

MAR 10 2023

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# SENATE CONCURRENT RESOLUTION

REQUESTING THE OFFICE OF THE ADMINISTRATIVE DIRECTOR OF THE  
COURTS OF THE HAWAII STATE JUDICIARY TO COLLECT, COMPILE,  
AND SHARE DATA ON THE ASSESSMENT OF FEES, COURT COSTS,  
FINES, AND RESTITUTION IN CASES AGAINST MINORS.

1           WHEREAS, research shows that charging fees, fines, costs,  
2 and restitution to youth is harmful to young people and their  
3 families; and

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5           WHEREAS, in Hawaii, the consequences of such costs fall  
6 disproportionately on Native Hawaiian, Pacific Islander, and  
7 Black youth, who are more likely to be arrested, detained, and  
8 unable to afford fees, fines, costs, and restitution; and

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10          WHEREAS, although state law authorizes courts to charge  
11 youth and their families a range of fees and fines, judges  
12 across the State rarely impose such costs in practice; and

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14          WHEREAS, research shows that fees and fines serve no public  
15 safety function and may instead undermine public safety by  
16 increasing the likelihood of youth recidivism; and

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18          WHEREAS, because youth cannot afford to pay restitution,  
19 crime survivors rarely see any compensation for harm they may  
20 have experienced; and

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22          WHEREAS, jurisdictions in the majority of states that  
23 assess fees, costs, fines, and restitution to youth spend more  
24 money trying to collect those outstanding debts than they  
25 receive in revenue; and

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27          WHEREAS, there is a growing consensus that fees and fines  
28 should not be assessed for mistakes made in a person's youth,



1 regardless of the age or jurisdiction in which the person is  
2 adjudicated or sentenced; and

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4 WHEREAS, several states throughout the country have  
5 prohibited the imposition of fees and fines and limited the  
6 impact of restitution on young people and their families; now,  
7 therefore,

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9 BE IT RESOLVED by the Senate of the Thirty-second  
10 Legislature of the State of Hawaii, Regular Session of 2023, the  
11 House of Representatives concurring, that the Office of the  
12 Administrative Director of the Courts of the Hawaii State  
13 Judiciary is requested to collect, compile, and share data on  
14 the assessment of fees, court costs, fines, and restitution in  
15 cases against minors; and

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17 BE IT FURTHER RESOLVED that this data is requested to  
18 include:

- 19  
20 (1) The total and annual average amount of fees, court  
21 costs, fines, and restitution that are assessed,  
22 collected, waived, and outstanding in cases against  
23 minors for each of the last five years; and  
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25 (2) For the circuit, family, and district courts in each  
26 judicial district, a description of each fee, court  
27 cost, or fine that can be assessed in cases against  
28 minors, and their respective amounts; and  
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30 BE IT FURTHER RESOLVED that the Office of the  
31 Administrative Director of the Courts is requested to submit a  
32 report of findings and recommendations to the Legislature no  
33 later than twenty days prior to the convening of the Regular  
34 Session of 2024; and

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36 BE IT FURTHER RESOLVED that certified copies of this  
37 Concurrent Resolution be transmitted to the Chief Justice of the  
38 Hawaii Supreme Court and Administrative Director of the Courts.  
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OFFERED BY:  \_\_\_\_\_

