

STAND. COM. REP. NO. **3623**

Honolulu, Hawaii

MAY 21 2020

RE: H.B. No. 2101
H.D. 2

Honorable Ronald D. Kouchi
Président of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.B. No. 2101, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO MINORS,"

begs leave to report as follows:

The purpose and intent of this measure is to require circuit courts to apply special sentencing considerations when sentencing a minor for a nonviolent offense and 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, at their discretion.

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

Your Committee finds that mandatory minimum sentencing for juveniles fails to recognize the extenuating circumstances that often lead youth to commit offenses and may, therefore, significantly limit their potential for rehabilitation and reform. Further, your Committee finds that young offenders have diminished executive decision-making capacity and by not taking their unique



circumstances into account, mandatory minimum sentencing may exacerbate the risk recidivism.

Your Committee also finds that by allowing circuit court judges greater discretion in sentencing youth, they can take into consideration the mitigating circumstances surrounding a charged offense and issue sentencing that takes into account a minor's potential for rehabilitation.

Your Committee has heard the concerns of the Office of Hawaiian Affairs that, should an existing rehabilitation or diversion program not have the capacity to accommodate the minor, they would be denied the advantage of reduced sentencing. Your Committee has also heard the testimony of the Department of the Prosecuting Attorney of the City and County of Honolulu that indicates it would be inappropriate to establish disparate sentencing provisions, as multiple safeguards are currently in place. Your Committee finds that these issues raise concerns that merit further consideration and respectfully requests that your Committee on Judiciary further examine these issues and concerns.

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. 2101, H.D. 2, and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

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



RUSSELL E. RUDERMAN, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Human Services
HMS

Bill / Resolution No.:* HB 2101 HD2	Committee Referral: HMS, JDC	Date: 3/9/20		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RUDERMAN, Russell E. (C)	✓			
RHOADS, Karl (VC)	✓			
IHARA, Jr., Les	✓			
RIVIERE, Gil	✓			
FEVELLA, Kurt				✓
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: Karl Rhoads				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes