

STAND. COM. REP. NO.

400

Honolulu, Hawaii

FEB 14

, 2023

RE: H.B. No. 317
H.D. 2

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

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 317, H.D. 1, 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 fees, fines, or 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; and
- (3) Repeal the statewide curfew for minors and certain penalties related to minors and dance halls.

Your Committee received testimony in support of this measure from the Office of the Public Defender, Hawai'i Friends of Restorative Justice, Community Alliance on Prisons, Policy Advocacy Clinic at Berkeley Law, and one individual. Your Committee received comments on this measure from the Judiciary and Opportunity Youth Action Hawai'i.

2023-1472 HB317 HD2 HSCR HMSO



Your Committee finds that the imposition of fees, fines, and costs on young people and their families can have wide-ranging consequences, none of which serves the purposes of rehabilitating, deterring, or punishing delinquent youth. Your Committee further finds that these monetary assessments have a disproportionate impact on families of color and can even lead to recidivism and escalating crime. This measure would follow the lead of other states by eliminating the economic burden of monetary assessments for Hawaii's youth and families.

Your Committee has amended this measure by:

- (1) Clarifying that no financial penalty, surcharge, or cost of assessment and treatment provided for the offense of habitually operating a vehicle under the influence of an intoxicant shall be ordered against a person who is adjudicated, rather than convicted, while the person was a minor under the age of eighteen, or against the person's parent or guardian;
- (2) Clarifying when the family court may not impose any financial penalties or seek reimbursement for costs against a child adjudicated for a violation or attempted violation of any federal, state, or local law or county ordinance; and
- (3) 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 H.B. No. 317, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as H.B. No. 317, H.D. 2.



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



DAVID A. TARNAS, Chair



Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: HB 317, HD1	Committee Referral: HUS, JHA, FIN	Date: 02/08/2023		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)	/			
2. TAKAYAMA, Gregg (VC)	/			
3. GANADEN, Sonny	✓			
4. HOLT, Daniel	/			
5. HASHIMOTO, Troy N.	/			
6. ICHIYAMA, Linda	/			
7. ILAGAN, Greggor	✓			
8. KONG, Sam Satoru	✓			
9. MIZUNO, John M.	/			
10. SOUZA, Kanani	/			
TOTAL (10)	10	-	-	-
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: <u><i>Greggor Ilagan</i></u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				