

STAND. COM. REP. NO.

1262

Honolulu, Hawaii

MAR 22 2023

RE: H.B. No. 781
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Health and Human Services, to which was referred H.B. No. 781, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO CHILDREN,"

begs leave to report as follows:

The purpose and intent of this measure is to require that a child under eighteen years old in the custody of a law enforcement officer have contact with legal counsel and, to the extent practicable, a parent, guardian, or legal custodian, before waiving any right against self-incrimination and before any custodial interrogation.

Your Committee received testimony in support of this measure from the Office of the Public Defender, Human Rights for Kids, Community Alliance on Prisons, and four individuals.

Your Committee finds that children require special and additional legal protections and assistance to help them understand, process, and participate in any custodial interrogation in which their constitutional rights are impacted. Children are particularly vulnerable to pressure and susceptible to giving false confessions. According to testimony received by your Committee, in 2017, eighty-six percent of minors who were later exonerated in the United States and were fourteen years old and under at the time of their interrogation reported they had

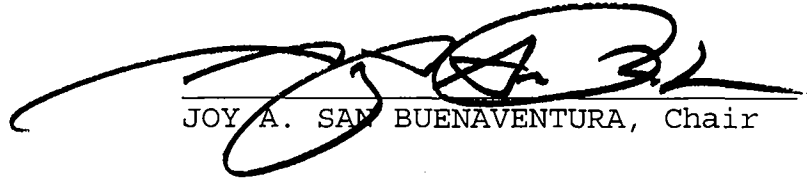


falsely confessed to having committed a crime. To reduce incidents of false confessions and wrongful convictions of children, this measure ensures a child who is arrested has access to legal counsel before any custodial interrogation.

Your Committee has amended this measure by making it effective upon its approval.

As affirmed by the record of votes of the members of your Committee on Health and Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 781, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 781, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

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



JOY A. SAN BUENAVENTURA, Chair



