

STAND. COM. REP. NO.

789

Honolulu, Hawaii

**FEB 22** , 2023

RE: H.B. No. 792  
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 Judiciary & Hawaiian Affairs, to which was referred H.B. No. 792 entitled:

"A BILL FOR AN ACT RELATING TO MINORS,"

begs leave to report as follows:

The purpose of this measure is to grant the circuit court, when sentencing a minor for a criminal offense, the discretion to:

- (1) Impose a sentence that includes a period of incarceration that is as much as fifty percent shorter than any mandatory minimum; and
- (2) In certain cases, decline to impose a mandatory enhanced sentence.

Your Committee received testimony in support of this measure from the Office of the Public Defender, Opportunity Youth Action Hawai'i, Community Alliance on Prisons, Human Rights for Kids, and one individual. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that individuals who commit crimes when under the age of eighteen should be treated differently from adults based on their brain development, impulse and behavioral control, vulnerability to negative influences and pressures, and

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limited control over their home settings and living conditions, which can be traumatic and abusive. This measure provides circuit courts with greater judicial discretion when sentencing these individuals in cases involving mandatory minimum sentences and mandatory enhanced sentences.

Your Committee has amended this measure by:

- (1) Expanding the circuit court's discretion to include adults convicted of a felony criminal offense that was committed before reaching the age of majority; and
- (2) 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. 792, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 792, H.D. 1, and be placed on the calendar for Third Reading.

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



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DAVID A. TARNAS, Chair



State of Hawaii  
House of Representatives  
The Thirty-second Legislature

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**Record of Votes of the Committee on Judiciary & Hawaiian Affairs**

Bill/Resolution No.: <p style="text-align: center; font-size: 1.2em;">HB 792</p>	Committee Referral: <p style="text-align: center; font-size: 1.2em;">JHA</p>	Date: <p style="text-align: center; font-size: 1.2em;">2/16/2023</p>		
<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	/			
<b>TOTAL (10)</b>	10	-	-	-
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 0.8em;">committee acronym(s)</div>				
Vice Chair's or designee's signature: _____ <div style="text-align: center; font-size: 1.5em; font-family: cursive;">Greggor Ilagan</div>				
<b>Distribution:</b> Original (White) – Committee            Duplicate (Yellow) – Chief Clerk's Office            Duplicate (Pink) – HMSO				