STAND. COM. REP. NO. 777 -20

Honolulu, Hawaii

FEB 0 7 , 2020

RE: H.B. No. 2238

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. 2238 entitled:

"A BILL FOR AN ACT RELATING TO FAMILY COURTS,"

begs leave to report as follows:

The purpose of this measure is to require that a child consult with legal counsel or with a parent, guardian, or legal custodian before any custodial interrogation and prior to waiving any rights against self-incrimination.

Your Committee received testimony in support of this measure from the 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 Prosecuting Attorney of the City and County of Honolulu and the Honolulu Police Department.

Your Committee finds that children's brains are still developing and that cognition and judgment continue to form well into young adulthood. Courts have recognized that children often lack the experience, perspective, or understanding necessary to make legal decisions on their own behalf. Your Committee further finds that, without consulting with an adult, children under sixteen years of age cannot adequately understand the meaning of their rights or the consequences of waiving their rights. This

measure will provide children under the age of sixteen the opportunity to consult with legal counsel or their parent, guardian, or legal custodian before any custodial interrogation and before waiving any rights against self-incrimination.

Your Committee has amended this measure by:

- (1) Changing its effective date to December 31, 2059, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments 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. 2238, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2238, 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 House of Representatives The THIRTIETH Legislature

HSCR 233-20

Record of Votes of the Committee on Human Services & Homelessness

Bill/Resolution No.:	Committee Referral:				
HB 2238	HSH, JUD, F	IN	2/5/20	20	
☐ 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) \square \square				
2. NAKAMURA, Nadine K. (VC)	V	<u></u>	A CONTRACTOR OF THE CONTRACTOR		
3. BELATTI, Della Au		E voine, cultiti cilitin d'all'ilite di luit telitaritudi di se de	180 - V. V A. Tra II. 180 - 181 - 181 - 181 - 181 - 181 - 181 - 181 - 181 - 181 - 181 - 181 - 181 -	a de la constitución de la decembra	
4. KOBAYASHI, Bertrand			######################################	en e	
5. MIZUNO, John M.				until de la Poppinio de la casa de de la casa	
6. SAY, Calvin K.Y.	<u> </u>	S. Jakoba Maria Herrinan Melabania		<u>Lia, yaning ni waliokana 20</u>	
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7. TOKIOKA, James Kunane		Silinin (Clay of hind Scitt of each of spiral control		Samuel and a state of the state	
8. WARD, Gene	\/		neg (in in a Matamana matamana), isti manana in an e inaté é e e Tre ins	ii e ee	
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TOTAL (8)	8				
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					