

STAND. COM. REP. NO. 343

Honolulu, Hawaii

FEB 14 , 2023

RE: H.B. No. 781
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. 781 entitled:

"A BILL FOR AN ACT RELATING TO CHILDREN,"

begs leave to report as follows:

The purpose of this measure is to require that when an officer has custody of a child under sixteen years of age for an alleged violation of law, the child shall have contact with legal counsel or a parent or guardian before the child waives any constitutional rights and before any custodial interrogation.

Your Committee received testimony in support of this measure from the Anti-Recidivism Coalition and Human Rights for Kids.

Your Committee finds that the human brain undergoes dynamic changes throughout adolescence and into young adulthood. As a result, adolescents rarely have an understanding of their due process rights or the consequences and implications of law enforcement interrogations. This measure seeks to protect the rights of the State's children by requiring an officer to ensure a child has contact with legal counsel or a parent or guardian before the child waives any constitutional rights or before any custodial interrogation.

Your Committee has amended this measure by:

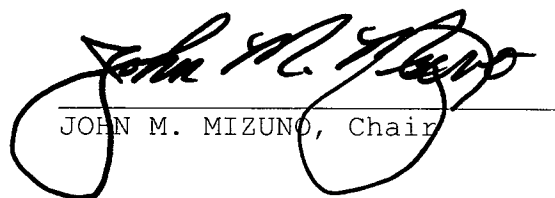
2023-1203 HB781 HD1 HSCR HMSO



- (1) Changing the age at which an officer must ensure a child in custody has contact with legal counsel or a parent or legal guardian before the child waives any constitutional rights or before a custodial interrogation to eighteen years old, rather than sixteen;
- (2) Requiring the child to have contact with a legal counsel and, to the extent practicable, the child's parent or legal guardian before any waiver of any right against self-incrimination and before a custodial interrogation;
- (3) Requiring any officer who has arrested a child under the age of eighteen to notify the child's parent, guardian, or legal custodian of the arrest and the location of the child's detainment;
- (4) Changing the effective date to June 30, 3000, to encourage further discussion; and
- (5) 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. 781, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 781, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

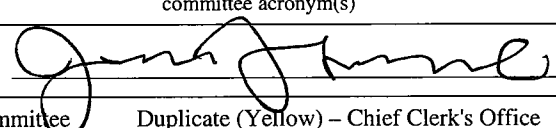
Respectfully submitted on
behalf of the members of the
Committee on Human Services,



JOHN M. MIZUNO, Chair



Record of Votes of the Committee on Human Services

Bill/Resolution No.: <i>HB 781</i>	Committee Referral: <i>HUS, JHA</i>	Date: <i>2/2/23</i>		
<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)				
HUS Members	Ayes	Ayes (WR)	Nays	Excused
1. MIZUNO, John M. (C)	/			
2. AMATO, Terez (VC)				/
3. BELATTI, Della Au	/			
4. ILAGAN, Greggor	/			
5. KOBAYASHI, Bertrand	/			
6. TAKENOUCHI, Jenna	/			
7. NISHIMOTO, Scott Y.	/			
8. GARCIA, Diamond	/			
TOTAL (8)	7			1
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: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				