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# A BILL FOR AN ACT

RELATING TO YOUTH FEES AND FINES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 PART I

2 SECTION 1. The legislature finds that charging fees,  
3 fines, and court costs to youth is harmful to young people and  
4 their families. In Hawaii, the consequences of these costs fall  
5 disproportionately on Native Hawaiian, Pacific Islander, and  
6 Black youth, who are more likely to be arrested, detained, and  
7 unable to afford fees and fines. The legislature also finds  
8 that, although Hawaii law authorizes courts to charge youth and  
9 their families a range of fees and fines, judges across the  
10 State rarely impose these costs in practice.

11 The legislature recognizes that assessing fines in juvenile  
12 justice proceedings is not an evidence-based practice for  
13 rehabilitating, deterring, or even punishing delinquent youth.  
14 Parents may be forced to choose between paying court costs and  
15 meeting basic needs. The economic burdens placed on juveniles  
16 and their families can undermine public safety by leading to  
17 recidivism and escalating crime. Additionally, jurisdictions on



1 the mainland that charge fees and fines to youth often spend  
2 more money trying to collect those outstanding debts than they  
3 receive in revenue.

4 The legislature notes that many states are seeking to  
5 reform or repeal fees and fines against juveniles and their  
6 families. In 2021 and 2022, twenty-seven states introduced  
7 legislation to end the practice of assessing fees and fines in  
8 juvenile justice proceedings. California, Nevada, Oregon, and  
9 numerous counties in other states have prohibited the imposition  
10 of fees and fines in juvenile justice cases. The legislature  
11 believes that Hawaii should make similar efforts and that fees  
12 and fines should not be assessed for mistakes made in a person's  
13 youth, regardless of the age at which or jurisdiction in which  
14 the person is adjudicated or sentenced.

15 Accordingly, the purpose of this Act is to:

16 (1) Prohibit the assessment of any fees, fines, or costs  
17 against a person who is adjudicated for an offense  
18 committed while the person was a minor under the age  
19 of eighteen, or against the person's parent or  
20 guardian;



- 1 (2) Limit court-ordered community service for a minor to
- 2 no more than seventy-two hours; and
- 3 (3) Repeal the statewide curfew for minors.

PART II

5 SECTION 2. Section 286-136, Hawaii Revised Statutes, is  
6 amended as follows:

7 1. By amending subsection (a) to read:

8 "(a) Except as provided in [~~subsection~~] subsections (b) [~~7~~]  
9 and (c), any person who violates section 286-102, 286-122, 286-  
10 130, 286-131, 286-132, 286-133, or 286-134 shall be fined no  
11 more than \$1,000 or imprisoned no more than thirty days, or  
12 both. Any person who violates any other section in this part  
13 shall be fined no more than \$1,000."

14 2. By amending subsection (c) to read:

15 "(c) Notwithstanding subsections (a) and (b), a minor  
16 under the age of eighteen under the jurisdiction of the family  
17 court who is subject to this section [~~shall either~~] may lose the  
18 right to drive a motor vehicle until the age of eighteen [~~or be~~  
19 ~~subject to a fine of \$500.~~]; provided that no financial penalty  
20 provided for in this section shall be levied against a person  
21 who is adjudicated for an offense committed while the person was



1 a minor under the age of eighteen, or against the person's  
2 parent or guardian for the person's offense."

3 SECTION 3. Section 286G-3, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "**§286G-3 Driver education assessments.** (a) [A] Except as  
6 provided in subsection (e), a driver education assessment of \$7  
7 shall be levied on a finding that a violation of a statute or  
8 county ordinance relating to vehicles or their drivers or owners  
9 occurred, except for[+] offenses:

10 (1) [~~Offenses relating~~] Relating to stopping (when  
11 prohibited), standing, or parking;

12 (2) [~~Offenses relating~~] Relating to registration; and

13 (3) [~~Offenses by~~] By pedestrians.

14 (b) [~~Driver~~] Except as provided in subsection (e), driver  
15 education assessments of:

16 (1) \$100 shall be levied on persons convicted under  
17 section 291E-61 or 291E-61.5 to defray costs of  
18 services provided by the driver education and training  
19 program;



1 (2) \$50 shall be levied on persons required to attend a  
2 child passenger restraint system safety class under  
3 section 291-11.5; and

4 (3) \$75 shall be levied on persons convicted under section  
5 291C-105 to defray costs of services provided by the  
6 driver education and training program.

7 (c) The driver education assessments levied by subsections  
8 (a) and (b) shall be paid for each violation in addition to any  
9 fine imposed by the court, and regardless of whether a fine is  
10 suspended; provided that the driver education assessment of \$100  
11 levied on a person convicted under section 291E-61 or 291E-61.5  
12 may be waived by the court if the court determines that the  
13 person is unable to pay the driver education assessment.

14 (d) The amount of each driver education assessment levied  
15 by subsections (a) and (b) shall be transmitted by the clerk of  
16 the court for deposit in the driver education and training fund.

17 (e) No financial penalty provided for in this section  
18 shall be levied against a person who is adjudicated for an  
19 offense committed while the person was a minor under the age of  
20 eighteen, or against the person's parent or guardian for the  
21 person's offense."



1 SECTION 4. Section 291C-12, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§291C-12 Collisions involving [~~death or~~] serious bodily**  
4 **injury[~~-~~] or death.** (a) The driver of any vehicle involved in  
5 a collision resulting in serious bodily injury to or death of  
6 any person shall immediately stop the vehicle at the scene of  
7 the collision or as close thereto as possible but shall then  
8 forthwith return to and in every event shall remain at the scene  
9 of the collision until the driver has fulfilled the requirements  
10 of section 291C-14. Every stop shall be made without  
11 obstructing traffic more than is necessary.

12 (b) Any person who violates subsection (a) shall be guilty  
13 of a class B felony.

14 (c) The license or permit to drive and any nonresident  
15 operating privilege of the person so convicted shall be revoked.

16 (d) [~~For~~] Except as provided in subsection (f), for any  
17 violation under this section, a surcharge of \$500 shall be  
18 imposed, in addition to any other penalties, and shall be  
19 deposited into the neurotrauma special fund.

20 (e) [~~For~~] Except as provided in subsection (f), for any  
21 violation under this section, a surcharge of up to \$500 may be



1 imposed, in addition to other penalties, which shall be  
2 deposited into the trauma system special fund.

3 (f) No financial penalty provided for in this section  
4 shall be levied against a person who is adjudicated for an  
5 offense committed while the person was a minor under the age of  
6 eighteen, or against the person's parent or guardian for the  
7 person's offense."

8 SECTION 5. Section 291C-12.5, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 **"§291C-12.5 Collisions involving substantial bodily**  
11 **injury.** (a) The driver of any vehicle involved in a collision  
12 resulting in substantial bodily injury to any person shall  
13 immediately stop the vehicle at the scene of the collision or as  
14 close thereto as possible but shall then forthwith return to and  
15 in every event shall remain at the scene of the collision until  
16 the driver has fulfilled the requirements of section 291C-14.  
17 Every stop shall be made without obstructing traffic more than  
18 is necessary.

19 (b) Any person who violates subsection (a) shall be guilty  
20 of a class C felony.



1 (c) [~~For~~] Except as provided in subsection (e), for any  
2 violation under this section, a surcharge of \$250 shall be  
3 imposed, in addition to any other penalties, [~~and~~] which shall  
4 be deposited into the neurotrauma special fund.

5 (d) [~~For~~] Except as provided in subsection (e), for any  
6 violation under this section, a surcharge of up to \$250 may be  
7 imposed, in addition to other penalties, which shall be  
8 deposited into the trauma system special fund.

9 (e) No financial penalty provided for in this section  
10 shall be levied against a person who is adjudicated for an  
11 offense committed while the person was a minor under the age of  
12 eighteen, or against the person's parent or guardian for the  
13 person's offense."

14 SECTION 6. Section 291C-12.6, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "**§291C-12.6 Collisions involving bodily injury.** (a) The  
17 driver of any vehicle involved in a collision resulting in  
18 bodily injury to any person shall immediately stop the vehicle  
19 at the scene of the collision or as close thereto as possible  
20 but shall then forthwith return to and in every event shall  
21 remain at the scene of the collision until the driver has



1 fulfilled the requirements of section 291C-14. Every stop shall  
2 be made without obstructing traffic more than is necessary.

3 (b) Any person who violates subsection (a) shall be guilty  
4 of a misdemeanor.

5 (c) [~~For~~] Except as provided in subsection (e), for any  
6 violation under this section, a surcharge of \$100 shall be  
7 imposed, in addition to any other penalties, [~~and~~] which shall  
8 be deposited into the neurotrauma special fund.

9 (d) [~~For~~] Except as provided in subsection (e), for any  
10 violation under this section, a surcharge of up to \$100 may be  
11 imposed, in addition to other penalties, which shall be  
12 deposited into the trauma system special fund.

13 (e) No financial penalty provided for in this section  
14 shall be levied against a person who is adjudicated for an  
15 offense committed while the person was a minor under the age of  
16 eighteen, or against the person's parent or guardian for the  
17 person's offense."

18 SECTION 7. Section 291C-14, Hawaii Revised Statutes, is  
19 amended by amending subsection (c) to read as follows:

20 "(c) For any violation under this section, a surcharge of  
21 up to \$100 may be imposed, in addition to other penalties, which



1 shall be deposited into the trauma system special fund[~~7~~];  
 2 provided that no financial penalty provided for in this section  
 3 shall be levied against a person who is adjudicated for an  
 4 offense committed while the person was a minor under the age of  
 5 eighteen, or against the person's parent or guardian for the  
 6 person's offense."

7 SECTION 8. Section 291C-15, Hawaii Revised Statutes, is  
 8 amended to read as follows:

9 **"§291C-15 Duty upon striking unattended vehicle or other**  
 10 **property.** (a) The driver of any vehicle [~~which~~] that collides  
 11 with or is involved in a collision with any vehicle or other  
 12 property that is unattended resulting in any damage to the other  
 13 vehicle or property shall immediately stop and shall then and  
 14 there either locate and notify the operator or owner of the  
 15 vehicle or other property of the driver's name[~~7~~] and address[~~7~~]  
 16 and the registration number of the vehicle the driver is driving  
 17 or shall attach securely in a conspicuous place in or on the  
 18 vehicle or other property a written notice giving the driver's  
 19 name[~~7~~] and address[~~7~~] and the registration number of the  
 20 vehicle the driver is driving and shall without unnecessary



1 delay notify the nearest police officer. Every stop shall be  
2 made without obstructing traffic more than is necessary.

3 (b) For any violation under this section, a surcharge of  
4 up to \$100 may be imposed, in addition to other penalties, which  
5 shall be deposited into the trauma system special fund[-];  
6 provided that no financial penalty provided for in this section  
7 shall be levied against a person who is adjudicated for an  
8 offense committed while the person was a minor under the age of  
9 eighteen, or against the person's parent or guardian for the  
10 person's offense."

11 SECTION 9. Section 291E-7, Hawaii Revised Statutes, is  
12 amended by amending subsections (a) and (b) to read as follows:

13 "(a) [~~In~~] Except as provided in subsection (b), in  
14 addition to any other civil penalties ordered by the court, a  
15 person who violates any offense under this part may be ordered  
16 to pay a trauma system surcharge[~~7~~]; provided that[+] the  
17 maximum of which may be:

18 (1) [~~The maximum of which may be~~] \$10 if the violator is  
19 not already required to pay a trauma system surcharge  
20 pursuant to the violation of the offense;



1 (2) [~~The maximum of which may be~~] \$25 if the violation is  
2 an offense under section 291E-61(a)(1), [~~291E-~~  
3 ~~61(a)~~](3), or [~~291E-61(a)~~](4); and

4 (3) [~~The maximum of which may be~~] \$50 if the violation is  
5 an offense under section 291E-61(a)(2) or 291E-61.5 or  
6 if the offense under section 291E-61(a)(3) or [~~291E-~~  
7 ~~61(a)~~](4) is a second or subsequent offense that  
8 occurred within five years of the first offense.

9 (b) The surcharge shall not be ordered [~~when~~]:

10 (1) When the court determines that the defendant is unable  
11 to pay the surcharge[-]; or

12 (2) Against a person who is adjudicated for an offense  
13 committed while the person was a minor under the age  
14 of eighteen, or against the person's parent or  
15 guardian for the person's offense."

16 SECTION 10. Section 291E-11, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 "**§291E-11 Implied consent of operator of vehicle to submit**  
19 **to testing to determine alcohol concentration and drug content.**

20 (a) Any person who operates a vehicle upon a public way,  
21 street, road, or highway or on or in the waters of the State



1 shall be deemed to have given consent, subject to this part, to  
2 a test or tests approved by the director of health of the  
3 person's breath, blood, or urine for the purpose of determining  
4 alcohol concentration or drug content of the person's breath,  
5 blood, or urine, as applicable.

6 (b) The test or tests shall be administered at the request  
7 of a law enforcement officer having probable cause to believe  
8 the person operating a vehicle upon a public way, street, road,  
9 or highway or on or in the waters of the State is under the  
10 influence of an intoxicant or is under the age of twenty-one and  
11 has consumed a measurable amount of alcohol, only after:

12 (1) A lawful arrest; and

13 (2) The person has been informed by a law enforcement  
14 officer that the person may refuse to submit to  
15 testing under this chapter.

16 (c) If there is probable cause to believe that a person is  
17 in violation of section 291E-64, as a result of being under the  
18 age of twenty-one and having consumed a measurable amount of  
19 alcohol, or section 291E-61 or 291E-61.5, as a result of having  
20 consumed alcohol, then the person shall elect to take a breath



1 or blood test, or both, for the purpose of determining the  
2 alcohol concentration.

3 (d) If there is probable cause to believe that a person is  
4 in violation of section 291E-61 or 291E-61.5, as a result of  
5 having consumed any drug, then the person shall elect to take a  
6 blood or urine test, or both, for the purpose of determining the  
7 drug content. Drug content shall be measured by the presence of  
8 any drug or its metabolic products, or both.

9 (e) A person who chooses to submit to a breath test under  
10 subsection (c) also may be requested to submit to a blood or  
11 urine test, if the law enforcement officer has probable cause to  
12 believe that the person was operating a vehicle while under the  
13 influence of any drug under section 291E-61 or 291E-61.5 and the  
14 officer has probable cause to believe that a blood or urine test  
15 will reveal evidence of the person being under the influence of  
16 any drug. The law enforcement officer shall state in the  
17 officer's report the facts upon which that belief is based. The  
18 person shall elect to take a blood or urine test, or both, for  
19 the purpose of determining the person's drug content. Results  
20 of a blood or urine test conducted to determine drug content  
21 also shall be admissible for the purpose of determining the



1 person's alcohol concentration. Submission to testing for drugs  
2 under subsection (d) or this subsection shall not be a  
3 substitute for alcohol tests requested under subsection (c).

4 (f) The use of a preliminary alcohol screening device by a  
5 law enforcement officer shall not replace a breath, blood, or  
6 urine test required under this section. The analysis from the  
7 use of a preliminary alcohol screening device shall only be used  
8 in determining probable cause for the arrest.

9 (g) ~~Any~~ Except as provided in subsection (h), any person  
10 tested pursuant to this section who is convicted or has the  
11 person's license or privilege suspended or revoked pursuant to  
12 this chapter may be ordered to reimburse the county for the cost  
13 of any blood or urine tests, or both, conducted pursuant to this  
14 section. If reimbursement is so ordered, the court or the  
15 director, as applicable, shall order the person to make  
16 restitution in a lump sum, or in a series of prorated  
17 installments, to the police department or other agency incurring  
18 the expense of the blood or urine test, or both.

19 (h) A minor under the age of eighteen or the minor's  
20 parent or guardian shall not be ordered to reimburse the county



1 for the cost of any blood or urine test conducted on the minor  
2 pursuant to this section for the minor's offense."

3 SECTION 11. Section 291E-39, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "**§291E-39 Fees and costs.** [~~The~~] (a) Except as provided  
6 in subsection (b), the director may assess and collect a \$30 fee  
7 from the respondent to cover the costs of processing the  
8 respondent's request for an administrative hearing. These costs  
9 include but shall not be limited to: the cost of photocopying  
10 documents; conditional license permits, temporary permits, and  
11 relicensing forms; interpreter services; and other similar  
12 costs; provided that the costs of issuing subpoenas for  
13 witnesses, including mileage fees, shall be borne by the party  
14 requesting the subpoena. The director may waive the fee in the  
15 case of an indigent respondent, upon an appropriate inquiry into  
16 the financial circumstances of the respondent seeking the waiver  
17 and an affidavit or a certificate signed by the respondent  
18 demonstrating the respondent's financial inability to pay the  
19 fee.

20 (b) The director shall not assess or collect any fee from  
21 a respondent who requests an administrative hearing for a



1 violation that occurred while the respondent was a minor under  
2 the age of eighteen, or against the respondent's parent or  
3 guardian for the respondent's offense."

4 SECTION 12. Section 291E-61, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "**§291E-61 Operating a vehicle under the influence of an**  
7 **intoxicant.** (a) A person commits the offense of operating a  
8 vehicle under the influence of an intoxicant if the person  
9 operates or assumes actual physical control of a vehicle:

- 10 (1) While under the influence of alcohol in an amount  
11 sufficient to impair the person's normal mental  
12 faculties or ability to care for the person and guard  
13 against casualty;
- 14 (2) While under the influence of any drug that impairs the  
15 person's ability to operate the vehicle in a careful  
16 and prudent manner;
- 17 (3) With .08 or more grams of alcohol per two hundred ten  
18 liters of breath; or
- 19 (4) With .08 or more grams of alcohol per one hundred  
20 milliliters or cubic centimeters of blood.



1           (b) [A] Except as provided in subsection (1), a person  
2 committing the offense of operating a vehicle under the  
3 influence of an intoxicant shall be sentenced without  
4 possibility of probation or suspension of sentence as follows:

5           (1) Except as provided in paragraph (4), for the first  
6 offense, or any offense not preceded within a ten-year  
7 period by a conviction for an offense under this  
8 section or section 291E-4(a):

9           (A) A fourteen-hour minimum substance abuse  
10 rehabilitation program, including education and  
11 counseling, or other comparable programs deemed  
12 appropriate by the court;

13           (B) Revocation of license to operate a vehicle for no  
14 less than one year and no more than eighteen  
15 months;

16           (C) Installation during the revocation period of an  
17 ignition interlock device on all vehicles  
18 operated by the person;

19           (D) Any one or more of the following:

20           (i) Seventy-two hours of community service work;



- 1           (ii) No less than forty-eight hours and no more
- 2                    than five days of imprisonment; or
- 3           (iii) A fine of no less than \$250 and no more than
- 4                    \$1,000;
- 5           (E) A surcharge of \$25 to be deposited into the
- 6                    neurotrauma special fund; and
- 7           (F) A surcharge, if the court so orders, of up to \$25
- 8                    to be deposited into the trauma system special
- 9                    fund;
- 10       (2) For an offense that occurs within ten years of a prior
- 11           conviction for an offense under this section:
- 12           (A) A substance abuse program of at least thirty-six
- 13                    hours, including education and counseling, or
- 14                    other comparable programs deemed appropriate by
- 15                    the court;
- 16           (B) Revocation of license to operate a vehicle for no
- 17                    less than two years and no more than three years;
- 18           (C) Installation during the revocation period of an
- 19                    ignition interlock device on all vehicles
- 20                    operated by the person;
- 21           (D) Either one of the following:



- 1 (i) No less than two hundred forty hours of  
2 community service work; or  
3 (ii) No less than five days and no more than  
4 thirty days of imprisonment, of which at  
5 least forty-eight hours shall be served  
6 consecutively;
- 7 (E) A fine of no less than \$1,000 and no more than  
8 \$3,000, to be deposited into the state drug and  
9 alcohol toxicology testing laboratory special  
10 fund;
- 11 (F) A surcharge of \$25 to be deposited into the  
12 neurotrauma special fund; and
- 13 (G) A surcharge of up to \$50, if the court so orders,  
14 to be deposited into the trauma system special  
15 fund;
- 16 (3) In addition to a sentence imposed under paragraphs (1)  
17 and (2), any person eighteen years of age or older who  
18 is convicted under this section and who operated a  
19 vehicle with a passenger, in or on the vehicle, who  
20 was younger than fifteen years of age, shall be  
21 sentenced to an additional mandatory fine of \$500 and



1 an additional mandatory term of imprisonment of  
2 forty-eight hours; provided that the total term of  
3 imprisonment for a person convicted under this  
4 paragraph shall not exceed the maximum term of  
5 imprisonment provided in paragraph (1) or (2), as  
6 applicable. Notwithstanding paragraphs (1) and (2),  
7 the revocation period for a person sentenced under  
8 this paragraph shall be no less than two years;

9 (4) In addition to a sentence imposed under paragraph (1),  
10 for a first offense under this section, or an offense  
11 not preceded within a ten-year period by a conviction  
12 for an offense, any person who is convicted under this  
13 section and was a highly intoxicated driver at the  
14 time of the subject incident shall be sentenced to an  
15 additional mandatory term of imprisonment for  
16 forty-eight consecutive hours and an additional  
17 mandatory revocation period of six months; provided  
18 that the total term of imprisonment for a person  
19 convicted under this paragraph shall not exceed the  
20 maximum term of imprisonment provided in paragraph  
21 (1). Notwithstanding paragraph (1), the revocation



1 period for a person sentenced under this paragraph  
2 shall be no less than eighteen months;

3 (5) In addition to a sentence under paragraph (2), for an  
4 offense that occurs within ten years of a prior  
5 conviction for an offense under this section, any  
6 person who is convicted under this section and was a  
7 highly intoxicated driver at the time of the subject  
8 incident shall be sentenced to an additional mandatory  
9 term of imprisonment of ten consecutive days and an  
10 additional mandatory revocation period of one year;  
11 provided that the total term of imprisonment for a  
12 person convicted under this paragraph shall not exceed  
13 the maximum term of imprisonment provided in paragraph  
14 (2), as applicable. Notwithstanding paragraph (2),  
15 the revocation period for a person sentenced under  
16 this paragraph shall be no less than three years;

17 (6) A person sentenced pursuant to paragraph (1)(B) may  
18 file a motion for early termination of the applicable  
19 revocation period if the person:



- 1 (A) Was not sentenced to any additional mandatory  
2 revocation period pursuant to paragraph (3) or  
3 (4);
- 4 (B) Actually installed and maintained an ignition  
5 interlock device on all vehicles operated by the  
6 person for a continuous period of six months,  
7 after which the person maintained the ignition  
8 interlock device on all vehicles operated by the  
9 person for a continuous period of three months  
10 without violation;
- 11 (C) Includes with their motion for early termination  
12 a certified court abstract establishing that they  
13 were not sentenced to any additional mandatory  
14 revocation period pursuant to paragraph (3) or  
15 (4);
- 16 (D) Includes with their motion for early termination  
17 a certified statement from the director of  
18 transportation establishing that:
  - 19 (i) The person installed and maintained an  
20 ignition interlock device on all vehicles



1                   operated by the person for a continuous  
2                   period of six months; and  
3                   (ii) After the six-month period, the person  
4                   maintained the ignition interlock device on  
5                   all vehicles operated by the person for a  
6                   continuous period of three months without  
7                   violation; and  
8                   (E) Has complied with all other sentencing  
9                   requirements.

10                   Nothing in this paragraph shall require a court to  
11                   grant early termination of the revocation period if  
12                   the court finds that continued use of the ignition  
13                   interlock device will further the person's  
14                   rehabilitation or compliance with this section;

15                   (7) If the person demonstrates to the court that the  
16                   person:  
17                   (A) Does not own or have the use of a vehicle in  
18                   which the person can install an ignition  
19                   interlock device during the revocation period; or  
20                   (B) Is otherwise unable to drive during the  
21                   revocation period,



1 the person shall be prohibited from driving during the  
2 period of applicable revocation provided in paragraphs  
3 (1) to (5); provided that the person shall be  
4 sentenced to the maximum license revocation period,  
5 the court shall not issue an ignition interlock permit  
6 pursuant to subsection (i), and the person shall be  
7 subject to the penalties provided by section 291E-62  
8 if the person drives during the applicable revocation  
9 period; and

10 (8) For purposes of this subsection, "violation" means:

11 (A) Providing a sample of .04 or more grams of  
12 alcohol per two hundred ten liters of breath when  
13 starting the vehicle, unless a subsequent test  
14 performed within ten minutes registers a breath  
15 alcohol concentration lower than .02 and the  
16 digital image confirmed the same person provided  
17 both samples;

18 (B) Providing a sample of .04 or more grams of  
19 alcohol per two hundred ten liters of breath on a  
20 rolling retest, unless a subsequent test  
21 performed within ten minutes registers a breath



- 1 alcohol concentration lower than .02 and the  
2 digital image confirms the same person provided  
3 both samples;
- 4 (C) Failing to provide a rolling retest, unless an  
5 acceptable test is performed within ten minutes;
- 6 (D) Violating section 291E-66; or
- 7 (E) Failing to provide a clear photo of the person  
8 when the person blows into the ignition interlock  
9 device.
- 10 (c) Except as provided in sections 286-118.5 and 291E-  
11 61.6, the court shall not issue an ignition interlock permit  
12 to[+] a defendant:
- 13 (1) [~~A defendant whose~~] Whose license is expired,  
14 suspended, or revoked as a result of action other than  
15 the instant offense;
- 16 (2) [~~A defendant who~~] Who does not hold a valid license at  
17 the time of the instant offense;
- 18 (3) [~~A defendant who~~] Who holds either a category 4  
19 license under section 286-102(b) or a commercial  
20 driver's license under section 286-239(a), unless the



1 ignition interlock permit is restricted to a category  
2 1, 2, or 3 license under section 286-102(b); or

3 (4) [~~A defendant who~~] Who holds a license that is a  
4 learner's permit or instruction permit.

5 (d) Except as provided in subsection (c), the court may  
6 issue a separate permit authorizing a defendant to operate a  
7 vehicle owned by the defendant's employer during the period of  
8 revocation without installation of an ignition interlock device  
9 if the defendant is gainfully employed in a position that  
10 requires driving and the defendant will be discharged if  
11 prohibited from driving a vehicle not equipped with an ignition  
12 interlock device.

13 (e) A request made pursuant to subsection (d) shall be  
14 accompanied by[+] a sworn statement from:

15 (1) [~~A sworn statement from the~~] The defendant containing  
16 facts establishing that the defendant currently is  
17 employed in a position that requires driving and that  
18 the defendant will be discharged if prohibited from  
19 driving a vehicle not equipped with an ignition  
20 interlock device; and



1           (2) ~~[A sworn statement from the]~~ The defendant's employer  
2           establishing that the employer will, in fact,  
3           discharge the defendant if the defendant cannot drive  
4           a vehicle that is not equipped with an ignition  
5           interlock device and identifying the specific vehicle  
6           the defendant will drive for purposes of employment  
7           and the hours of the day, not to exceed twelve hours  
8           per day, or the period of the specified assigned hours  
9           of work, the defendant will drive the vehicle for  
10          purposes of employment.

11          (f) A permit issued pursuant to subsection (d) shall  
12 include restrictions allowing the defendant to drive[+] only:

13          (1) ~~[Only during]~~ During specified hours of employment,  
14          not to exceed twelve hours per day, or the period of  
15          the specified assigned hours of work, and only for  
16          activities solely within the scope of the employment;

17          (2) ~~[Only the]~~ The vehicle specified; and

18          (3) ~~[Only if]~~ If the permit is kept in the defendant's  
19          possession while operating the employer's vehicle.

20          (g) Notwithstanding any other law to the contrary, any:



- 1 (1) Conviction under this section, section 291E-4(a), or  
2 section 291E-61.5;
- 3 (2) Conviction in any other state or federal jurisdiction  
4 for an offense that is comparable to operating or  
5 being in physical control of a vehicle while having  
6 either an unlawful alcohol concentration or an  
7 unlawful drug content in the blood or urine or while  
8 under the influence of an intoxicant or habitually  
9 operating a vehicle under the influence of an  
10 intoxicant; or
- 11 (3) Adjudication of a minor for a law violation that, if  
12 committed by an adult, would constitute a violation of  
13 this section or an offense under section 291E-4(a), or  
14 section 291E-61.5,
- 15 shall be considered a prior conviction for the purposes of  
16 imposing sentence under this section. Any judgment on a verdict  
17 or a finding of guilty, a plea of guilty or nolo contendere, or  
18 an adjudication, in the case of a minor, that at the time of the  
19 offense has not been expunged by pardon, reversed, or set aside  
20 shall be deemed a prior conviction under this section.



1 (h) Whenever a court sentences a person pursuant to  
2 subsection (b), it also shall require that the offender be  
3 referred to the driver's education program for an assessment, by  
4 a certified substance abuse counselor deemed appropriate by the  
5 court, of the offender's substance abuse or dependence and the  
6 need for appropriate treatment. The counselor shall submit a  
7 report with recommendations to the court. The court shall  
8 require the offender to obtain appropriate treatment if the  
9 counselor's assessment establishes the offender's substance  
10 abuse or dependence. ~~[All]~~ Except as provided in subsection  
11 (1), all costs for assessment and treatment shall be borne by  
12 the offender.

13 (i) Upon proof that the defendant has:  
14 (1) Installed an ignition interlock device in any vehicle  
15 the defendant operates pursuant to subsection (b); and  
16 (2) Obtained motor vehicle insurance or self-insurance  
17 that complies with the requirements under either  
18 section 431:10C-104 or section 431:10C-105,  
19 the court shall issue an ignition interlock permit that will  
20 allow the defendant to drive a vehicle equipped with an ignition  
21 interlock device during the revocation period.



1 (j) Notwithstanding any other law to the contrary,  
2 whenever a court revokes a person's driver's license pursuant to  
3 this section, the examiner of drivers shall not grant to the  
4 person a new driver's license until the expiration of the period  
5 of revocation determined by the court. After the period of  
6 revocation is completed, the person may apply for and the  
7 examiner of drivers may grant to the person a new driver's  
8 license.

9 (k) ~~Any~~ Except as provided in subsection (l), any person  
10 sentenced under this section may be ordered to reimburse the  
11 county for the cost of any blood or urine tests conducted  
12 pursuant to section 291E-11. The court shall order the person  
13 to make restitution in a lump sum, or in a series of prorated  
14 installments, to the police department or other agency incurring  
15 the expense of the blood or urine test. Except as provided in  
16 section 291E-5, installation and maintenance of the ignition  
17 interlock device required by subsection (b) shall be at the  
18 defendant's own expense.

19 (l) For any person sentenced pursuant to this section for  
20 an offense committed while the person was a minor under the age  
21 of eighteen:



1       (1) The court shall not order any financial penalties,,  
 2       surcharges, or reimbursements otherwise permitted  
 3       under this section against the person or the person's  
 4       parent or guardian for the person's offense; and

5       (2) Any sentence of community service shall be limited to  
 6       no more than seventy-two hours and shall not interfere  
 7       with the person's school or work commitments.

8       ~~(1)~~ (m) As used in this section, the term "examiner of  
 9 drivers" has the same meaning as provided in section 286-2."

10       SECTION 13. Section 291E-61.5, Hawaii Revised Statutes, is  
 11 amended to read as follows:

12       "**§291E-61.5 Habitually operating a vehicle under the**  
 13 **influence of an intoxicant.** (a) A person commits the offense  
 14 of habitually operating a vehicle under the influence of an  
 15 intoxicant if:

16       (1) The person is a habitual operator of a vehicle while  
 17       under the influence of an intoxicant; and

18       (2) The person operates or assumes actual physical control  
 19       of a vehicle:

20       (A) While under the influence of alcohol in an amount  
 21       sufficient to impair the person's normal mental



1                   faculties or ability to care for the person and  
2                   guard against casualty;

3           (B) While under the influence of any drug that  
4                   impairs the person's ability to operate the  
5                   vehicle in a careful and prudent manner;

6           (C) With .08 or more grams of alcohol per two hundred  
7                   ten liters of breath; or

8           (D) With .08 or more grams of alcohol per one hundred  
9                   milliliters or cubic centimeters of blood.

10           (b) Habitually operating a vehicle while under the  
11 influence of an intoxicant is a class C felony.

12           (c) [~~For~~] Except as provided in subsection (h), for a  
13 conviction under this section, the sentence shall be either:

14           (1) An indeterminate term of imprisonment of five years;

15                   or

16           (2) A term of probation of five years, with conditions to  
17 include:

18           (A) Mandatory revocation of license to operate a  
19                   vehicle for a period no less than three years but  
20                   no more than five years, with mandatory  
21                   installation of an ignition interlock device in



- 1 all vehicles operated by the respondent during  
2 the revocation period;
- 3 (B) No less than ten days imprisonment, of which at  
4 least forty-eight hours shall be served  
5 consecutively;
- 6 (C) A fine of no less than \$2,000 but no more than  
7 \$5,000, to be deposited into the state drug and  
8 alcohol toxicology testing laboratory special  
9 fund;
- 10 (D) Referral to a certified substance abuse counselor  
11 as provided in subsection (e);
- 12 (E) A surcharge of \$25 to be deposited into the  
13 neurotrauma special fund; and
- 14 (F) A surcharge of up to \$50 to be deposited into the  
15 trauma system special fund if the court so  
16 orders.

17 In addition to the foregoing, any vehicle owned and operated by  
18 the person committing the offense shall be subject to forfeiture  
19 pursuant to chapter 712A.

20 (d) ~~For~~ Except as provided in subsection (h), for any  
21 person who is convicted under this section and was a highly



1 intoxicated driver at the time of the subject incident, the  
2 offense shall be a class B felony and the person shall be  
3 sentenced to the following:

4 (1) An indeterminate term of imprisonment of ten years; or

5 (2) A term of probation of five years, with conditions to  
6 include the following:

7 (A) Permanent revocation of license to operate a  
8 vehicle;

9 (B) No less than eighteen months imprisonment;

10 (C) A fine of no less than \$5,000 but no more than  
11 \$25,000; and

12 (D) Referral to a certified substance abuse counselor  
13 as provided in subsection (e).

14 In addition to the foregoing, any vehicle owned and operated by  
15 the person who committed the offense shall be subject to  
16 forfeiture pursuant to chapter 712A.

17 (e) Whenever a court sentences a person under this  
18 section, it shall also require that the offender be referred to  
19 the driver's education program for an assessment, by a certified  
20 substance abuse counselor, of the offender's substance abuse or  
21 dependence and the need for appropriate treatment. The



1 counselor shall submit a report with recommendations to the  
2 court. The court shall require the offender to obtain  
3 appropriate treatment if the counselor's assessment establishes  
4 the offender's substance abuse or dependence. [~~All~~] Except as  
5 provided in subsection (h), all costs for assessment and  
6 treatment shall be borne by the offender.

7 (f) Notwithstanding any other law to the contrary,  
8 whenever a court revokes a person's driver's license pursuant to  
9 this section, the examiner of drivers shall not grant to the  
10 person a new driver's license until expiration of the period of  
11 revocation determined by the court. After the period of  
12 revocation is complete, the person may apply for and the  
13 examiner of drivers may grant to the person a new driver's  
14 license.

15 (g) [~~Any~~] Except as provided in subsection (h), any person  
16 sentenced under this section may be ordered to reimburse the  
17 county for the cost of any blood or urine tests conducted  
18 pursuant to section 291E-11. The court shall order the person  
19 to make restitution in a lump sum, or in a series of prorated  
20 installments, to the police department or other agency incurring  
21 the expense of the blood or urine test.



1       (h) No financial penalty, surcharge, or cost of assessment  
2       and treatment provided for in this section shall be ordered  
3       against a person who is adjudicated or sentenced under this  
4       section while the person was a minor under the age of eighteen,  
5       or against the person's parent or guardian for the person's  
6       offense.

7       ~~(h)~~ (i) As used in this section:

8       "Convicted one or more times for offenses of habitually  
9       operating a vehicle under the influence" means that, at the time  
10      of the behavior for which the person is charged under this  
11      section, the person had one or more times within ten years of  
12      the instant offense:

13      (1) A judgment on a verdict or a finding of guilty, or a  
14      plea of guilty or nolo contendere, for a violation of  
15      this section or section 291-4.4 as that section was in  
16      effect on December 31, 2001;

17      (2) A judgment on a verdict or a finding of guilty, or a  
18      plea of guilty or nolo contendere, for an offense that  
19      is comparable to this section or section 291-4.4 as  
20      that section was in effect on December 31, 2001; or



1           (3) An adjudication of a minor for a law or probation  
2           violation that, if committed by an adult, would  
3           constitute a violation of this section or section  
4           291-4.4 as that section was in effect on December 31,  
5           2001,  
6           that, at the time of the instant offense, had not been expunged  
7           by pardon, reversed, or set aside. All convictions that have  
8           been expunged by pardon, reversed, or set aside before the  
9           instant offense shall not be deemed prior convictions for the  
10          purposes of proving the person's status as a habitual operator  
11          of a vehicle while under the influence of an intoxicant.

12           "Convicted two or more times for offenses of operating a  
13          vehicle under the influence" means that, at the time of the  
14          behavior for which the person is charged under this section, the  
15          person had two or more times within ten years of the instant  
16          offense:

17           (1) A judgment on a verdict or a finding of guilty, or a  
18           plea of guilty or nolo contendere, for a violation of  
19           section 291E-61 or 707-702.5;



1 (2) A judgment on a verdict or a finding of guilty, or a  
2 plea of guilty or nolo contendere, for an offense that  
3 is comparable to section 291E-61 or 707-702.5; or

4 (3) An adjudication of a minor for a law or probation  
5 violation that, if committed by an adult, would  
6 constitute a violation of section 291E-61 or  
7 707-702.5,

8 that, at the time of the instant offense, had not been expunged  
9 by pardon, reversed, or set aside. All convictions that have  
10 been expunged by pardon, reversed, or set aside before the  
11 instant offense shall not be deemed prior convictions for the  
12 purposes of proving that the person is a habitual operator of a  
13 vehicle while under the influence of an intoxicant.

14 "Examiner of drivers" has the same meaning as provided in  
15 section 286-2.

16 "Habitual operator of a vehicle while under the influence  
17 of an intoxicant" means that the person was convicted:

18 (1) Two or more times for offenses of operating a vehicle  
19 under the influence; or

20 (2) One or more times for offenses of habitually operating  
21 a vehicle under the influence."



1 SECTION 14. Section 291E-64, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§291E-64 Operating a vehicle after consuming a measurable**  
4 **amount of alcohol; persons under the age of twenty-one.** (a) It  
5 shall be unlawful for any person under the age of twenty-one  
6 years to operate any vehicle with a measurable amount of  
7 alcohol. A law enforcement officer may arrest a person under  
8 this section when the officer has probable cause to believe the  
9 arrested person is under the age of twenty-one and had been  
10 operating a vehicle upon a public way, street, road, or highway  
11 or on or in the waters of the State with a measurable amount of  
12 alcohol.

13 (b) ~~[A]~~ Except as provided in subsection (j), a person who  
14 violates this section shall be sentenced as follows:

15 (1) For a first violation or any violation not preceded  
16 within a five-year period by a prior alcohol  
17 enforcement contact:

18 (A) The court shall impose:

19 (i) A requirement that the person and, if the  
20 person is under the age of eighteen, the  
21 person's parent or guardian attend an



1 alcohol abuse education and counseling  
 2 program for [~~not~~] no more than ten hours;  
 3 and  
 4 (ii) A one hundred eighty-day prompt suspension  
 5 of license and privilege to operate a  
 6 vehicle with absolute prohibition from  
 7 operating a vehicle during the suspension  
 8 period, or in the case of a person eighteen  
 9 years of age or older, the court may impose,  
 10 in lieu of the one hundred eighty-day prompt  
 11 suspension of license, a minimum thirty-day  
 12 prompt suspension of license with absolute  
 13 prohibition from operating a vehicle and,  
 14 for the remainder of the one hundred  
 15 eighty-day period, a restriction on the  
 16 license that allows the person to drive for  
 17 limited work-related purposes and to  
 18 participate in alcohol abuse education and  
 19 treatment programs; and  
 20 (B) In addition, the court may impose any one or more  
 21 of the following:



- 1 (i) [~~Not~~] No more than thirty-six hours of
- 2 community service work; or
- 3 (ii) A fine of [~~not~~] no less than \$150 but [~~not~~]
- 4 no more than \$500;
- 5 (2) For a violation that occurs within five years of a
- 6 prior alcohol enforcement contact:
- 7 (A) The court shall impose prompt suspension of
- 8 license and privilege to operate a vehicle for a
- 9 period of one year with absolute prohibition from
- 10 operating a vehicle during the suspension period;
- 11 and
- 12 (B) In addition, the court may impose any of the
- 13 following:
- 14 (i) [~~Not~~] No more than fifty hours of community
- 15 service work; or
- 16 (ii) A fine of [~~not~~] no less than \$300 but [~~not~~]
- 17 no more than \$1,000; and
- 18 (3) For a violation that occurs within five years of two
- 19 prior alcohol enforcement contacts:

1 (A) The court shall impose revocation of license and  
2 privilege to operate a vehicle for a period of  
3 two years; and

4 (B) In addition, the court may impose any of the  
5 following:

6 (i) [~~Not~~] No more than one hundred hours of  
7 community service work; or

8 (ii) A fine of [~~not~~] no less than \$300 but [~~not~~]  
9 no more than \$1,000.

10 (c) Notwithstanding any other law to the contrary, any  
11 conviction or plea under this section shall be considered a  
12 prior alcohol enforcement contact.

13 (d) Whenever a court sentences a person pursuant to  
14 subsection (b) (2) or (3), it also shall require that the person  
15 be referred to the driver's education program for an assessment,  
16 by a certified substance abuse counselor, of the person's  
17 alcohol abuse or dependence and the need for appropriate  
18 treatment. The counselor shall submit a report with  
19 recommendations to the court. The court shall require the  
20 person to obtain appropriate treatment if the counselor's  
21 assessment establishes the person's alcohol abuse or dependence.



1 ~~[All]~~ Except as provided in subsection (j), all costs for  
2 assessment and treatment shall be borne by the person ~~[or by the~~  
3 ~~person's parent or guardian, if the person is under the age of~~  
4 ~~eighteen]~~.

5 (e) Notwithstanding section 831-3.2 or any other law to  
6 the contrary, a person convicted of a first-time violation under  
7 subsection (b) (1), who had no prior alcohol enforcement  
8 contacts, may apply to the court for an expungement order upon  
9 attaining the age of twenty-one, or thereafter, if the person  
10 has fulfilled the terms of the sentence imposed by the court and  
11 has had no subsequent alcohol or drug related enforcement  
12 contacts.

13 (f) Notwithstanding any other law to the contrary,  
14 whenever a court revokes a person's driver's license pursuant to  
15 this section, the examiner of drivers shall not grant to the  
16 person an application for a new driver's license for a period to  
17 be determined by the court.

18 (g) ~~[Any]~~ Except as provided in subsection (j), any person  
19 sentenced under this section may be ordered to reimburse the  
20 county for the cost of any blood tests conducted pursuant to  
21 section 291E-11. The court shall order the person to make



1 restitution in a lump sum, or in a series of prorated  
2 installments, to the police department or other agency incurring  
3 the expense of the blood test.

4 (h) The requirement to provide proof of financial  
5 responsibility pursuant to section 287-20 shall not be based  
6 upon a sentence imposed under subsection (b) (1).

7 (i) Any person who violates this section shall be guilty  
8 of a violation.

9 (j) For any person sentenced pursuant to this section for  
10 a violation committed while the person was a minor under the age  
11 of eighteen:

12 (1) The court shall not order any financial penalties,  
13 surcharges, or reimbursements as permitted by this  
14 section against the person, or the person's parent or  
15 guardian for the person's violation; and

16 (2) Any sentence of community service shall be limited to  
17 no more than seventy-two hours and shall not interfere  
18 with the person's school or work commitments.

19 [~~(j)~~] (k) As used in this section, the terms "driver's  
20 license" and "examiner of drivers" have the same meanings as  
21 provided in section 286-2."



1 PART III

2 SECTION 15. Section 302A-1153, Hawaii Revised Statutes, is  
3 amended to read as follows:

4 **"§302A-1153 Vandalism damage to public school property.**

5 (a) Any pupil found to be responsible for an act of vandalism  
6 against any public school, building, facility, or ground [~~shall~~  
7 ~~make restitution in any manner, including monetary restitution~~  
8 ~~by the pupil or pupil's parents, or guardian, or both.~~] may be  
9 required to perform community service to repair any damage  
10 caused.

11 This section shall be in addition to, and shall in no way  
12 limit the provisions of any other law concerning, offenses  
13 against property rights.

14 (b) No pupil, parent, or guardian shall be required to  
15 make monetary restitution in any manner [~~unless the pupil and~~  
16 ~~the parents or guardian have been notified and have been given~~  
17 ~~an opportunity to be heard, on any report of vandalism involving~~  
18 ~~the pupil, and the pupil, parent, or guardian have executed a~~  
19 ~~written agreement to make restitution]~~.

20 (c) The principal of the school in which the vandalism  
21 occurred shall make or order an investigation of the vandalism.



1 If after the investigation, the principal has reasonable cause  
2 to believe that a specific pupil is responsible for the  
3 vandalism, the principal shall schedule a conference with the  
4 pupil and the pupil's parents or guardian. Except for the  
5 principal of the school in which the vandalism occurred, the  
6 pupil and the parents or guardian, no other person shall be  
7 permitted to be in the conference for any reason.

8 (d) At the conference, the principal of the school in  
9 which the vandalism occurred shall present the findings of the  
10 investigation [~~and the requirements of restitution~~] to the pupil  
11 and parents or guardian.

12 If the pupil and the parents or guardian agree with the  
13 findings of the principal and the manner in which [~~restitution~~  
14 ~~is to be made,~~] the pupil is to be held accountable, the  
15 principal and the pupil and parent or guardian shall execute a  
16 written agreement [~~which~~] that shall specify the manner in which  
17 [~~restitution is to be made.~~] the pupil shall repair any damage  
18 caused. This shall include no more than seventy-two hours of  
19 community service, which shall be performed in a manner that  
20 does not interfere with the pupil's school or work commitments.



1       ~~[Agreements shall be made only for damages that do not~~  
2 ~~exceed \$3,500.~~

3       ~~If restitution is made in this fashion, then no]~~ No  
4 information about the investigation, conference, and the actions  
5 taken shall be communicated to any person not directly involved  
6 in the proceedings.

7       If the pupil and parent or guardian do not agree with the  
8 findings made by the principal, the principal shall report the  
9 findings, including all the records and documents regarding the  
10 investigation and conference, to the complex area  
11 superintendent, who shall review the findings and may refer the  
12 matter to the attorney general for any further action pursuant  
13 to section 577-3.

14       ~~[(e) If the damages exceed \$3,500, the principal shall~~  
15 ~~report the matter to the complex area superintendent, who shall~~  
16 ~~refer the matter to the attorney general for any further action~~  
17 ~~pursuant to section 577-3.~~

18       ~~(f)]~~ (e) Notwithstanding any provisions in this section to  
19 the contrary, the State may elect to bring any appropriate  
20 action for the recovery of all damages to school properties.



1 Nothing in this section shall limit the right of the State to  
2 bring an action against any person to recover these damages."

3 PART IV

4 SECTION 16. Section 351-62.6, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "**§351-62.6 Compensation fee.** (a) [The] Except as  
7 provided in subsection (d), the court shall impose a  
8 compensation fee upon every defendant who has been convicted or  
9 who has entered a plea under section 853-1 and who is or will be  
10 able to pay the compensation fee. The amount of the  
11 compensation fee shall be commensurate with the seriousness of  
12 the offense as follows:

- 13 (1) ~~[Not]~~ No less than \$105 nor more than \$505 for a  
14 felony;  
15 (2) \$55 for a misdemeanor; and  
16 (3) \$30 for a petty misdemeanor.

17 The compensation fee shall be separate from any fine that may be  
18 imposed under section 706-640 and shall be in addition to any  
19 other disposition under this chapter; provided that the court  
20 shall waive the imposition of a compensation fee if the  
21 defendant is unable to pay the compensation fee. Moneys from



1 the compensation fees shall be deposited into the crime victim  
2 compensation special fund under section 351-62.5.

3 (b) The criteria of section 706-641 may apply to this  
4 section. In setting the amount of the compensation fee to be  
5 imposed, the court shall consider all relevant factors,  
6 including but not limited to:

- 7 (1) The seriousness of the offense;
- 8 (2) The circumstances of the commission of the offense;
- 9 (3) The economic gain, if any, realized by the defendant;
- 10 (4) The number of victims; and
- 11 (5) The defendant's earning capacity, including future  
12 earning capacity.

13 (c) The compensation fee shall be considered a civil  
14 judgment.

15 (d) No compensation fee provided for in this section shall  
16 be levied against a person who is adjudicated for an offense  
17 committed while the person was a minor under the age of  
18 eighteen, or against the person's parent or guardian for that  
19 person's offense."

20 SECTION 17. Section 353G-10, Hawaii Revised Statutes, is  
21 amended to read as follows:



1           "~~[+]~~§353G-10~~[+]~~ Drug testing or assessment fees. (a)  
2 Except as provided in ~~[subsection]~~ subsections (b) ~~[7]~~ and (e),  
3 the agency responsible for monitoring a person's compliance with  
4 the terms and conditions of parole or other release from a  
5 correctional center or facility shall impose upon the person  
6 reasonable fees to cover the cost of:

7           (1) Any drug test of the person required or ordered under  
8                 this chapter; and

9           (2) Any assessment of the person required or ordered under  
10                this chapter.

11 The fees shall not be less than the actual and administrative  
12 costs of a drug test or assessment. The fees may be deducted  
13 from any income a person has received as a result of labor  
14 performed in a correctional center or facility or any type of  
15 work release program.

16           (b) Upon a finding of indigence, the agency responsible  
17 for monitoring a person's compliance with the terms and  
18 conditions of parole or other release from a correctional center  
19 or facility shall require the person to pay as much of the fee  
20 as is consistent with the person's ability to pay.



1 (c) All fees collected pursuant to subsection (a)(1) shall  
2 be forwarded to the agency responsible for monitoring the  
3 person's compliance with the terms and conditions of parole or  
4 other release from a correctional center or facility for payment  
5 of costs associated with the agency's drug testing program.

6 (d) All fees collected pursuant to subsection (a)(2) shall  
7 be forwarded to the assessment program for payment of costs  
8 associated with the provision of assessments.

9 (e) No fees provided for in this section shall be levied  
10 against a person for a violation that occurred while the person  
11 was a minor under the age of eighteen, or against the person's  
12 parent or guardian for that person's violation."

13 PART V

14 SECTION 18. Section 571-31.4, Hawaii Revised Statutes, is  
15 amended by amending subsection (c) to read as follows:

16 "(c) Informal adjustment under this section may include,  
17 among other suitable methods, programs, and procedures, the  
18 following:

19 (1) Participation in restitution projects to obtain  
20 appropriate victim satisfaction;



- 1           (2) Participation in community service projects so as to  
2           establish the child's self value in the community;
- 3           (3) Participation in community-based programs which work  
4           with the child and family to maintain and strengthen  
5           the family unit so that the child may be retained in  
6           the child's own home;
- 7           (4) Submission to neighborhood courts or panels upon  
8           procedures to be established by the court. As used in  
9           this paragraph "neighborhood courts or panels" are  
10          community organizations designed to settle minor  
11          disputes between parties on a voluntary basis using  
12          mediation or nonbinding arbitration;
- 13          (5) Participation in programs to support, counsel, or  
14          provide work and recreational opportunities to help  
15          prevent delinquency;
- 16          (6) Participation in educational programs or supportive  
17          services designed to help delinquents and to encourage  
18          other youths to remain in elementary and secondary  
19          schools or in alternative learning situations;
- 20          (7) Participation in youth-initiated programs and outreach  
21          programs designed to assist youth and families;



1 (8) Appropriate physical and medical examinations,  
2 vocational and aptitude testing, examinations for  
3 learning disabilities or emotional dysfunctions, and  
4 suitable counseling and therapy;

5 (9) Placement with nonsecure or secure shelter facilities;

6 (10) Restitution providing for monetary payment by the  
7 parents of the child; or

8 (11) Participation in a restorative justice program where  
9 the child and the child's parents or guardian, and  
10 other supporters of the child, may meet with the  
11 victim harmed by the child's law violation and the  
12 victim's supporters[-];

13 provided that any treatment or services provided under this  
14 section shall be provided at no cost to a person whose violation  
15 occurred while the person was a minor under the age of eighteen,  
16 or to the person's parent or guardian for that person's  
17 violation. Nothing in this section shall prohibit the  
18 utilization of treatment or services provided or covered by any  
19 health insurance plan under which the person is already a  
20 covered person or beneficiary; provided that the person or the



1 person's parent or guardian shall be responsible for all  
2 copayments required by the insurer."

3 SECTION 19. Section 571-32, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "**§571-32 Detention; shelter; release; notice.** (a) If a  
6 minor who is believed to come within section 571-11(1) is not  
7 released as provided in section 571-31 and is not deemed  
8 suitable for diversion, then the minor shall be taken without  
9 unnecessary delay to the court or to the place of detention or  
10 shelter designated by the court. If a minor who is believed to  
11 come within section 571-11(2) is not released as provided in  
12 section 571-31, and is not deemed suitable for diversion, then  
13 the minor shall be taken without unnecessary delay to the court  
14 or to the place of shelter designated by the court. If the  
15 court determines that the minor requires care away from the  
16 minor's own home but does not require secure physical  
17 restriction, the minor shall be given temporary care in any  
18 available nonsecure minor caring institution, foster family  
19 home, or other shelter facility.

20 (b) The officer or other person who brings a minor to a  
21 detention or shelter facility shall give notice to the court at



1 once, stating the legal basis therefor and the reason why the  
2 minor was not released to the minor's parents. If the facility  
3 to which the minor is taken is not an agency of the court, the  
4 person in charge of the facility in which the minor is placed  
5 shall promptly give notice to the court that the minor is in  
6 that person's custody. Before acceptance of the minor for  
7 detention or shelter care, a prompt inquiry shall be made by a  
8 duly authorized staff member of the detention or shelter  
9 facility or officer of the court. Where it is deemed in the  
10 best interests of the minor, the judge, officer, staff member,  
11 or director of detention services may then order the minor to be  
12 released, if possible, to the care of the minor's parent,  
13 guardian, legal custodian, or other responsible adult, or the  
14 judge may order the minor held in the facility subject to  
15 further order or placed in some other appropriate facility.

16 (c) As soon as a minor is detained, the minor's parents,  
17 guardian, or legal custodian shall be informed, by personal  
18 contact or by notice in writing on forms prescribed by the  
19 court, that they may have a prompt hearing held by a circuit  
20 judge or district family judge regarding release or detention.  
21 A minor may be released on the order of the judge with or



1 without a hearing. The director of detention services may order  
2 the release of the minor if an order of detention has not been  
3 made.

4 (d) No minor shall be held in a detention facility for  
5 juveniles or shelter longer than twenty-four hours, excluding  
6 weekends and holidays, unless a petition or motion for  
7 revocation of probation, or motion for revocation of protective  
8 supervision has been filed, or unless the judge orders otherwise  
9 after a court hearing. No ex parte motions shall be considered.

10 For the purposes of this section:

11 (1) Unless a court finds, after a hearing and in writing,  
12 that it is in the interest of justice as provided for  
13 in subsection (g) (2), a minor believed to come within  
14 section 571-11(1), or a minor awaiting trial or  
15 another legal process, who is treated as an adult for  
16 purposes of prosecution in criminal court and housed  
17 in a secure facility shall not:

18 (A) Have sight or sound contact with adult inmates;

19 or

20 (B) Be held in any jail or lockup for adults,

21 except as provided in subsection (g) (3); and



1 (2) Detention in a jail or lockup for adults may be  
2 permitted for[+] a minor accused of a non-status  
3 offense who is:

4 (A) [~~A minor accused of a non-status offense who is~~  
5 ~~held~~] Held for a period not to exceed six hours;  
6 provided that the minor is being held:

7 (i) For processing or release;

8 (ii) While awaiting transfer to a juvenile  
9 facility; or

10 (iii) For a court appearance that occurs within  
11 the period of detention; or

12 (B) [~~A minor accused of a non-status offense who is~~  
13 ~~awaiting~~] Awaiting an initial court appearance  
14 that will occur within forty-eight hours of the  
15 minor being taken into custody, excluding  
16 weekends and holidays, and where the jail or  
17 lockup for adults is in a location:

18 (i) Outside a metropolitan statistical area, as  
19 defined by the Office of Management and  
20 Budget, and no acceptable alternative  
21 placement is available;



1           (ii) Where the distance to be traveled or the  
2           lack of highway, road, or transportation  
3           does not allow for court appearances within  
4           forty-eight hours, excluding weekends and  
5           holidays, such that a brief delay of no more  
6           than an additional forty-eight hours is  
7           excusable; or

8           (iii) Where safety concerns exist, such as severe  
9           and life-threatening weather conditions that  
10          do not allow for reasonably safe travel, in  
11          which case the time for an appearance may be  
12          delayed until twenty-four hours after the  
13          time that conditions allow for reasonably  
14          safe travel;

15          provided that the minor shall not have sight or sound  
16          contact with adult inmates; provided further that the  
17          State shall have a policy in effect that requires  
18          individuals who work with both minor and adult inmates  
19          in collocated facilities to be trained and certified  
20          to work with juveniles.



1 (e) No minor may be held after the filing of a petition or  
2 motion, as specified in subsection (d), unless an order for  
3 continued detention or shelter has been made by a judge after a  
4 court hearing. If there is probable cause to believe that the  
5 minor comes within section 571-11(1), the minor may be securely  
6 detained, following a court hearing, in a detention facility for  
7 juveniles or may be held in a shelter. If there is probable  
8 cause to believe that the minor comes within section 281-101.5  
9 or 571-11(2), the minor may be held, following a court hearing,  
10 in a shelter but shall not be securely detained in a detention  
11 facility for juveniles for longer than twenty-four hours,  
12 excluding weekends and holidays, unless the minor is subject to  
13 the provisions of chapter 582, Interstate Compact on Juveniles,  
14 or chapter 582D, Interstate Compact for Juveniles, or is  
15 allegedly in or has already been adjudicated for a violation of  
16 a valid court order, as provided under the federal Juvenile  
17 Justice and Delinquency Prevention Act of 1974, as amended.

18 (f) No minor shall be released from detention except in  
19 accordance with this chapter.

20 (g) When a minor is ordered to be held or detained by the  
21 court:



- 1           (1) Where a minor transferred for criminal proceedings  
2           pursuant to a waiver of family court jurisdiction is  
3           detained, the minor shall not:
- 4           (A) Have sight or sound contact with adult inmates;  
5                        or  
6           (B) Be held in any jail or lockup for adults,  
7           unless a court finds, after a hearing and in writing,  
8           that it is in the interest of justice;
- 9           (2) In determining whether it is in the interest of  
10           justice to permit a minor to be held in any jail or  
11           lockup for adults, or to have sight or sound contact  
12           with adult inmates, a court shall consider:
- 13           (A) The age of the minor;  
14           (B) The physical and mental maturity of the minor;  
15           (C) The present mental state of the minor, including  
16           whether the minor presents an imminent risk of  
17           self-harm;  
18           (D) The nature and circumstances of the alleged  
19           offense;  
20           (E) The minor's history of prior delinquent acts;



1 (F) The relative ability of the available adult and  
2 juvenile detention facilities to meet the  
3 specific needs of the minor and protect the  
4 safety of the public as well as other detained  
5 minors; and

6 (G) Any other relevant factor; and

7 (3) If a court determines that it is in the interest of  
8 justice to permit a minor to be held in any jail or  
9 lockup for adults, or to have sight or sound contact  
10 with adult inmates:

11 (A) The court shall hold a hearing no less frequently  
12 than once every thirty days, or in the case of a  
13 rural jurisdiction, no less frequently than once  
14 every forty-five days, to review whether it  
15 remains in the interest of justice to permit the  
16 minor to be held in a jail or lockup for adults  
17 or to have sight or sound contact with adult  
18 inmates; and

19 (B) The minor shall not be held in any jail or lockup  
20 for adults, or permitted to have sight or sound  
21 contact with adult inmates, for more than one



1                   hundred eighty days, unless the court, in  
2                   writing, determines there is good cause for an  
3                   extension, or the minor expressly waives this  
4                   limitation.

5           (h) A minor may be placed in room confinement in a  
6 juvenile detention or adult jail facility only under the  
7 following conditions:

8           (1) Room confinement may only be used as a temporary  
9 response to a minor's behavior, and only if:

10           (A) The behavior poses an immediate and substantial  
11 risk of danger to the minor's self or another  
12 individual, or a serious and immediate threat to  
13 the safety and orderly operation of the facility;  
14 provided that any decision to hold a minor in  
15 room confinement due to a mental health emergency  
16 shall be made by a mental health professional and  
17 based upon the mental health professional's  
18 examination of the minor; or

19           (B) The minor is an imminent escape risk;

20           (2) Because of the potential impact on a minor's mental or  
21 physical health, room confinement may only be used for



1 the minimum time necessary for the minor to regain  
2 self-control, and only after less restrictive options  
3 or techniques, including de-escalation, conflict and  
4 behavioral management techniques, and intervention by  
5 a mental health professional, have been attempted,  
6 exhausted, and failed;

7 (3) If a minor is placed in room confinement, the reasons  
8 for the room confinement shall be explained to the  
9 minor. The minor shall also be informed that release  
10 from room confinement will occur immediately when the  
11 minor exhibits self-control and is no longer deemed a  
12 threat to the minor's safety or the safety of others;

13 (4) If a minor is placed in room confinement, the  
14 following individuals shall be notified on the next  
15 business day and provided the reasons for the room  
16 confinement as well as the location and duration of  
17 the confinement:

18 (A) The senior judge of the family court;

19 (B) The presiding judge who ordered the minor to be  
20 held at the facility;

21 (C) The deputy chief court administrator; and



- 1 (D) The social services manager of the juvenile  
2 client services branch for the circuit court of  
3 the first circuit;
- 4 (5) Room confinement shall not be used for purposes of  
5 punishment or disciplinary sanction, coercion,  
6 convenience, or retaliation, or to address staffing  
7 shortages at the facility;
- 8 (6) A minor may be held in room confinement for no more  
9 than three hours unless the minor is a danger to  
10 themselves or another, or the on-call judge grants an  
11 extension of no more than three additional hours of  
12 confinement. Thereafter, the minor shall be returned  
13 to the general population; provided that if a minor is  
14 held in room confinement for more than three hours, a  
15 hearing shall be held before the family court on the  
16 next business day, at which time the minor shall be  
17 provided legal representation;
- 18 (7) A minor shall not be returned to room confinement  
19 immediately after returning to the general population  
20 from room confinement for the purposes of evading the



- 1 reporting requirements and room confinement  
2 restrictions pursuant to this section;
- 3 (8) If the minor is not returned to the general population  
4 following a hearing pursuant to paragraph (6), the  
5 minor shall be transferred to a location where  
6 services may be provided to the minor without the need  
7 for room confinement; provided that if a mental health  
8 professional determines that the level of crisis  
9 service needed is not presently available at the  
10 location, the superintendent or deputy superintendent  
11 of the facility shall initiate a referral to a  
12 facility that can meet the needs of the minor;
- 13 (9) All rooms used for room confinement shall have  
14 adequate and operational lighting, ventilation for the  
15 comfort of the minor, and shall be clean and resistant  
16 to suicide and self-harm;
- 17 (10) The minor shall have access to drinking water, toilet  
18 facilities, hygiene supplies, and reading materials  
19 approved by a mental health professional;
- 20 (11) The minor shall have the same access as provided to  
21 minors in the general population of the facility to



1 meals, contact with parents or legal guardians, legal  
2 assistance, educational programs, and medical and  
3 mental health services;

4 (12) The minor shall be continuously monitored by facility  
5 staff; and

6 (13) The judiciary shall post quarterly on the judiciary's  
7 website a report of its detention center detailing  
8 their compliance with this section. Each report shall  
9 include:

10 (A) The number of incidents of room confinement every  
11 year;

12 (B) The number of minors impacted;

13 (C) The age, gender identity, and race of minors  
14 impacted;

15 (D) Any alternative strategies employed before the  
16 use of room confinement, the reasons those  
17 alternative strategies failed, and why room  
18 confinement was necessary; and

19 (E) The incidence of mental illness.

20 For the purposes of this subsection:



1 "Mental health professional" means a qualified mental  
2 health professional or mental health professional supervised by  
3 a qualified mental health professional.

4 "Room confinement" means the placement of a minor in a  
5 room, cell, or area with minimal or no contact with persons  
6 other than court staff and attorneys. "Room confinement" does  
7 not include confinement of a minor in a single-person room or  
8 cell for brief periods of locked room time as necessary for  
9 required institutional operations and does not include  
10 confinement during sleep hours.

11 (i) Provisions regarding bail shall not be applicable to  
12 minors detained in accordance with this chapter, except that  
13 bail may be allowed after a minor has been transferred for  
14 criminal prosecution pursuant to waiver of family court  
15 jurisdiction.

16 (j) The official in charge of a facility for the detention  
17 of adult offenders or persons charged with crime shall inform  
18 the court immediately when a minor who is or appears to be under  
19 eighteen years of age is received at the facility.

20 (k) Any other provision of law to the contrary  
21 notwithstanding, any person otherwise subject to proceedings



1 under chapter 832 and who is under the age of eighteen may be  
2 confined in a detention facility or correctional facility by  
3 order of a judge for the purposes set forth in section 832-12,  
4 832-15, or 832-17.

5 (l) The department of human services through the office of  
6 youth services shall certify police station cellblocks and  
7 community correctional centers that provide sight and sound  
8 separation between minors and adults in secure custody. Only  
9 cellblocks and centers certified under this subsection shall be  
10 authorized to detain juveniles pursuant to section 571-32(d).  
11 The office of youth services may develop sight and sound  
12 separation standards, issue certifications, monitor and inspect  
13 facilities for compliance, cite facilities for violations,  
14 withdraw certifications, and require certified facilities to  
15 submit data and information as requested. In addition, the  
16 office of youth services may monitor and inspect all cellblocks  
17 and centers for compliance with section 571-32(d).

18 (m) Any costs associated with the detention of a minor  
19 shall be borne by the court. The court shall not seek  
20 reimbursement for costs incurred pursuant to this section from a



1 person adjudicated under sections 571-11(1) or (2), 571-13, 571-  
2 22, or 571-41(f), or from the person's parent or guardian."

3 SECTION 20. Section 571-33, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "**§571-33 Detention and shelter facilities.** Provisions  
6 shall be made for the temporary detention of children or minors  
7 in a detention home, to be conducted as an agency of the court;  
8 or the court may arrange for the care and custody of such  
9 children or minors temporarily in private homes subject to the  
10 supervision of the court, or may arrange with any institution or  
11 agency to receive for temporary care and custody children or  
12 minors within the jurisdiction of the court.

13 When a detention home is established as an agency of the  
14 court, the judge may appoint a director of detention services  
15 and other necessary employees for such home in the same manner  
16 as is provided by law for the appointment of other employees of  
17 the court.

18 A detention home established in any circuit may be used for  
19 the temporary detention of children or minors ordered to be  
20 detained by the court of another circuit. The use shall be  
21 subject to the approval of the judge of the court of the circuit



1 in which the detention home is situated, upon such terms and  
2 conditions as may be established by the judge.

3 The family court shall also provide nonsecure shelter  
4 facilities separate from detention facilities. In referring  
5 minors to a nonsecure shelter, the court shall consider the  
6 minor's background, degree of involvement in illegal and  
7 antisocial activities, current behavioral patterns, and any  
8 other relevant criteria to determine placement.

9 Any costs associated with the detention, placement, or care  
10 of a minor who is subject to this section shall be borne by the  
11 court. The court shall not seek reimbursement for costs  
12 incurred pursuant to this section from a person adjudicated  
13 under sections 571-11(1) or (2), 571-13, 571-22, or 571-41(f),  
14 or from the person's parent or guardian."

15 SECTION 21. Section 571-48, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 **"§571-48 Decree, if informal adjustment or diversion to a**  
18 **private or community agency or program has not been effected.**

19 When a child is found by the court to come within section  
20 571-11, the court shall so decree and in its decree shall make a  
21 finding of the facts upon which the court exercises its



1 jurisdiction over the child. Upon the decree the court, by  
2 order duly entered, shall proceed as follows:

3 (1) As to a child adjudicated under section 571-11(1):

4 (A) The court may place the child on probation:

5 (i) In the child's own home; or

6 (ii) In the custody of a suitable person or  
7 facility elsewhere, upon conditions  
8 determined by the court.

9 An order by the court placing a child on  
10 probation under this subparagraph shall include a  
11 definite term of probation stated in months or  
12 years, subject to extension or modification by  
13 the court pursuant to section 571-50. When  
14 conditions of probation include custody in a  
15 youth correctional facility, the custody shall be  
16 for a term not to exceed one year, after which  
17 time the child shall be allowed to reside in the  
18 community subject to additional conditions as may  
19 be imposed by the court;



1 (B) The court may vest legal custody of the child,  
2 after prior consultation with the agency or  
3 institution:

4 (i) In a Hawaii youth correctional facility if  
5 the child has been adjudicated for a  
6 felony-level offense or a violation or  
7 revocation of probation, or is committed to  
8 the facility from juvenile drug court or  
9 girls court on a court order. For a child  
10 eligible for placement in a Hawaii youth  
11 correctional facility, the court shall enter  
12 a finding of fact in the record stating the  
13 reasons the child is a public safety risk  
14 warranting placement in the correctional  
15 facility. No such finding of fact shall be  
16 required if the child is adjudicated for a  
17 felony against a person or a sex offense;

18 (ii) In a local public agency or institution;

19 (iii) In any private institution or agency  
20 authorized by the court to care for  
21 children; or



1 (iv) In a private home.  
2 If legal custody of the child is vested in a  
3 private agency or institution in another state,  
4 the court shall select one that is approved by  
5 the family or juvenile court of the other state  
6 or by that state's department of social services  
7 or other appropriate department;  
8 (C) The court may place a child on administrative  
9 monitoring, as defined in section 571-2, pending  
10 completion of conditions as may be imposed by the  
11 court, to preempt the need for disposition to a  
12 full probation term, and to afford the child the  
13 opportunity to demonstrate behavior adjustments.  
14 Upon completion of the court-ordered conditions,  
15 the court shall discharge the child pursuant to  
16 section 571-50. If a child fails to complete the  
17 court-ordered conditions, the court may extend or  
18 modify the order pursuant to section 571-50, or  
19 dispose the child to probation status under  
20 paragraph (1) (A); or



1 (D) ~~[The court may fine the child for]~~ For a  
2 violation ~~[which]~~ that would be theft in the  
3 third degree by shoplifting if committed by an  
4 adult~~[-. The]~~, the court may require the child to  
5 perform ~~[public services in lieu of the fine;]~~  
6 community service of no more than seventy-two  
7 hours; provided that the community service shall  
8 not interfere with the child's school or work  
9 commitments. The court shall not impose a fine  
10 on the child or the child's parent or guardian;

11 (2) As to a child adjudicated under section 571-11(2):

12 (A) The court may place the child under protective  
13 supervision, as hereinabove defined, in the  
14 child's own home, or in the custody of a suitable  
15 person or agency elsewhere, upon conditions  
16 determined by the court; or

17 (B) The court may vest legal custody of the child,  
18 after prior consultation with the agency or  
19 institution, in a local governmental agency or  
20 institution licensed or approved by the State to  
21 care for children, with the exception of an



1 institution authorized by the court to care for  
2 children. If legal custody of the child is  
3 vested in a private agency or institution in  
4 another state, the court shall select one that is  
5 approved by the family or juvenile court of the  
6 other state or by that state's department of  
7 social services or other appropriate department;  
8 provided that the child may not be committed to a  
9 public or private institution operated solely for  
10 the treatment of law violators;

- 11 (3) An order vesting legal custody of a minor in an  
12 individual, agency, or institution under section  
13 571-11(2) shall be for an indeterminate period but  
14 shall not remain in force or effect beyond three years  
15 from the date entered, except that the individual,  
16 institution, or agency may file with the court a  
17 petition for renewal of the order and the court may  
18 renew the order if it finds such renewal necessary to  
19 safeguard the welfare of the child or the public  
20 interest. The court, after notice to the parties, may  
21 conduct a hearing on the petition. Renewal may be



1 periodic during minority, but no order shall have any  
2 force or effect beyond the period authorized by  
3 section 571-13. An agency granted legal custody shall  
4 be subject to prior approval of the court in any case  
5 in which the child is to reside without the  
6 territorial jurisdiction of the court and may be  
7 subject to prior approval in other cases. An  
8 individual granted legal custody shall exercise the  
9 rights and responsibilities personally unless  
10 otherwise authorized by the court;

- 11 (4) Whenever the court commits a child to the care of the  
12 director of human services or executive director of  
13 the office of youth services, or vests legal custody  
14 of a child in an institution or agency, it shall  
15 transmit with the order copies of the clinical  
16 reports, social study, results of the risk and needs  
17 assessment conducted by the court, and other  
18 information pertinent to the care and treatment of the  
19 child, and the institution or agency shall give to the  
20 court any information concerning the child that the  
21 court may at any time require. An institution or



1 agency receiving a child under this paragraph shall  
2 inform the court whenever the status of the child is  
3 affected through temporary or permanent release,  
4 discharge, or transfer to other custody. An  
5 institution to which a child is committed under  
6 section 571-11(1) or (2) shall not transfer custody of  
7 the child to an institution for the correction of  
8 adult offenders, except as authorized in this chapter  
9 and under chapter 352;

10 (5) The court may order, for any child within its  
11 jurisdiction, whatever care or treatment is authorized  
12 by law;

13 (6) In placing a child under the guardianship or custody  
14 of an individual or of a private agency or private  
15 institution, the court shall give primary  
16 consideration to the welfare of the child;

17 (7) In support of any order or decree under section  
18 571-11(1) or (2), the court may require the parents or  
19 other persons having custody of the child, or any  
20 other person who has been found by the court to be  
21 encouraging, causing, or contributing to the acts or



1 conditions [~~which~~] that bring the child within the  
2 purview of this chapter and who are parties to the  
3 proceeding, to do or to omit doing any acts required  
4 or forbidden by law, when the judge deems this  
5 requirement necessary for the welfare of the child.

6 The court may also make appropriate orders concerning  
7 the parents or other persons having custody of the  
8 child and who are parties to the proceeding. If such  
9 persons fail to comply with the requirement or with  
10 the court order, the court may proceed against them  
11 for contempt of court;

- 12 (8) In support of any order or decree for custody or  
13 support, the court may make an order of protection  
14 setting forth reasonable conditions of behavior to be  
15 observed for a specified time, binding upon both  
16 parents or either of them. This order may require  
17 either parent to stay away from the home or from the  
18 other parent or children, may permit the other to  
19 visit the children at stated periods, or may require a  
20 parent to abstain from offensive conduct against the  
21 children or each other;



- 1           (9) The court may dismiss the petition or otherwise  
2           terminate its jurisdiction at any time;
- 3           (10) In any other case of which the court has jurisdiction,  
4           the court may make any order or judgment authorized by  
5           law;
- 6           (11) The court may order any person adjudicated pursuant to  
7           section 571-11(1) to make restitution of money or  
8           services to any victim who suffers loss as a result of  
9           the child's action, or to render community service[+] of no more than seventy-two hours; provided that the  
10           community service shall not interfere with the child's  
11           school or work commitments;
- 12
- 13           (12) The court may order any [~~person~~] child adjudicated  
14           pursuant to section 571-11(2) to participate in  
15           community service[+] of no more than seventy-two  
16           hours; provided that the community service shall not  
17           interfere with the child's school or work commitments;  
18           [and]
- 19           (13) The court may order the parents of an adjudicated  
20           child to make restitution of money or services to any



1           victim, person, or party who has incurred a loss or  
 2           damages as a result of the child's action~~[+]~~; and  
 3       (14) Notwithstanding paragraph (11) or (13), the court  
 4           shall not impose any financial penalties or seek  
 5           reimbursement for costs against the adjudicated child  
 6           or the child's parent or guardian."

7           SECTION 22. Section 571-51, Hawaii Revised Statutes, is  
 8 amended to read as follows:

9           **"§571-51 Support of minor committed for study or care.**

10 Whenever legal custody of a minor is given by the court to  
 11 someone other than the minor's parents, or when a minor is given  
 12 medical, psychological, or psychiatric study or treatment under  
 13 order of the court, and no provision is otherwise made by law  
 14 for the support of the minor or for payment for such treatment,  
 15 compensation for the study and treatment of the minor, when  
 16 approved by order of the court, shall~~[, if necessary,]~~ be paid  
 17 out of such moneys as may be appropriated for the expenses of  
 18 the court. ~~[After giving the parent a reasonable opportunity to~~  
 19 ~~be heard, the court may order and decree that the parent shall~~  
 20 ~~pay, in such manner as the court may direct, a reasonable sum~~  
 21 ~~that will cover in whole or in part the support and treatment of~~



1 ~~the minor given after the decree is entered. If the parent~~  
2 ~~wilfully fails or refuses to pay such sum, the court may proceed~~  
3 ~~against the parent as for contempt, or the order may be filed~~  
4 ~~and shall have the effect of a civil judgment.]~~ The court shall  
5 not order the parent or guardian of a person adjudicated under  
6 sections 571-11(1) or (2), 571-13, 571-22, or 571-41(f) to pay  
7 for the person's support and treatment; provided that the court  
8 may order the person or the person's parent or guardian to  
9 utilize treatment options available to the person or the  
10 person's parent or guardian through any health insurance under  
11 which the person is already a covered person or beneficiary;  
12 provided further that the person or the person's parent or  
13 guardian shall be responsible for all copayments required by the  
14 insurer.

15       Compensation may be made to a nongovernmental agency,  
16 provided that it shall make periodic reports to the court or to  
17 an agency designated by the court concerning the care and  
18 treatment the minor is receiving and the minor's response to  
19 such treatment. These reports shall be made as frequently as  
20 the court deems necessary and shall be made with respect to  
21 every such minor at intervals not exceeding six months. The



1 agency shall also afford an opportunity for a representative of  
2 the court or of an agency designated by the court to visit,  
3 examine, or consult with the minor as frequently as the court  
4 deems necessary."

5 SECTION 23. Section 571-83, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 "**§571-83 Court fees, fines, and administrative costs;**  
8 **witness fees.** (a) In proceedings under section 571-11(1), (2),  
9 or (9), no ~~[court]~~ fees, fines, or administrative costs shall be  
10 charged against ~~[, and no]~~ a child or the child's parent or  
11 guardian.

12 (b) No witness fees shall be allowed to, any party to a  
13 petition. No officer of the State or of any political  
14 subdivision thereof shall be entitled to receive any fee for the  
15 service of process or for attendance in court in any such  
16 proceedings except as otherwise provided in this chapter. All  
17 other persons acting under orders of the court may be paid for  
18 service of process and attendance or service as witnesses, the  
19 fees provided by law to be paid from the proper appropriation  
20 when the allowances are certified to by the judge."



1 SECTION 24. Section 571-87, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) When it appears to a judge that a person requesting  
4 the appointment of counsel satisfies the requirements of chapter  
5 802 for determination of indigency, or the court in its  
6 discretion appoints counsel under chapters [†]587A[†] and 346,  
7 part X, or that a person requires appointment of a guardian ad  
8 litem, the judge shall appoint counsel or a guardian ad litem to  
9 represent the person at all stages of the proceedings, including  
10 appeal, if any. Appointed counsel and the guardian ad litem  
11 shall receive reasonable compensation for necessary expenses,  
12 including travel, the amount of which shall be determined by the  
13 court, and reasonable fees pursuant to subsections (b) and (c).  
14 All of these expenses and fees shall be certified by the court  
15 and paid upon vouchers approved by the judiciary and warrants  
16 drawn by the comptroller. If the person the appointed counsel  
17 or guardian ad litem is representing is a minor, the court shall  
18 not order the minor or the minor's parent or guardian to  
19 reimburse any costs associated with the appointment of counsel  
20 or a guardian ad litem in proceedings under sections 571-11(1)  
21 or (2), 571-13, 571-22, or 571-41(f)."



1 SECTION 25. Section 577-3.5, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3 "(b) In addition to any other lawful orders, if a minor is  
4 found under chapter 571 to have committed an act constituting  
5 graffiti, the court shall:

- 6 (1) Require the minor, ~~[the]~~ parents, or ~~[the]~~ legal  
7 guardians to remove the graffiti from the affected  
8 property within sixty days of the order ~~[and pay for~~  
9 ~~the cost of paint and materials; or if appropriate,~~  
10 ~~pay for the actual cost of having the damaged property~~  
11 ~~repaired or replaced]; and~~
- 12 (2) Order the minor to perform ~~[a minimum of eighty hours~~  
13 ~~of community service to remove graffiti from other~~  
14 ~~properties.]~~ no more than seventy-two hours of  
15 community service; provided that the community service  
16 shall not interfere with the minor's school or work  
17 commitments."

18 SECTION 26. Section 577-21, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 "**§577-21 Curfew ordinances, effect.** Each of the counties  
21 may enact and enforce ordinances regulating the presence of



1 children in public places and on public streets and roads during  
2 certain hours at night.

3       Upon each of the counties enacting an ordinance pertaining  
4 to curfew for children, then so far as that county is concerned,  
5 the ordinance shall have full force and effect, and shall  
6 supersede sections 577-16, [~~577-18,~~] 577-19 and 577-20 until the  
7 ordinance is repealed or otherwise made invalid."

8       SECTION 27. Section 577-26, Hawaii Revised Statutes, is  
9 amended to read as follows:

10       "**§577-26 Alcohol or drug abuse relating to minors;**  
11 **diagnosis, counseling, and related activities.** (a) A  
12 counselor, certified, licensed, or otherwise authorized by law  
13 to engage in the practice of counseling services in either or  
14 both the public and private sector, may inform the spouse,  
15 parent, custodian, or guardian of any minor who requests, is  
16 referred for, or received counseling services relating to  
17 alcohol or drug abuse.

18       (b) If a minor consents to receive counseling services for  
19 alcohol or drug abuse, the spouse, parent, custodian, or  
20 guardian of the minor shall not be liable for the legal  
21 obligations resulting from the furnishing of [~~such~~] the



1 counseling services provided by the counselor. A minor who  
2 consents to the provision of counseling services under this  
3 section shall ~~[assume financial responsibility for the costs of~~  
4 ~~such services, if any.]~~ not be financially responsible for the  
5 costs of the services, except as provided in subsection (f).

6 (c) ~~[Notwithstanding any other law to the contrary, no]~~  
7 Except as provided in subsection (f), no spouse, parent,  
8 custodian, or guardian~~[, whose consent has not been obtained or~~  
9 ~~who has no prior knowledge that the minor has consented to the~~  
10 ~~provision of such counseling services for alcohol or drug abuse]~~  
11 shall be liable for the costs ~~[incurred by virtue of the minor's~~  
12 ~~consent.]~~ of alcohol or drug abuse counseling services provided  
13 to the minor.

14 ~~[(d) Notwithstanding any other law to the contrary, any~~  
15 ~~action to recover any debt founded upon any contract, obligation~~  
16 ~~or liability under this section shall not commence until a minor~~  
17 ~~has reached the age of majority; provided that said action shall~~  
18 ~~commence within two years of date a minor reaches the age of~~  
19 ~~majority.~~

20 ~~(e)]~~ (d) The consent to the provision of furnishing  
21 counseling services for alcohol or drug abuse by the counselor



1 when executed by a minor who is or professes to suffer from  
2 alcohol or drug abuse, shall be valid and binding as if the  
3 minor had achieved the minor's majority; that is, the minor who  
4 is or professes to suffer from alcohol or drug abuse, shall be  
5 deemed to have, and shall have the same legal capacity, the  
6 infancy of the minor and any contrary provisions of law  
7 notwithstanding, and [~~such~~] the consent shall not be subject to  
8 later disaffirmance by reason of such minority; and the consent  
9 of no other person (including but not limited to a spouse,  
10 parent, custodian, or guardian) shall be necessary in order to  
11 authorize such counseling services to such a minor.

12 [~~(f)~~] (e) In the provision of counseling services for  
13 alcohol or drug abuse, the counselor shall seek to open the  
14 lines of communication between the minor and the spouse, parent,  
15 custodian, or guardian; provided [~~such~~] this action is deemed  
16 beneficial in achieving the desired counseling objectives.

17 (f) Nothing in this section shall prohibit the utilization  
18 of alcohol or drug abuse counseling services provided or covered  
19 by any health insurance plan under which the minor is a covered  
20 person or beneficiary; provided that the minor or the minor's



1 parent or guardian shall be responsible for all copayments  
2 required by the insurer."

3 SECTION 28. Section 577-18, Hawaii Revised Statutes, is  
4 repealed.

5 [~~§577-18 Parents allowing children in street, prohibited~~  
6 ~~when; penalty.~~ Any parent or guardian having the care, custody,  
7 and control of a child under sixteen years of age, who, except  
8 in case of necessity, knowingly, and voluntarily suffers or  
9 permits such child to go or remain on any public street, highway  
10 or public place after ten o'clock in the evening and before four  
11 o'clock in the morning, unaccompanied by an adult person thereto  
12 authorized by such parent or guardian, shall be fined not more  
13 than \$100 or imprisoned not more than twenty days."]

14 SECTION 29. Section 577-23, Hawaii Revised Statutes, is  
15 repealed.

16 [~~§577-23 Parent et al. responsibility, penalty.~~ Any  
17 parent, guardian, or other person having the care, custody, or  
18 control of an unmarried minor, who knowingly permits such minor  
19 to violate section 577-22, shall be fined not more than \$50 or  
20 imprisoned not more than thirty days."]



1 SECTION 30. Section 577-24, Hawaii Revised Statutes, is  
2 repealed.

3 [~~"§577-24 Escort's responsibility; penalty. Any person  
4 who knowingly takes, escorts, or accompanies any unmarried minor  
5 to a dance hall which the minor is prohibited from attending by  
6 section 577-22, or who invites or encourages the minor to attend  
7 such dance hall, shall be fined not more than \$100 or imprisoned  
8 not more than ninety days."~~]

9 PART VI

10 SECTION 31. If any provision of this Act, or the  
11 application thereof to any person or circumstance, is held  
12 invalid, the invalidity does not affect other provisions or  
13 applications of the Act that can be given effect without the  
14 invalid provision or application, and to this end the provisions  
15 of this Act are severable.

16 SECTION 32. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 33. This Act shall take effect on June 30, 3000;  
19 provided that the amendments made to sections 291E-61 and  
20 291E-61.5, Hawaii Revised Statutes, by sections 12 and 13 of  
21 this Act, respectively, shall not be repealed when those



1 sections are reenacted on June 30, 2026, pursuant to section 11  
2 of Act 196, Session Laws of Hawaii 2021.



**Report Title:**

Juvenile Justice; Monetary Penalties; Prohibited; Community Service; Curfew; Dance Halls

**Description:**

Prohibits the assessment of any fees, fines, or costs against a person who was adjudicated for an offense committed while the person was a minor under the age of eighteen, or against the person's parent or guardian. Limits court ordered community service for minors to seventy-two hours. Repeals the statewide curfew for minors and certain penalties related to minors and dance halls. Effective 6/30/3000. (HD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

