STAND. COM. REP. NO. 117

Honolulu, Hawaii **Fel 9**, 2011

RE: H.B. No. 1476 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Sixth State Legislature Regular Session of 2011 State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.B. No. 1476 entitled:

"A BILL FOR AN ACT RELATING TO CRIME,"

begs leave to report as follows:

The purpose of this bill is to expedite waiver-of-familycourt-jurisdiction cases by mandating the waiver of jurisdiction and ordering of the minor to a youth correctional facility for criminal proceedings where the family court finds that the minor:

- (1) Is 15 to 17 of age; and
- (2) Allegedly committed an act that would constitute first degree murder if committed by an adult and no other charges arise from the alleged act.

This bill also authorizes the circuit court to remand the minor to the family court under certain circumstances upon motion by the minor.

The American Civil Liberties Union of Hawaii opposed this bill. The Judiciary offered comments.

Your Committee finds that requiring the Office of Youth Services/Hawaii Youth Correctional Facility to house both waived and non-waived juveniles is inadvisable.



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Accordingly, your Committee has amended this bill by:

- (1) Deleting the requirement that the minor be held in a youth correctional facility; and
- (2) Changing the effective date to July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1476, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1476, H.D. 1, and be referred to the Committee on Judiciary.

> Respectfully submitted on behalf of the members of the Committee on Human Services,

MIZUNO,





State of Hawaii House of Representatives The Twenty-sixth Legislature

Record of Votes of the Committee on Human Services

Bill/Resolution No.: HB 1476	Committee Referral: HUS, JUD, F	IN Date:	Date: 2/3/2011	
□ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: □ Pass, unamended (as is) Y Pass, with amendments (HD) □ Hold □ Pass short form bill with HD to recommit for future public hearing (recommit)				
HUS Members	Ayes	Ayes (WR)	Nays	Excused
1. MIZUNO, John M. (C)				
2. JORDAN, Jo (VC)	1			
3. BELATTI, Della Au				
4. HANOHANO, Faye P.				
5. LEE, Chris				
6. MORIKAWA, Dee				
7. WOOLEY, Jessica				
8. YAMANE, Ryan I.	V			
9. CHING, Corinne W.L.				
10. PINE, Kymberly Marcos				
				-
TOTAL (10)	6	3		
The recommendation is: Adopted If joint referral, did not support recommendation.				
Vice Chair's or designee's signature:				
Distribution: Original (White) Committee Duplicate (Yellow) Chief Clerk's Office Duplicate (Pink) HMSO				