STAND. COM. REP. NO. 1495

Honolulu, Hawaii
MAR 25 , 2021

RE: S.B. No. 387

S.D. 1 H.D. 2

Honorable Scott K. Saiki Speaker, House of Representatives Thirty-First State Legislature Regular Session of 2021 State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 387, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE ROOM CONFINEMENT OF CHILDREN AT DETENTION AND SHELTER FACILITIES,"

begs leave to report as follows:

The purpose of this measure is to improve the care and treatment of children in the juvenile justice system by:

- (1) Requiring certain children who are not released or deemed suitable for diversion to be taken without unnecessary delay to the family court or to the place of shelter designated by the family court;
- (2) Limiting the circumstances under which children at juvenile detention or adult jail facilities are subject to room confinement; and
- (3) Specifying the conditions and time limit for which room confinement may be imposed.

Your Committee received testimony in support of this measure from the Judiciary, Office of Youth Services, Office of the Public

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Defender, American Civil Liberties Union of Hawai'i, Hawai'i Psychological Association, and one individual.

Your Committee finds that in 2018, Congress passed the First Step Act which, among other things, prohibits facilities that confine youth in federal custody from using room confinement for discipline, punishment, retaliation, or any reason other than as a temporary response to a juvenile's behavior that poses a serious and immediate risk of physical harm to any individual, including the covered juvenile. Your Committee recognizes that the type of facility and the conditions where a child is confined can affect the child's health, safety, and outcomes upon reentry. This measure addresses the impact that room confinement has on the treatment and rehabilitation of children who are detained.

Your Committee has amended this measure by:

- (1) Clarifying that a child may be held in room confinement for more than three hours if the child is a danger to themselves or another; 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 Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 387, S.D. 1, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as S.B. No. 387, S.D. 1, H.D. 2.

Respectfully submitted on behalf of the members of the Committee on Judiciary & Hawaiian Affairs,

MARY M. NAKASHIMA, Chair

## State of Hawaii House of Representatives The Thirty-first Legislature

## HSOR 1495

## Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.:	Committee	Referral:	D	ate: 3-13-	) i
SB 387 SD1 1	tD1 1	AHL, HHH	FN	J- K 5-	<u>~ </u>
☐ 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)					
JHA Members		Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)					
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2. MATAYOSHI, Scot Z. (V	(C)	V			
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3. ICHIYAMA, Linda		U	· · · · · · · · · · · · · · · · · · ·		
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4. KOBAYASHI, Dale T.					
5 LaDDECTI Masshary C					
5. LoPRESTI, Matthew S.					
6. LOWEN, Nicole E.			<u></u>		
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7. McKELVEY, Angus L.K	•		Signating palasida di didiring di	Roll Inches Bericken in the company of the con-	en l'espera l'esperitation de la company
8. NAKAMURA, Nadine K.	Section of the control of the contro		na – pomo na Podrusk mitra da Parte <sub>a</sub> Jo <u>rdan (na 1949)</u> Names		
9. TAKUMI, Roy M.					
10. TODD, Chris					
11. TOKIOKA, James Kuna	ne				
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12. WARD, Gene					
				-	
TOTAL (12	)	11	Q	Ø	
The recommendation is:    Adopted					
Vice Chair's or designee's signature:					
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO					