

Honolulu, Hawaii

APR 03 2024

RE: S.R. No. 189
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.R. No. 189 entitled:

"SENATE RESOLUTION REQUESTING THE OFFICE OF THE ADMINISTRATIVE DIRECTOR OF THE COURTS TO COLLECT, COMPILE, AND SHARE DATA ON THE ASSESSMENT OF FEES, COURT COSTS, FINES, AND RESTITUTION IN CASES AGAINST MINORS,"

begs leave to report as follows:

The purpose and intent of this measure is to request the Office of the Administrative Director of the Courts to collect, compile, and share data on the assessment of fees, court costs, fines, and restitution in cases against minors.

Your Committee received testimony in support of this measure from the Crime Victim Compensation Commission, ACLU of Hawai'i, Policy Advocacy Clinic at Berkley Law, and Hawai'i Friends of Restorative Justice.

Your Committee finds that charging fees, fines, costs, and restitution to youth can be harmful to young people and their families while disproportionately impacting Native Hawaiian, Pacific Islander, and Black youth. Your Committee further finds that more than sixteen states in the United States have eliminated or prohibited the imposition of fees or fines, or both, on young people and their families. Your Committee believes that current data is necessary to better understand the statewide and county-



specific imposition and impact of fees, court costs, fines, and restitution on young people and their families in the State. This measure will allow the State to better understand how to improve the criminal justice system and increase fairness statewide.

Your Committee has amended this measure by:

- (1) Updating and clarifying data, research, and sources referenced in the findings;
- (2) Specifying that current data is needed to better understand the statewide and county-specific imposition and impact of fees, court costs, fines, and restitution on young people and their families in the State;
- (3) Inserting language requesting the data collected, compiled, and shared by the Office of the Administrative Director of the Courts to be provided as a statewide aggregate and by court circuit;
- (4) Inserting language requesting the Office of the Administrative Director of the Courts to report to the Legislature no later than forty days prior to the convening of the Regular Session of 2025, instead of twenty days, post the Office's report on the Judiciary's public website, and provide a copy of the report to the Judicial Council;
- (5) Inserting language requesting the Judicial Council to consult the report during the next Penal Code review; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 189, as amended herein, and recommends its adoption in the form attached hereto as S.R. No. 189, S.D. 1.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary,

Karl Rhoads

KARL RHOADS, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:		
SR 189	JDC	04/01/24		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.				✓
AWA, Brenton				✓
TOTAL	3	—	—	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes