net around a group of individuals without regard to the factual circumstances of the case and takes power away from the family court to fashion a fair and just solution to the situation.

The fact that the child can move the circuit court to transfer him/her back to family court jurisdiction does not address the concerns raised here. Waiver hearings must be held in the family court. The judges who are appointed to the family court are specially equipped to handle the aforementioned issues concerning children and their development. Circuit court judges do not hear juvenile cases. They do not deal on a day-to-day basis with child development issues.

The family court currently does not hesitate to waive its jurisdiction on a minor when waiver is necessary and justified under the law. That is handled on a case-by-case basis after a full investigation and a thorough consideration of the facts presented to the court. If the concern is the time it takes for waiver proceedings to reach disposition, statistics from family court would demonstrate that the majority of waiver proceedings do not take an unreasonable amount of time to reach decision-making. Most cases are decided within six months of the filing of the petition to waive jurisdiction. There is no justifiable reason for removing the requirement of a hearing upon the simple accusation of a law enforcement officer. Our constitutional system is premised on checks and balances and the current waiver procedure exists as such a check on governmental power.

Thank you for the opportunity to comment on this bill.



Via E-mail: HMStestimony@capitol.hawaii.gov
Committee: Committee on Human Services
Hearing Date/Time: Tuesday, March 24, 2009, 2:40 p.m.
Place: Room 016
Re: Testimony of the ACLU of Hawaii in Opposition to H.B. 819, H.D.2, Relating to Crime

Dear Chair Chun Oakland and Members of the Committee on Human Services:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in opposition to H.B. 819, H.D.2, which seeks to mandate that minors aged 15-17 be tried as adults in cases of first and second degree murder.

The ACLU opposes prosecuting children in adult court in most cases. Our current system already strikes the appropriate balance: Every time the prosecution wants to try a child as an adult, no matter how serious the offense, there is a transfer hearing. The transfer hearing requires a full hearing – which affords all due process rights to the child – after which the presiding judge determines whether the child should be tried as an adult. The prosecution, not the child, bears the burden of establishing the need for a transfer by “clear and convincing” evidence.

Trying Minors as Adults Neither Deters Crime Nor Reduces Recidivism

Although minors who commit murder deserve severe punishment, trying them as adults does not make anyone safer. In fact, putting young offenders in adult prisons has been found to have no deterrence value, and may lead to more crime, higher prison costs and increased violence because young people will learn criminal behaviors from the adults they are placed with.

Children Are Not Adults and Should Not Be Treated As Adults in the Justice System

Because the adult correctional system does not have the resources or the facilities to address the needs of youth under the age of 18, the jurisdiction of the court for youth should remain with family court and juvenile justice systems, which were specifically created to address the needs of and provide services to young people. Incarcerating youth offenders in adult prisons places juveniles in real physical, mental, and psychological danger.

American Civil Liberties Union of Hawai'i
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Hon. Sen. Chun Oakland, Chair, HMS Committee
and Members Thereof
February 10, 2009
Page 2 of 2

Our current system provides an appropriate response to violent crimes by young people and should be maintained, and the ACLU of Hawaii supports the existing, reasonable middle ground.

This Bill Consolidates Power within the Offices of the County Prosecutors

This bill does not eliminate all discretion in the criminal justice system: it simply transfers that discretion from independent judges to prosecutors.

Prosecutors have discretion to determine how to charge a particular crime, and can choose whether to charge a juvenile with first- or second-degree murder or with some lesser crime. Existing law strikes the right balance by giving judges some authority to temper this prosecutorial discretion. If this bill passes, there will be *no less* discretion in the criminal justice system, but instead of having that power spread out between the prosecution and the judiciary, the prosecutors will have unfettered discretion to treat cases however they see fit. Again, our current system strikes a more appropriate balance of power.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii 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 Hawaii has been serving Hawaii for over 40 years.

Thank you for this opportunity to testify.

Sincerely,

Laurie A. Temple
Staff Attorney
ACLU of Hawaii

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