STAND. COM. REP. NO. 1262

Honolulu, Hawaii

MAR 2 2 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,

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The Senate Thirty-Second Legislature State of Hawai'i

Record of Votes Committee on Health and Human Services HHS

Bill / Resolution No.:* HB 781 HD2	Committee Referral:			Date: 03 13 23	
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WI	R) Nay	Excused
SAN BUENAVENTURA, Joy A. (C)					
AQUINO, Henry J.C. (VC)					
MORIWAKI, Sharon Y.					
SHIMABUKURO, Maile S.L.					
AWA, Brenton					
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TOTAL		4			7
Recommendation: Adopted Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

*Only one measure per Record of Votes