STAND. COM. REP. NO. 379 -20

Honolulu, Hawaii

, 2020

FEB 13

RE: H.B. No. 2101

H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Thirtieth State Legislature Regular Session of 2020 State of Hawaii

Sir:

Your Committee on Human Services & Homelessness, to which was referred H.B. No. 2101 entitled:

"A BILL FOR AN ACT RELATING TO MINORS,"

begs leave to report as follows:

The purpose of this measure is to require circuit courts to apply special sentencing considerations when sentencing a minor for a nonviolent offense and allow the courts, in their discretion, to impose a sentence up to fifty percent shorter than the mandatory minimum or to decline to impose a mandatory enhanced sentence in certain circumstances.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Office of the Public Defender, Community Alliance on Prisons, Human Rights for Kids, and four individuals. Your Committee received testimony in opposition to this measure from the Honolulu Police Department and Department of the Prosecuting Attorney of the City and County of Honolulu.

Your Committee finds that there are fundamental differences between minor and adult criminal offenders that are critical to consider during sentencing. Consideration of these differences becomes especially important when the minors are tried and convicted as adults. Studies have shown that minors' brains are not fully developed, which makes minors more vulnerable to negative influences, peer pressure, and being heavily influenced by their surrounding environment.

Your Committee further finds that mandatory minimums for juveniles often fail to recognize the extenuating circumstances that often lead minors to offend and may significantly limit minors' potential for rehabilitation and reform. This measure allows the courts to have greater discretion in sentencing minors, which will enable judges to consider the mitigating circumstances surrounding a charged offense, issue tailored sentences that can take advantage of a minor's high rehabilitation potential, and potentially reduce the unjust and unnecessary impacts of mandatory sentencing on juvenile offenders.

Your Committee has amended this measure by:

- (1) Changing the effective date to December 31, 2059, to encourage further discussion; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services & Homelessness that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2101, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2101, H.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committee on Human Services & Homelessness,

OY A. SAN BUENAVENTURA, Chair

## State of Hawaii



## Record of Votes of the Committee on Human Services & Homelessness

Bill/Resolution No.:	Committee Referral: Date:			
HB 2101	HSH, JUD 02/07/2020			
The committee is reconsidering its previous decision on the measure.				
The recommendation is to:  Pass, unamended (as is)  Pass, with amendments (HD)  Hold  Pass short form bill with HD to recommit for future public hearing (recommit)				
HSH Members	Ayes	Ayes (WR)	Nays	Excused
1. SAN BUENAVENTURA, Joy A	. (C)			
2. NAKAMURA, Nadine K. (VC)	<b>V</b>			
3. BELATTI, Della Au				<b>V</b>
4. KOBAYASHI, Bertrand				, <u>, , , , , , , , , , , , , , , , , , </u>
	And Andrews			
5. MIZUNO, John M.			Marie Community with a community of Street	The Control of Market Control of the
6. SAY, Calvin K.Y.			artini da de de la compania de la c	<b>V</b>
7. TOKIOKA, James Kunane	<b>V</b>			Same A control control (Same Angle)
8. WARD, Gene				
TOTAL (8)	W			a
The recommendation is:  Adopted  If joint referral, did not support recommendation.  committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				