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# A BILL FOR AN ACT

RELATING TO YOUTH PENALTIES.

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

1 PART I

2 SECTION 1. The legislature finds that charging fines and  
3 court costs to youth is a harmful and ineffective accountability  
4 practice. In Hawaii, these financial penalties  
5 disproportionately impact Native Hawaiian and Pacific Islander  
6 minors who represent the majority of individuals charged,  
7 adjudicated, and detained for juvenile offenses in the State's  
8 family courts, according to the department of human services.  
9 In a report on the assessment of fees, court costs, fines, and  
10 restitution in cases against minors, the judiciary confirms that  
11 only seventeen per cent of fines ordered against minors have  
12 been paid in recent years.

13 The legislature recognizes that assessing fines in juvenile  
14 justice proceedings is not an evidence-based practice for  
15 rehabilitating, deterring, or even punishing delinquent youth.  
16 The legislature also finds that, although Hawaii law authorizes



1 courts to charge youth and their families a range of fines,  
2 judges across the State rarely impose these costs in practice.

3 The legislature notes that, since 2021, over thirty states  
4 have taken action to reform or repeal fees and fines against  
5 minors and their families. Many states have extended relief by  
6 discharging outstanding financial penalties that minors and  
7 their parents or guardians have proven unable to pay. The  
8 legislature believes that Hawaii should make similar efforts and  
9 that fees and fines should not be assessed for mistakes made in  
10 a person's youth, regardless of the age at which or jurisdiction  
11 in which the person is adjudicated or sentenced.

12 Accordingly, the purpose of this Act is to:

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

18 (2) Encourage the use of community service and other  
19 programs that employ aina-based principles, connecting  
20 youth and their parents or guardians to their culture,  
21 community, and the land itself; and





1           (3) For an offense that occurs within five years of two or  
2           more prior convictions for the same offense, the  
3           person shall be guilty of a class C felony; provided  
4           that the court, as part of the person's sentencing,  
5           may order that the vehicle used by the person in the  
6           commission of the offense be subject to forfeiture  
7           under chapter 712A.

8           (b) ~~[Any]~~ Except as provided in subsection (c), any person  
9           who violates any other section in this part shall be fined no  
10          more than \$1,000.

11          (c) ~~[Notwithstanding subsections (a) and (b), a]~~ A minor  
12          under the age of eighteen ~~[under the jurisdiction of the family~~  
13          ~~court]~~ who is subject to this section ~~[shall either]~~ may lose  
14          the right to drive a motor vehicle until the age of eighteen or  
15          be ~~[subject to a fine of \$500.]~~ ordered to perform community  
16          service; provided that the community service shall not interfere  
17          with the minor's school or work commitments; provided further  
18          that no financial penalty provided for in this section shall be  
19          levied against a person who is adjudicated for an offense  
20          committed while the person was a minor under the age of



1 eighteen, or against the person's parent or guardian for the  
2 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]~~ upon a finding that a violation of a  
8 statute or county ordinance relating to vehicles or their  
9 drivers or owners 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 the 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 the costs of services provided by  
6           the 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~~] to 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~~] to 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 shall]~~ to be  
 4 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]~~ to 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 shall]~~ to be  
8 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]~~ to 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,



1 ~~[which shall]~~ to be deposited into the trauma system special  
2 fund~~[ ]~~; provided that no financial penalty provided for in this  
3 section shall be levied against a person who is adjudicated for  
4 an offense committed while the person was a minor under the age  
5 of 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~~[ ]~~ and address~~[ ]~~  
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~~[ ]~~ and address~~[ ]~~ 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,  
5 ~~[which shall]~~ to be deposited into the trauma system special  
6 fund[-]; provided that no financial penalty provided for in this  
7 section shall be levied against a person who is adjudicated for  
8 an offense committed while the person was a minor under the age  
9 of 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[~~r~~]; 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),]~~ (3), or ~~[291E-61(a)(4),]~~ (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)]~~ (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 also be requested to submit to a blood  
11 or urine test, if the law enforcement officer has probable cause  
12 to believe that the person was operating a vehicle while under  
13 the influence of any drug under section 291E-61 or 291E-61.5 and  
14 the officer has probable cause to believe that a blood or urine  
15 test will reveal evidence of the person being under the  
16 influence of any drug. The law enforcement officer shall state  
17 in the officer's report the facts upon which that belief is  
18 based. The person shall elect to take a blood or urine test, or  
19 both, for the purpose of determining the person's drug content.  
20 Results of a blood or urine test conducted to determine drug  
21 content [~~also~~] shall also be admissible for the purpose of



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

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

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

20 (h) A minor under the age of eighteen or the minor's  
21 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, [~~or~~] of up
- 8                               to \$25 to be deposited into the trauma system
- 9                               special 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 drug and alcohol
- 9 toxicology testing laboratory special fund;
- 10 (F) A surcharge of \$25 to be deposited into the
- 11 neurotrauma special fund; and
- 12 (G) A surcharge of up to \$50, if the court so orders,
- 13 to be deposited into the trauma system special
- 14 fund;
- 15 (3) In addition to a sentence imposed under paragraphs (1)
- 16 and (2), any person eighteen years of age or older who
- 17 is convicted under this section and who operated a
- 18 vehicle with a passenger, in or on the vehicle, who
- 19 was younger than fifteen years of age, shall be
- 20 sentenced to an additional mandatory fine of \$500 and
- 21 an additional mandatory term of imprisonment of forty-



1           eight hours; provided that the total term of  
2           imprisonment for a person convicted under this  
3           paragraph shall not exceed the maximum term of  
4           imprisonment provided in paragraph (1) or (2), as  
5           applicable. Notwithstanding paragraphs (1) and (2),  
6           the revocation period for a person sentenced under  
7           this paragraph shall be no less than two years;  
8       (4) In addition to a sentence imposed under paragraph (1),  
9           for a first offense under this section, or an offense  
10          not preceded within a ten-year period by a conviction  
11          for an offense, any person who is convicted under this  
12          section and was a highly intoxicated driver at the  
13          time of the subject incident shall be sentenced to an  
14          additional mandatory term of imprisonment for forty-  
15          eight consecutive hours and an additional mandatory  
16          revocation period of six months; provided that the  
17          total term of imprisonment for a person convicted  
18          under this paragraph shall not exceed the maximum term  
19          of imprisonment provided in paragraph (1).  
20          Notwithstanding paragraph (1), the revocation period



1           for a person sentenced under this paragraph shall be  
2           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 the person's motion for early
- 12 termination a certified court abstract
- 13 establishing that the person was not sentenced to
- 14 any additional mandatory revocation period
- 15 pursuant to paragraph (3) or (4);
- 16 (D) Includes with the person's motion for early
- 17 termination a certified statement from the
- 18 director of 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 a sentence under this section. Any judgment on a  
17 verdict or a finding of guilty, a plea of guilty or nolo  
18 contendere, or an adjudication, in the case of a minor, that at  
19 the time of the offense has not been expunged by pardon,  
20 reversed, or set aside shall be deemed a prior conviction under  
21 this section.



1 (h) Whenever a court sentences a person pursuant to  
2 subsection (b), [~~it also~~] the court shall also require that the  
3 offender be referred to the driver's education program for an  
4 assessment, by a certified substance abuse counselor deemed  
5 appropriate by the court, of the offender's substance abuse or  
6 dependence and the need for appropriate treatment. The  
7 counselor shall submit a report with recommendations to the  
8 court. The court shall require the offender to obtain  
9 appropriate treatment if the counselor's assessment establishes  
10 the offender's substance abuse or dependence. [~~All~~] Except as  
11 provided in subsection (1), all costs for assessment and  
12 treatment shall be borne by 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:  
 2            (A) Financial penalties;  
 3            (B) Surcharges;  
 4            (C) Costs for assessment and treatment; or  
 5            (D) Reimbursements to the county for the cost of any  
 6            blood or urine test conducted on the minor  
 7            pursuant to this section,  
 8            otherwise permitted under this section against the  
 9            person or the person's parent or guardian for the  
 10           person's offense; and

11        (2) Any sentence of community service shall not interfere  
 12        with the person's school or work commitments.

13        [~~1~~] (m) As used in this section, [~~the term~~] "examiner of  
 14 drivers" has the same meaning as provided in section 286-2."

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

17        "**§291E-61.5 Habitually operating a vehicle under the**  
 18 **influence of an intoxicant.** (a) A person commits the offense  
 19 of habitually operating a vehicle under the influence of an  
 20 intoxicant if[+] the person:



- 1           (1) [~~The person is~~] Is a habitual operator of a vehicle  
2                           while under the influence of an intoxicant; and
- 3           (2) [~~The person operates~~] Operates or assumes actual  
4                           physical control of a vehicle:
- 5                   (A) While under the influence of alcohol in an amount  
6                           sufficient to impair the person's normal mental  
7                           faculties or ability to care for the person and  
8                           guard against casualty;
- 9                   (B) While under the influence of any drug that  
10                           impairs the person's ability to operate the  
11                           vehicle in a careful and prudent manner;
- 12                  (C) With .08 or more grams of alcohol per two hundred  
13                           ten liters of breath; or
- 14                  (D) With .08 or more grams of alcohol per one hundred  
15                           milliliters or cubic centimeters of blood.
- 16           (b) Habitually operating a vehicle while under the  
17 influence of an intoxicant [~~is~~] shall be a class C felony.
- 18           (c) [~~For~~] Except as provided in subsection (h), for a  
19 conviction under this section, the sentence shall be either:
- 20                  (1) An indeterminate term of imprisonment of five years;  
21                           or



- 1           (2) A term of probation of five years, with conditions to  
2           include:
- 3           (A) Mandatory revocation of license to operate a  
4           vehicle for a period no less than three years but  
5           no more than five years, with mandatory  
6           installation of an ignition interlock device in  
7           all vehicles operated by the respondent during  
8           the revocation period;
- 9           (B) No less than ten days imprisonment, of which at  
10          least forty-eight hours shall be served  
11          consecutively;
- 12          (C) A fine of no less than \$2,000 but no more than  
13          \$5,000, to be deposited into the drug and alcohol  
14          toxicology testing laboratory special fund;
- 15          (D) Referral to a certified substance abuse counselor  
16          as provided in subsection (e);
- 17          (E) A surcharge of \$25 to be deposited into the  
18          neurotrauma special fund; and
- 19          (F) A surcharge of up to \$50 to be deposited into the  
20          trauma system special fund if the court so  
21          orders.



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

4 (d) [~~For~~] Except as provided in subsection (h), for any  
5 person who is convicted under this section and was a highly  
6 intoxicated driver at the time of the subject incident, the  
7 offense shall be a class B felony and the person shall be  
8 sentenced to the following:

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

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

12 (A) Permanent revocation of license to operate a  
13 vehicle;

14 (B) No less than eighteen months imprisonment;

15 (C) A fine of no less than \$5,000 but no more than  
16 \$25,000; and

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

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



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

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 a new driver's license until expiration of the period of  
17 revocation determined by the court. After the period of  
18 revocation is complete, the person may apply for and the  
19 examiner of drivers may grant to the person a new driver's  
20 license.



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

8           (h) For any person sentenced pursuant to this section for  
9 an offense committed while the person was a minor under the age  
10 of eighteen:

11           (1) The court shall not order any:

12                   (A) Financial penalties;

13                   (B) Surcharges;

14                   (C) Costs for assessment and treatment; or

15                   (D) Reimbursements to the county for the cost of any

16                           blood or urine test conducted on the minor

17                           pursuant to this section,

18                   otherwise permitted under this section against the

19                   person or the person's parent or guardian for the

20                   person's offense; and



1        (2) Any sentence of community service shall not interfere  
2        with the person's school or work commitments.

3        [~~h~~] (i) As used in this section:

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

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

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

17        (3) An adjudication of a minor for a law or probation  
18        violation that, if committed by an adult, would  
19        constitute a violation of this section or section 291-  
20        4.4 as that section was in effect on December 31,  
21        2001,



1 that, at the time of the instant offense, had not been expunged  
2 by pardon, reversed, or set aside. All convictions that have  
3 been expunged by pardon, reversed, or set aside before the  
4 instant offense shall not be deemed prior convictions for the  
5 purposes of proving the person's status as a habitual operator  
6 of a vehicle while under the influence of an intoxicant.

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

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

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

18 (3) An adjudication of a minor for a law or probation  
19 violation that, if committed by an adult, would  
20 constitute a violation of section 291E-61 or 707-  
21 702.5,



1 that, at the time of the instant offense, had not been expunged  
2 by pardon, reversed, or set aside. All convictions that have  
3 been expunged by pardon, reversed, or set aside before the  
4 instant offense shall not be deemed prior convictions for the  
5 purposes of proving that the person is a habitual operator of a  
6 vehicle while under the influence of an intoxicant.

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

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

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

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

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

17 "**§291E-64 Operating a vehicle after consuming a measurable**  
18 **amount of alcohol; persons under the age of twenty-one.** (a) It  
19 shall be unlawful for any person under the age of twenty-one  
20 years to operate any vehicle with a measurable amount of  
21 alcohol. A law enforcement officer may arrest a person under



1 this section when the officer has probable cause to believe the  
2 arrested person is under the age of twenty-one and had been  
3 operating a vehicle upon a public way, street, road, or highway  
4 or on or in the waters of the State with a measurable amount of  
5 alcohol.

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

8 (1) For a first violation or any violation not preceded  
9 within a five-year period by a prior alcohol  
10 enforcement contact:

11 (A) The court shall impose:

12 (i) A requirement that the person and, if the  
13 person is under the age of eighteen, the  
14 person's parent or guardian attend an  
15 alcohol abuse education and counseling  
16 program for [~~not~~] no more than ten hours;  
17 and

18 (ii) A one hundred eighty-day prompt suspension  
19 of license and privilege to operate a  
20 vehicle with absolute prohibition from  
21 operating a vehicle during the suspension



1 period, or in the case of a person eighteen  
2 years of age or older, the court may impose,  
3 in lieu of the one hundred eighty-day prompt  
4 suspension of license, a minimum thirty-day  
5 prompt suspension of license with absolute  
6 prohibition from operating a vehicle and,  
7 for the remainder of the one hundred eighty-  
8 day period, a restriction on the license  
9 that allows the person to drive for limited  
10 work-related purposes and to participate in  
11 alcohol abuse education and treatment  
12 programs; and

13 (B) In addition, the court may impose any one or more  
14 of the following:

15 (i) [~~Not~~] No more than thirty-six hours of  
16 community service work; or

17 (ii) A fine of [~~not~~] no less than \$150 but [~~not~~]  
18 no more than \$500;

19 (2) For a violation that occurs within five years of a  
20 prior alcohol enforcement contact:



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



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

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

6 (d) Whenever a court sentences a person pursuant to  
7 subsection (b) (2) or (3), [~~it also~~] the court shall also require  
8 that the person be referred to the driver's education program  
9 for an assessment, by a certified substance abuse counselor, of  
10 the person's alcohol abuse or dependence and the need for  
11 appropriate treatment. The counselor shall submit a report with  
12 recommendations to the court. The court shall require the  
13 person to obtain appropriate treatment if the counselor's  
14 assessment establishes the person's alcohol abuse or dependence.  
15 [~~All~~] Except as provided in subsection (j), all costs for  
16 assessment and treatment shall be borne by the person [~~or by the~~  
17 ~~person's parent or guardian, if the person is under the age of~~  
18 ~~eighteen~~].

19 (e) Notwithstanding section 831-3.2 or any other law to  
20 the contrary, a person convicted of a first-time violation under  
21 subsection (b) (1) or section 291-4.3, as it existed before Act



1 189, Session Laws of Hawaii 2000, who had no prior alcohol  
2 enforcement contacts, may apply to the court for an expungement  
3 order upon attaining the age of twenty-one, or thereafter, if  
4 the person has fulfilled the terms of the sentence imposed by  
5 the court and has had no subsequent alcohol or drug related  
6 enforcement contacts; provided that this subsection shall not  
7 apply to persons in possession of a commercial learner's permit  
8 or commercial driver's license or convicted in a commercial  
9 motor vehicle or while transporting hazardous materials.

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

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



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

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

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

9 (1) The court shall not order any:

10 (A) Financial penalties;

11 (B) Costs for assessment and treatment; or

12 (C) Reimbursements to the county for the cost of any  
13 blood test conducted on the minor pursuant to  
14 this section,

15 as permitted by this section against the person, or  
16 the person's parent or guardian for the person's  
17 violation; and

18 (2) Any sentence of community service shall not interfere  
19 with the person's school or work commitments.





1 ~~an opportunity to be heard, on any report of vandalism involving~~  
2 ~~the pupil, and the pupil, parent, or guardian have executed a~~  
3 ~~written agreement to make restitution].~~

4 (c) The principal of the school in which the vandalism  
5 occurred shall make or order an investigation of the vandalism.  
6 When appropriate, the principal shall assess the extent of the  
7 damage and determine if a pupil has the skills necessary to  
8 remediate the damage. If after the investigation, the principal  
9 has reasonable cause to believe that a specific pupil is  
10 responsible for the vandalism, the principal shall schedule a  
11 conference with the pupil and the pupil's parents or guardian.  
12 Except for the principal of the school in which the vandalism  
13 occurred, the pupil, and the parents or guardian, no other  
14 person shall be permitted to be in the conference for any  
15 reason.

16 (d) At the conference, the principal of the school in  
17 which the vandalism occurred shall present the findings of the  
18 investigation [~~and the requirements of restitution]~~ to the pupil  
19 and parents or guardian.

20 If the pupil and the parents or guardian agree with the  
21 findings of the principal and the manner in which [~~restitution~~



1 ~~is to be made,~~ the pupil is to be held accountable, the  
2 principal and the pupil and parent or guardian shall execute a  
3 written agreement [~~which shall specify the manner in which~~  
4 ~~restitution is to be made~~].

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

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

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

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





1 other disposition under this chapter; provided that the court  
2 shall waive the imposition of a compensation fee if the  
3 defendant is unable to pay the compensation fee. Moneys from  
4 the compensation fees shall be deposited into the crime victim  
5 compensation special fund under section 351-62.5.

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

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

16 (c) The compensation fee shall be considered a civil  
17 judgment.

18 (d) No compensation fee provided for in this section shall  
19 be levied against a person who is adjudicated for an offense  
20 committed while the person was a minor under the age of



1 eighteen, or against the person's parent or guardian for that  
2 person's offense."

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

5 "[+]§353G-10[+] **Drug testing or assessment fees.** (a)

6 Except as provided in [~~subsection~~] subsections (b) [7] and (e),  
7 the agency responsible for monitoring a person's compliance with  
8 the terms and conditions of parole or other release from a  
9 correctional center or facility shall impose upon the person  
10 reasonable fees to cover the cost of:

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

13 (2) Any assessment of the person required or ordered under  
14 this chapter.

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

20 (b) Upon a finding of indigence, the agency responsible  
21 for monitoring a person's compliance with the terms and



1 conditions of parole or other release from a correctional center  
2 or facility shall require the person to pay as much of the fee  
3 as is consistent with the person's ability to pay.

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

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

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

16 PART V

17 SECTION 18. Section 571-31.4, Hawaii Revised Statutes, is  
18 amended by amending subsections (c) and (d) to read as follows:

19 "(c) Informal adjustment under this section may include,  
20 among other suitable methods, programs, and procedures, the  
21 following:



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



- 1 other youths to remain in elementary and secondary  
2 schools or in alternative learning situations;
- 3 (7) Participation in youth-initiated programs and outreach  
4 programs designed to assist youth and families;
- 5 (8) Appropriate physical and medical examinations,  
6 vocational and aptitude testing, examinations for  
7 learning disabilities or emotional dysfunctions, and  
8 suitable counseling and therapy;
- 9 (9) Placement with nonsecure or secure shelter facilities;
- 10 (10) Restitution providing for monetary payment by the  
11 parents of the child; ~~[or]~~
- 12 (11) Participation in a restorative justice program where  
13 the child and the child's parents or guardian, and  
14 other supporters of the child, may meet with the  
15 victim harmed by the child's law violation and the  
16 victim's supporters~~[-]~~; or
- 17 (12) Participation in programs employing aina-based  
18 principles where a child and the child's parents or  
19 guardian can deepen their relationships with their  
20 culture, communities, and the natural environment.



1 (d) Informal adjustment projects, programs, and services may  
2 be provided through public agencies or private agencies[+];  
3 provided that any treatment or service provided under this  
4 section shall be provided at no cost to the child or the child's  
5 parent or guardian for that child's violation. Nothing in this  
6 section shall prohibit the utilization of treatment or services  
7 provided or covered by any health insurance plan under which the  
8 child is already a covered person or beneficiary; provided that  
9 the child or the child's parent or guardian shall be responsible  
10 for all copayments required by the insurer."

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

13 "**§571-32 Detention; shelter; release; notice.** (a) If a  
14 minor who is believed to come within section 571-11(1) is not  
15 released as provided in section 571-31 and is not deemed  
16 suitable for diversion, then the minor shall be taken without  
17 unnecessary delay to the court or to the place of detention or  
18 shelter designated by the court. If a minor who is believed to  
19 come within section 571-11(2) is not released as provided in  
20 section 571-31, and is not deemed suitable for diversion, then  
21 the minor shall be taken without unnecessary delay to the court



1 or to the place of shelter designated by the court. If the  
2 court determines that the minor requires care away from the  
3 minor's own home but does not require secure physical  
4 restriction, the minor shall be given temporary care in any  
5 available nonsecure minor caring institution, foster family  
6 home, or other shelter facility.

7 (b) The officer or other person who brings a minor to a  
8 detention or shelter facility shall give notice to the court at  
9 once, stating the legal basis therefor and the reason why the  
10 minor was not released to the minor's parents. If the facility  
11 to which the minor is taken is not an agency of the court, the  
12 person in charge of the facility in which the minor is placed  
13 shall promptly give notice to the court that the minor is in  
14 that person's custody. Before acceptance of the minor for  
15 detention or shelter care, a prompt inquiry shall be made by a  
16 duly authorized staff member of the detention or shelter  
17 facility or officer of the court. Where it is deemed in the  
18 best interests of the minor, the judge, officer, staff member,  
19 or director of detention services may then order the minor to be  
20 released, if possible, to the care of the minor's parent,  
21 guardian, legal custodian, or other responsible adult, or the



1 judge may order the minor held in the facility subject to  
2 further order or placed in some other appropriate facility.

3 (c) As soon as a minor is detained, the minor's parents,  
4 guardian, or legal custodian shall be informed, by personal  
5 contact or by notice in writing on forms prescribed by the  
6 court, that they may have a prompt hearing held by a circuit  
7 judge or district family judge regarding release or detention.  
8 A minor may be released on the order of the judge with or  
9 without a hearing. The director of detention services may order  
10 the release of the minor if an order of detention has not been  
11 made.

12 (d) No minor shall be held in a detention facility for  
13 juveniles or shelter longer than twenty-four hours, excluding  
14 weekends and holidays, unless a petition or motion for  
15 revocation of probation or motion for revocation of protective  
16 supervision has been filed, or ~~unless~~ the judge orders  
17 otherwise after a court hearing. No ex parte motions shall be  
18 considered.

19 (e) No minor shall be held after the filing of a petition  
20 or motion, as specified in subsection (d), unless an order for  
21 continued detention or shelter has been made by a judge after a



1 court hearing. If there is probable cause to believe that the  
2 minor comes within section 571-11(1), the minor may be securely  
3 detained, following a court hearing, in a detention facility for  
4 juveniles or may be held in a shelter. If there is probable  
5 cause to believe that the minor comes within section 281-101.5  
6 or 571-11(2), the minor may be held, following a court hearing,  
7 in a shelter but shall not be securely detained in a detention  
8 facility for juveniles for longer than twenty-four hours,  
9 excluding weekends and holidays, unless the minor is subject to  
10 the provisions of chapter 582, Interstate Compact on Juveniles,  
11 or chapter 582D, Interstate Compact for Juveniles, or is  
12 allegedly in or has already been adjudicated for a violation of  
13 a valid court order, as provided under the federal Juvenile  
14 Justice and Delinquency Prevention Act of 1974, as amended.

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

17 (g) When a minor is ordered to be held or detained by the  
18 court, the minor shall not be held in any jail, lockup, or  
19 prison for adults.

20 (h) A minor may be placed in room confinement in a  
21 juvenile detention facility only under the following conditions:



- 1 (1) Room confinement may only be used as a temporary  
2 response to a minor's behavior, and only if:
- 3 (A) The behavior poses an immediate and substantial  
4 risk of danger to the minor's self or another  
5 individual, or a serious and immediate threat to  
6 the safety and orderly operation of the facility;  
7 provided that any decision to hold a minor in  
8 room confinement due to a mental health emergency  
9 shall be made by a mental health professional and  
10 based upon the mental health professional's  
11 examination of the minor; or
- 12 (B) The minor is an imminent escape risk;
- 13 (2) Because of the potential impact on a minor's mental or  
14 physical health, room confinement may only be used for  
15 the minimum time necessary for the minor to regain  
16 self-control, and only after less restrictive options  
17 or techniques, including de-escalation, conflict and  
18 behavioral management techniques, and intervention by  
19 a mental health professional, have been attempted,  
20 exhausted, and failed;



- 1           (3) If a minor is placed in room confinement, the reasons  
2           for the room confinement shall be explained to the  
3           minor. The minor shall also be informed that release  
4           from room confinement will occur immediately when the  
5           minor exhibits self-control and is no longer deemed a  
6           threat to the minor's safety or the safety of others;
- 7           (4) If a minor is placed in room confinement, the  
8           following individuals shall be notified on the next  
9           business day and provided the reasons for the room  
10          confinement as well as the location and duration of  
11          the confinement:
- 12           (A) The senior judge of the family court;
- 13           (B) The presiding judge who ordered the minor to be  
14           held at the facility;
- 15           (C) The deputy chief court administrator; and
- 16           (D) The social services manager of the juvenile  
17           client services branch for the circuit court of  
18           the first circuit;
- 19          (5) Room confinement shall not be used for purposes of  
20          punishment or disciplinary sanction, coercion,



- 1 convenience, or retaliation, or to address staffing  
2 shortages at the facility;
- 3 (6) A minor may be held in room confinement for no more  
4 than three hours unless the minor is a danger to  
5 themselves or another, or the on-call judge grants an  
6 extension of no more than three additional hours of  
7 confinement. Thereafter, the minor shall be returned  
8 to the general population; provided that if a minor is  
9 held in room confinement for more than three hours, a  
10 hearing shall be held before the family court on the  
11 next business day, at which time the minor shall be  
12 provided legal representation;
- 13 (7) A minor shall not be returned to room confinement  
14 immediately after returning to the general population  
15 from room confinement for the purposes of evading the  
16 reporting requirements and room confinement  
17 restrictions pursuant to this section;
- 18 (8) If the minor is not returned to the general population  
19 following a hearing pursuant to paragraph (6), the  
20 minor shall be transferred to a location where  
21 services may be provided to the minor without the need



- 1 for room confinement; provided that if a mental health  
2 professional determines that the level of crisis  
3 service needed is not presently available at the  
4 location, the superintendent or deputy superintendent  
5 of the facility shall initiate a referral to a  
6 facility that can meet the needs of the minor;
- 7 (9) All rooms used for room confinement shall have  
8 adequate and operational lighting, ventilation for the  
9 comfort of the minor, and shall be clean and resistant  
10 to suicide and self-harm;
- 11 (10) The minor shall have access to drinking water, toilet  
12 facilities, hygiene supplies, and reading materials  
13 approved by a mental health professional;
- 14 (11) The minor shall have the same access as provided to  
15 minors in the general population of the facility to  
16 meals, contact with parents or legal guardians, legal  
17 assistance, educational programs, and medical and  
18 mental health services;
- 19 (12) The minor shall be continuously monitored by facility  
20 staff; and



1           (13) The judiciary shall post quarterly on the judiciary's  
2           website a report of its detention center detailing  
3           their compliance with this section. Each report shall  
4           include:

5           (A) The number of incidents of room confinement every  
6           year;

7           (B) The number of minors impacted;

8           (C) The age, gender identity, and race of minors  
9           impacted;

10          (D) Any alternative strategies employed before the  
11          use of room confinement, the reasons those  
12          alternative strategies failed, and why room  
13          confinement was necessary; and

14          (E) The incidence of mental illness.

15          For the purposes of this subsection:

16          "Mental health professional" means a qualified mental  
17          health professional or mental health professional supervised by  
18          a qualified mental health professional.

19          "Room confinement" means the placement of a minor in a  
20          room, cell, or area with minimal or no contact with persons  
21          other than court staff and attorneys. "Room confinement" does



1 not include confinement of a minor in a single-person room or  
2 cell for brief periods of locked room time as necessary for  
3 required institutional operations and does not include  
4 confinement during sleep hours.

5 (i) Provisions regarding bail shall not be applicable to  
6 minors detained in accordance with this chapter; provided that  
7 bail may be allowed after a minor has been transferred for  
8 criminal prosecution pursuant to waiver of family court  
9 jurisdiction.

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

14 (k) Any other provision of law to the contrary  
15 notwithstanding, any person otherwise subject to proceedings  
16 under chapter 832 and who is under the age of eighteen may be  
17 confined in a juvenile detention facility by order of a judge  
18 for the purposes set forth in section 832-12, 832-15, or 832-17.

19 (l) A minor may temporarily be held for processing or  
20 while in transit to court in an adult jail or lockup in a county



1 that does not have a juvenile detention facility if the minor  
2 is:

- 3 (1) Separated by sight and sound from adult inmates; and
- 4 (2) Held no longer than is necessary to be transported to  
5 court or the nearest juvenile detention facility.

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

20 (m) Any costs associated with the detention, placement, or  
21 care of a minor shall be borne by the court. The court shall



1 not seek reimbursement for costs incurred pursuant to this  
2 section from a person adjudicated under section 571-11(1) or  
3 (2), 571-13, 571-22, or 571-41(f), or from the person's parent  
4 or guardian; provided that the court may order restitution to a  
5 victim, as applicable."

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

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

16 When a detention home is established as an agency of the  
17 court, the judge may appoint a director of detention services  
18 and other necessary employees for [~~such~~] the home in the same  
19 manner as is provided by law for the appointment of other  
20 employees of the court.



1           A detention home established in any circuit may be used for  
2 the temporary detention of children or minors ordered to be  
3 detained by the court of another circuit. The use shall be  
4 subject to the approval of the judge of the court of the circuit  
5 in which the detention home is situated, upon ~~such~~ the terms  
6 and conditions as may be established by the judge.

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

13           Any costs associated with the detention, placement, or care  
14 of a minor who is subject to this section shall be borne by the  
15 court. The court shall not seek reimbursement for costs  
16 incurred for the detention, placement, or care of the minor  
17 pursuant to this section from a person adjudicated under section  
18 571-11(1) or (2), 571-13, 571-22, or 571-41(f), or from the  
19 person's parent or guardian."

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



1           "§571-48 Decree, if informal adjustment or diversion to a  
2 private or community agency or program has not been effected.

3 When a child is found by the court to come within section  
4 571-11, the court shall so decree and in its decree shall make a  
5 finding of the facts upon which the court exercises its  
6 jurisdiction over the child. Upon the decree the court, by  
7 order duly entered, shall proceed as follows:

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

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

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

11                   (ii) In the custody of a suitable person or  
12                                facility elsewhere, upon conditions  
13                                determined by the court.

14                   An order by the court placing a child on  
15                   probation under this subparagraph shall include a  
16                   definite term of probation stated in months or  
17                   years, subject to extension or modification by  
18                   the court pursuant to section 571-50. When  
19                   conditions of probation include custody in a  
20                   youth correctional facility, the custody shall be  
21                   for a term not to exceed one year, after which



1                   time the child shall be allowed to reside in the  
2                   community subject to additional conditions as may  
3                   be imposed by the court;

4                   (B) The court may vest legal custody of the child,  
5                   after prior consultation with the agency or  
6                   institution:

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

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



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



1                   ~~[dispose]~~ place the child ~~[to]~~ on probation  
2                   status under paragraph (1)(A); or  
3                   (D) ~~[The court may fine the child for]~~ For a  
4                   violation ~~[which]~~ that would be theft in the  
5                   third degree by shoplifting if committed by an  
6                   adult~~[. The]~~, the court may require the child to  
7                   perform ~~[public services in lieu of the fine;]~~  
8                   community service; provided that the community  
9                   service shall not interfere with the child's  
10                   school or work commitments. The court shall not  
11                   impose a fine on the child or the child's parent  
12                   or guardian;

13                   (2) As to a child adjudicated under section 571-11(2):  
14                   (A) The court may place the child under protective  
15                   supervision, as hereinabove defined, in the  
16                   child's own home, or in the custody of a suitable  
17                   person or agency elsewhere, upon conditions  
18                   determined by the court; or  
19                   (B) The court may vest legal custody of the child,  
20                   after prior consultation with the agency or  
21                   institution, in a local governmental agency or

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

14 (3) An order vesting legal custody of a minor in an  
15 individual, agency, or institution under section  
16 571-11(2) shall be for an indeterminate period but  
17 shall not remain in force or effect beyond three years  
18 from the date entered [~~, except~~]; provided that the  
19 individual, agency, or institution [~~, or agency~~] may  
20 file with the court a petition for renewal of the  
21 order and the court may renew the order if [~~it~~] the



1           court finds [~~such~~] the renewal necessary to safeguard  
2           the welfare of the child or the public interest. The  
3           court, after notice to the parties, may conduct a  
4           hearing on the petition. Renewal may be periodic  
5           during minority, but no order shall have any force or  
6           effect beyond the period authorized by section 571-13.  
7           An agency granted legal custody shall be subject to  
8           prior approval of the court in any case in which the  
9           child is to reside without the territorial  
10          jurisdiction of the court and may be subject to prior  
11          approval in other cases. An individual granted legal  
12          custody shall exercise the rights and responsibilities  
13          personally unless otherwise authorized by the court;  
14          (4) Whenever the court commits a child to the care of the  
15          director of human services or executive director of  
16          the office of youth services, or vests legal custody  
17          of a child in an institution or agency, [~~it~~] the court  
18          shall transmit with the order copies of the clinical  
19          reports, social study, results of the risk and needs  
20          assessment conducted by the court, and other  
21          information pertinent to the care and treatment of the



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

13 (5) The court may order, for any child within its  
14 jurisdiction, whatever care or treatment is authorized  
15 by law;

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

20 (7) In support of any order or decree under section  
21 571-11(1) or (2), the court may require the parents or



1 other persons having custody of the child, or any  
2 other person who has been found by the court to be  
3 encouraging, causing, or contributing to the acts or  
4 conditions [~~which~~] that bring the child within the  
5 purview of this chapter and who are parties to the  
6 proceeding, to do or to omit doing any acts required  
7 or forbidden by law, when the judge deems this  
8 requirement necessary for the welfare of the child.  
9 The court may also make appropriate orders concerning  
10 the parents or other persons having custody of the  
11 child and who are parties to the proceeding. If such  
12 persons fail to comply with the requirement or with  
13 the court order, the court may proceed against them  
14 for contempt of court;

15 (8) In support of any order or decree for custody or  
16 support, the court may make an order of protection  
17 setting forth reasonable conditions of behavior to be  
18 observed for a specified time, binding upon both  
19 parents or either of them. This order may require  
20 either parent to stay away from the home or from the  
21 other parent or children, may permit the other to



1 visit the children at stated periods, or may require a  
2 parent to abstain from offensive conduct against the  
3 children or each other;

4 (9) The court may dismiss the petition or otherwise  
5 terminate its jurisdiction at any time;

6 (10) In any other case of which the court has jurisdiction,  
7 the court may make any order or judgment authorized by  
8 law;

9 (11) The court may order any person adjudicated pursuant to  
10 section 571-11(1) to make restitution of money or  
11 services to any victim who suffers loss as a result of  
12 the child's action, or to render community service;  
13 provided that the community service shall not  
14 interfere with the child's school or work commitments;

15 (12) The court may order any [~~person~~] child adjudicated  
16 pursuant to section 571-11(2) to participate in  
17 community service; [~~and~~] provided that the community  
18 service shall not interfere with the child's school or  
19 work commitments;

20 (13) The court may order the parents of an adjudicated  
21 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[-];

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; and

7 (15) When entering its order, the court shall consider the  
8 welfare of the child and whether the child would  
9 benefit from participation in programs employing aina-  
10 based principles where a child and the child's parents  
11 or guardian can deepen their relationships with their  
12 culture, communities, and the natural environment."

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

15 **"§571-51 Support of minor committed for study or care.**

16 Whenever legal custody of a minor is given by the court to  
17 someone other than the minor's parents, or when a minor is given  
18 medical, psychological, or psychiatric study or treatment under  
19 order of the court, and no provision is otherwise made by law  
20 for the support of the minor or for payment for ~~such~~ the  
21 treatment, compensation for the study and treatment of the

1 minor, when approved by order of the court, shall~~[, if~~  
2 ~~necessary,]~~ be paid out of [~~such~~] moneys as may be appropriated  
3 for the expenses of the court. [~~After giving the parent a~~  
4 ~~reasonable opportunity to be heard, the court may order and~~  
5 ~~decree that the parent shall pay, in such manner as the court~~  
6 ~~may direct, a reasonable sum that will cover in whole or in part~~  
7 ~~the support and treatment of the minor given after the decree is~~  
8 ~~entered. If the parent wilfully fails or refuses to pay such~~  
9 ~~sum, the court may proceed against the parent as for contempt,~~  
10 ~~or the order may be filed and shall have the effect of a civil~~  
11 ~~judgment.] The court shall not order the person adjudicated  
12 under section 571-11(1) or (2), 571-13, 571-22, or 571-41(f), or  
13 the person's parent or guardian, to pay for the person's support  
14 and treatment; provided that the court may order the person or  
15 the person's parent or guardian to utilize treatment options  
16 available to the person or the person's parent or guardian  
17 through any health insurance under which the person is already a  
18 covered person or beneficiary; provided further that the person  
19 or the person's parent or guardian shall be responsible for all  
20 copayments required by the insurer.~~



1 Compensation may be made to a nongovernmental agency[~~7~~];  
2 provided that [~~it~~] the nongovernmental agency shall make  
3 periodic reports to the court or to an agency designated by the  
4 court concerning the care and treatment the minor is receiving  
5 and the minor's response to [~~such~~] the treatment. These reports  
6 shall be made as frequently as the court deems necessary and  
7 shall be made with respect to every [~~such~~] minor at intervals  
8 not exceeding six months. The agency shall also afford an  
9 opportunity for a representative of the court or of an agency  
10 designated by the court to visit, examine, or consult with the  
11 minor as frequently as the court deems necessary."

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

14 "**§571-83 Court fees, fines, and administrative costs;**  
15 **witness fees.** (a) In proceedings under section 571-11(1), (2),  
16 or (9), no [~~court~~] fees, fines, or administrative costs shall be  
17 charged against[~~7~~ and no] a child or the child's parent or  
18 guardian.

19 (b) No witness fees shall be allowed to[~~7~~] any party to a  
20 petition. No officer of the State or of any political  
21 subdivision thereof shall be entitled to receive any fee for the



1 service of process or for attendance in court in any [~~such~~]  
2 proceedings except as otherwise provided in this chapter. All  
3 other persons acting under orders of the court may be paid for  
4 service of process and attendance or service as witnesses[~~7~~];  
5 provided that the fees provided by law [~~to~~] shall be paid from  
6 the proper appropriation when the allowances are certified to by  
7 the judge."

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

10 "(a) When it appears to a judge that a person requesting  
11 the appointment of counsel satisfies the requirements of chapter  
12 802 for determination of indigency, or the court in its  
13 discretion appoints counsel under chapters [~~587A~~ and] 346,  
14 part X, and 587A, or that a person requires the appointment of a  
15 guardian ad litem, the judge shall appoint counsel or a guardian  
16 ad litem to represent the person at all stages of the  
17 proceedings, including appeal, if any. Appointed counsel and  
18 the guardian ad litem shall receive reasonable compensation for  
19 necessary expenses, including travel, the amount of which shall  
20 be determined by the court, and reasonable fees pursuant to  
21 subsections (b) and (c). All of these expenses and fees shall



1 be certified by the court and paid upon vouchers approved by the  
2 judiciary and warrants drawn by the comptroller. If the person  
3 the appointed counsel or guardian ad litem is representing is a  
4 minor, the court shall not order the minor or the minor's parent  
5 or guardian to reimburse any costs associated with the  
6 appointment of counsel or a guardian ad litem in proceedings  
7 under section 571-11(1) or (2), 571-13, 571-22, or 571-41(f)."

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

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

13 (1) Require the minor~~[+]~~ or the minor's parents~~[+]~~ or  
14 ~~[the]~~ legal guardians to remove the graffiti from the  
15 affected property within sixty days of the order ~~[and~~  
16 ~~pay for the cost of paint and materials]~~; or if  
17 appropriate, pay for the actual cost of having the  
18 damaged property repaired or replaced~~[+]~~ or  
19 participate in an available accountability program  
20 offered by the judiciary; and



1           (2) Order the minor to perform [~~a minimum of eighty hours~~  
2           ~~of community service to remove graffiti from other~~  
3           ~~properties.~~] community service; provided that the  
4           community service shall not interfere with the minor's  
5           school or work commitments."

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

8           "**§577-21 Curfew ordinances, effect.** Each of the counties  
9 may enact and enforce ordinances regulating the presence of  
10 children in public places and on public streets and roads during  
11 certain hours at night.

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

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

19           "**§577-26 Alcohol or drug abuse relating to minors;**  
20 **diagnosis, counseling, and related activities.** (a) A  
21 counselor, certified, licensed, or otherwise authorized by law



1 to engage in the practice of counseling services in either or  
2 both the public and private sector, may inform the spouse,  
3 parent, custodian, or guardian of any minor who requests, is  
4 referred for, or received counseling services relating to  
5 alcohol or drug abuse.

6 (b) If a minor consents to receive counseling services for  
7 alcohol or drug abuse, the spouse, parent, custodian, or  
8 guardian of the minor shall not be liable for the legal  
9 obligations resulting from the furnishing of ~~[such]~~ the  
10 counseling services provided by the counselor. A minor who  
11 consents to the provision of counseling services under this  
12 section shall ~~[assume financial responsibility for the costs of~~  
13 ~~such services, if any.]~~ not be financially responsible for the  
14 costs of the services, except as provided in subsection (f).

15 (c) ~~[Notwithstanding any other law to the contrary, no]~~  
16 Except as provided in subsection (f), no spouse, parent,  
17 custodian, or guardian~~[, whose consent has not been obtained or~~  
18 ~~who has no prior knowledge that the minor has consented to the~~  
19 ~~provision of such counseling services for alcohol or drug abuse]~~  
20 shall be liable for the costs ~~[incurred by virtue of the minor's~~



1 ~~consent.~~] of alcohol or drug abuse counseling services provided  
2 to the minor.

3 [~~(d) Notwithstanding any other law to the contrary, any~~  
4 ~~action to recover any debt founded upon any contract, obligation~~  
5 ~~or liability under this section shall not commence until a minor~~  
6 ~~has reached the age of majority; provided that said action shall~~  
7 ~~commence within two years of date a minor reaches the age of~~  
8 ~~majority.~~

9 ~~(e)]~~ (d) The consent to the provision of furnishing  
10 counseling services for alcohol or drug abuse by the counselor,  
11 when executed by a minor who is or professes to suffer from  
12 alcohol or drug abuse, shall be valid and binding as if the  
13 minor had achieved the minor's majority; that is, the minor who  
14 is or professes to suffer from alcohol or drug abuse~~(7)~~ shall be  
15 deemed to have, and shall have, the same legal capacity, the  
16 infancy of the minor and any contrary provisions of law  
17 notwithstanding, and ~~such~~ the consent shall not be subject to  
18 later disaffirmance by reason of ~~such~~ minority; and the  
19 consent of no other person (including but not limited to a  
20 spouse, parent, custodian, or guardian) shall be necessary in



1 order to authorize [~~such~~] counseling services to [~~such a~~] the  
2 minor.

3 [~~(f)~~] (e) In the provision of counseling services for  
4 alcohol or drug abuse, the counselor shall seek to open the  
5 lines of communication between the minor and the spouse, parent,  
6 custodian, or guardian; provided [~~such~~] that this action is  
7 deemed beneficial in achieving the desired counseling  
8 objectives.

9 (f) Nothing in this section shall prohibit the utilization  
10 of alcohol or drug abuse counseling services provided or covered  
11 by any health insurance plan under which the minor is a covered  
12 person or beneficiary; provided that the minor or the minor's  
13 parent or guardian shall be responsible for all copayments  
14 required by the insurer."

15 SECTION 28. Section 577-18, Hawaii Revised Statutes, is  
16 repealed.

17 [~~§577-18 Parents allowing children in street, prohibited~~  
18 ~~when; penalty.~~ Any parent or guardian having the care, custody,  
19 and control of a child under sixteen years of age, who, except  
20 in case of necessity, knowingly, and voluntarily suffers or  
21 permits such child to go or remain on any public street, highway



1 ~~or public place after ten o'clock in the evening and before four~~  
2 ~~o'clock in the morning, unaccompanied by an adult person thereto~~  
3 ~~authorized by such parent or guardian, shall be fined not more~~  
4 ~~than \$100 or imprisoned not more than twenty days." ]~~

5 SECTION 29. Section 577-23, Hawaii Revised Statutes, is  
6 repealed.

7 [~~§577-23 Parent et al. responsibility, penalty.~~ Any  
8 ~~parent, guardian, or other person having the care, custody, or~~  
9 ~~control of an unmarried minor, who knowingly permits such minor~~  
10 ~~to violate section 577-22, shall be fined not more than \$50 or~~  
11 ~~imprisoned not more than thirty days." ]~~

12 SECTION 30. Section 577-24, Hawaii Revised Statutes, is  
13 repealed.

14 [~~§577-24 Escort's responsibility, penalty.~~ Any person  
15 ~~who knowingly takes, escorts, or accompanies any unmarried minor~~  
16 ~~to a dance hall which the minor is prohibited from attending by~~  
17 ~~section 577-22, or who invites or encourages the minor to attend~~  
18 ~~such dance hall, shall be fined not more than \$100 or imprisoned~~  
19 ~~not more than ninety days." ]~~

20 PART VI



1 SECTION 31. Section 601-17.5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§601-17.5 Collection of delinquent court-ordered**  
4 **payments.** ~~[The]~~ With the exception of juvenile monetary  
5 assessments, the judiciary may contract with a collection agency  
6 bonded under chapter 443B or with a licensed attorney to collect  
7 any delinquent court-ordered penalties, fines, restitution,  
8 sanctions, and court costs [~~, including juvenile monetary~~  
9 ~~assessments~~]. Any fees or costs associated with the collection  
10 efforts shall be added to the amount due and retained by the  
11 collection agency as its payment; provided that no fees or costs  
12 shall exceed fifty per cent of the amount collected."

13 PART VII

14 SECTION 32. (a) As of the effective date of this Act, any  
15 outstanding court-ordered fees, fines, or administrative costs  
16 ordered against a person who was adjudicated for offenses  
17 committed during the person's minority, or pursuant to section  
18 571-11(1) or (2), 571-13, 571-22, or 571-41(f), Hawaii Revised  
19 Statutes, shall be void and not collectible, including any  
20 interest, penalties, or collection expenses on the judgment,  
21 order, agreement, or other legally enforceable encumbrance.



1 This Act shall apply to dual status children for purposes of  
2 delinquency jurisdiction.

3 (b) If, on or after the effective date of this Act, a  
4 payment is made by a person or the person's parent or guardian  
5 toward any fees, fines, or costs made void by this Act, the  
6 payment shall be reimbursed within a reasonable time.

7 PART VIII

8 SECTION 33. If any provision of this Act, or the  
9 application thereof to any person or circumstance, is held  
10 invalid, the invalidity does not affect other provisions or  
11 applications of the Act that can be given effect without the  
12 invalid provision or application, and to this end the provisions  
13 of this Act are severable.

14 SECTION 34. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

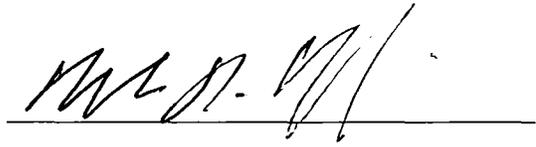
16 SECTION 35. This Act shall take effect upon its approval;  
17 provided that the amendments made to sections 291E-61 and 291E-  
18 61.5, Hawaii Revised Statutes, by sections 12 and 13 of this  
19 Act, respectively, shall not be repealed when those sections are  
20 reenacted on June 30, 2028, pursuant to section 11 of Act 196,



# S.B. NO. 2540

- 1 Session Laws of Hawaii 2021, as amended by section 8 of Act 148,
- 2 Session Laws of Hawaii 2023.
- 3

INTRODUCED BY:

A handwritten signature in black ink, appearing to be 'M. J. ...', is written over a horizontal line.

**By Request**



# S.B. NO. 2540

**Report Title:**

Juvenile Justice; Minors; Fees; Fines; Court Costs; Penalties;  
Prohibited; Community Service

**Description:**

Prohibits the assessment of any fees, fines, or court costs against a person who was adjudicated for an offense committed during the person's minority, or against the person's parent or guardian, and discharges all related debt obligations assessed before the effective date of the Act. Encourages the use of community service and other programs that employ aiaa-based principles. Repeals certain penalties imposed on parents, guardians, or other persons associated with unaccompanied children in streets and unmarried minors in dance halls.

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

