

STAND. COM. REP. NO.

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Honolulu, Hawaii

FEB 06, 2023

RE: H.B. No. 317
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.B. No. 317 entitled:

"A BILL FOR AN ACT RELATING TO YOUTH FEES AND FINES,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Prohibit the assessment of any fines, fees, or court costs against a person who is adjudicated for an offense committed while the person was a minor under the age of eighteen, or against the person's parent or guardian;
- (2) Limit court-ordered community service for a minor to no more than seventy-two hours;
- (3) Repeal the statewide curfew for minors; and
- (4) Discharge all outstanding debt obligations for fees, fines, and costs assessed in related cases prior to the effective date of this measure.

Your Committee received testimony in support of this measure from the Office of the Public Defender, Hawaii Association of Criminal Defense Lawyers, Policy Advocacy Clinic at Berkeley Law, Residential Youth Services & Empowerment, and two individuals.

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Your Committee received comments on this measure from the Judiciary and Opportunity Youth Action Hawai'i.

Your Committee finds that charging fees, fines, and court costs to minors during juvenile justice proceedings harms young people and their families. In Hawaii, the consequences of these assessments fall disproportionately on Native Hawaiian, Pacific Islander, and Black youth. Your Committee further finds that although Hawaii law authorizes the courts to assess monetary penalties on minors and their families, in practice, judges across the State rarely impose these costs. Your Committee also finds that many states are seeking to reform or repeal fines and fees against juveniles and their families. This measure extends similar reform efforts for juvenile justice cases in Hawaii.

Your Committee notes the comments expressed by the Judiciary in their testimony before your Committee that "[t]he intent and purposes of this bill are admirable; the strategies employed are evidenced-based" and that family courts across the State rarely impose fines, fees, or costs on minors and their parents.

Your Committee additionally finds that this measure eliminates driver education assessments levied against minors for certain violations. Your Committee also notes the concerns raised by the Judiciary in their testimony regarding potential shortfalls to the Statewide Driver Education Special Fund, as it is the sole funding source for the Statewide Driver Education Program. In the case of such a shortfall, the Judiciary may have to request additional funding from the Legislature.

Your Committee has amended this measure by:

- (1) Deleting language that would have prohibited the family court from assessing the cost of issuing and executing a summons or warrant against a minor's parent or guardian when the parent or guardian fails to comply with an order to produce the minor in court for a violation of a court order of probation or protective supervision;
- (2) Clarifying that the provision of certain no-cost treatment and services to a minor does not prohibit the utilization of treatment or services that may be available under a minor's health insurance or remove responsibility for any required copayments;

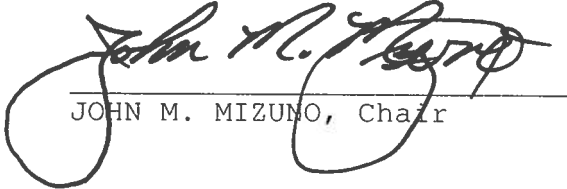


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- (3) Deleting amendments to the Interstate Compact on Juveniles;
- (4) Deleting language retroactively discharging outstanding debt obligations for court-ordered fees, fines, and costs assessed in related cases prior to the effective date of this measure;
- (5) Changing the effective date to June 30, 3000, to encourage further discussion; and
- (6) 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 that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 317, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 317, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

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



JOHN M. MIZUNO, Chair



