

STAND. COM. REP. NO.

29

Honolulu, Hawaii

JAN 31 , 2025

RE: H.B. No. 129
H.D. 1

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Madame:

Your Committee on Human Services & Homelessness, to which was referred H.B. No. 129 entitled:

"A BILL FOR AN ACT RELATING TO YOUTH FEES AND FINES,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Prohibit the assessment of any fees, fines, or court costs against a person who is adjudicated for an offense committed while the person was a minor under the age of eighteen, or against the person's parent or guardian;
- (2) Limit court-ordered community service for a minor to no more than seventy-two hours; and
- (3) Repeal certain penalties imposed on parents, guardians, or other persons associated with unaccompanied children in streets and unmarried minors in dance halls.

Your Committee received testimony in support of this measure from the Office of the Public Defender; Hawai'i Juvenile Justice State Advisory Council; Mālama Mākua; American Civil Liberties Union of Hawai'i; Hawai'i Friends of Restorative Justice; Opportunity For Youth Action Hawai'i; Nā 'Ōpio Waiwai; Debt Free Justice Hawai'i; Community Alliance on Prisons; and three

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individuals. Your Committee received testimony in opposition to this measure from the Office of the Prosecuting Attorney of the County of Kaua'i. Your Committee received comments on this measure from the Judiciary; Department of the Attorney General; and Department of Education.

Your Committee finds that charging fees, fines, and court costs to youth is a harmful and ineffective accountability practice, disproportionately affecting Native Hawaiian and Pacific Islander minors in Hawaii. A report by the Administrative Director of the Courts revealed that only seventeen percent of fines ordered against minors in the past five years have been paid, highlighting the impracticality of this approach. Your Committee further finds that assessing fines in juvenile justice proceedings has not been shown to rehabilitate, deter, or effectively punish delinquent youth. With many states taking steps to end fees and fines in juvenile justice cases, this measure ensures that youth are not burdened by financial penalties for mistakes made during their formative years.

Your Committee has amended this measure by:

- (1) Clarifying that the removal of the responsibility of any financial reimbursement from a minor does not preclude the courts from ordering restitution to a victim when applicable;
- (2) Clarifying provisions to allow the principal of a public school to use their discretion in determining whether a student can repair damage caused by vandalism;
- (3) Restoring statutory language that requires a minor to pay for the actual cost of having the damaged property repaired or replaced in cases involving graffiti;
- (4) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services & Homelessness that is attached to this report, your Committee is in accord with the intent and



purpose of H.B. No. 129, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 129, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Human Services &
Homelessness,



LISA MARTEN, Chair



