

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



GOV. MSG. NO. 1222

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

May 29, 2025

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Third State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Nadine Nakamura
Speaker, and Members of the
House of Representatives
Thirty-Third State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Aloha President Kouchi, Speaker Nakamura, and Members of the Legislature:

This is to inform you that on May 29, 2025, the following bill was signed into law:

S.B. NO. 544, H.D. 1

RELATING TO SENTENCING OF MINOR
DEFENDANTS.
ACT 122

Mahalo,

A handwritten signature in black ink that reads "Josh Green M.D." in a cursive style.

Josh Green, M.D.

Governor, State of Hawai'i

Approved by the Governor

on MAY 29 2025

THE SENATE
THIRTY-THIRD LEGISLATURE, 2025
STATE OF HAWAII

ACT 122
S.B. NO. 544
H.D. 1

A BILL FOR AN ACT

RELATING TO SENTENCING OF MINOR DEFENDANTS.

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

1 SECTION 1. The legislature finds that children are
2 different from adults and that these differences must be taken
3 into account when children are being sentenced for adult crimes.
4 As stated by the United States Supreme Court in *Miller v.*
5 *Alabama*, 567 U.S. 460 (2012), "only a relatively small
6 proportion of adolescents" who engage in illegal activity
7 "develop entrenched patterns of problem behavior", and
8 "developments in psychology and brain science continue to show
9 fundamental differences between juvenile and adult minds",
10 including "parts of the brain involved in behavior control".
11 Children are more vulnerable to negative influences and outside
12 pressures, including from their family and peers, and they have
13 limited control over their own environment and lack the ability
14 to extricate themselves from horrific, crime-producing settings.
15 The United States Supreme Court has also emphasized that "the
16 distinctive attributes of youth diminish the penological
17 justifications of imposing the harshest sentences on juvenile



1 offenders, even when they commit terrible crimes". The
2 legislature further acknowledges recent research demonstrating
3 high rates of adverse childhood experiences and childhood trauma
4 among children tried as adults. Specifically, children tried as
5 adults have often been victims of physical, emotional, and
6 sexual abuse, and come from broken homes where domestic
7 violence, substance abuse, mental illness, and incarceration are
8 common.

9 Accordingly, the purpose of this Act is to allow courts to
10 depart from mandatory minimum and sentencing enhancements when
11 sentencing minor defendants if the court believes the reduction
12 is warranted given certain factors.

13 SECTION 2. Chapter 706, Hawaii Revised Statutes, is
14 amended by adding a new section to part I to be appropriately
15 designated and to read as follows:

16 **"§706- Discretion when sentencing a defendant for an**
17 **offense committed while a minor. (1) If a person is convicted**
18 **as an adult for an offense that the person committed when the**
19 **person was a minor, in addition to any other factor that the**
20 **court is required to consider before sentencing the person, the**
21 **court shall consider the following factors:**



- 1 (a) The person's exposure to an adverse childhood
- 2 experience or early childhood trauma, including
- 3 involvement in the child welfare or foster care
- 4 systems;
- 5 (b) The person's status as a victim of human trafficking
- 6 or abuse at the time of the offense;
- 7 (c) The differences between minor and adult offenders,
- 8 including but not limited to the diminished
- 9 culpability of minors as compared to that of adults
- 10 and the typical characteristics of youth;
- 11 (d) The level of participation in the offense and the
- 12 impact of peer or familial pressure;
- 13 (e) The person's intellectual capacity and any underlying
- 14 mental health conditions; and
- 15 (f) Any other factors the court deems relevant.
- 16 (2) Notwithstanding any other provision of law, after
- 17 considering the factors set forth in subsection (1), the court
- 18 may, in its discretion, reduce any mandatory minimum period of
- 19 incarceration or depart from any mandatory sentencing
- 20 enhancement that the person is required to serve if the court
- 21 determines that the reduction or departure is warranted given



1 the person's age, trauma history, and prospects for
2 rehabilitation.

3 (3) For the purposes of this section, "minor" means any
4 person under the age of eighteen years."

5 SECTION 3. New statutory material is underscored.

6 SECTION 4. This Act shall take effect upon its approval.



S.B. NO. 544
H.D. 1

APPROVED this 29th day of May, 2025



GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAI'I

Date: April 16, 2025
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Third Legislature of the State of Hawai'i, Regular Session of 2025.


President of the Senate


Clerk of the Senate

SB No. 544, HD 1

THE HOUSE OF REPRESENTATIVES OF THE
STATE OF HAWAII

Date: April 2, 2025
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Third Reading in the House of Representatives of the Thirty-Third Legislature of the State of Hawaii, Regular Session of 2025.



Nadine K. Nakamura
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives