The Judiciary, State of Hawai‘i
Ka ‘Oihana Ho‘okolokolo, Moku‘āina ‘o Hawai‘i

Testimony to the Thirty-Third Legislature, 2026 Regular Session

House Committee on Human Services & Homelessness
Representative Lisa Marten, Chair
Representative Ikaika Olds, Vice Chair

House Committee on Health
Representative Gregg Takayama, Chair
Representative Sue L. Keohokapu-Lee Loy, Vice Chair

Thursday, March 19, 2026, 9:30 a.m.
State Capitol, Conference Room 329 & Videoconference

By

Jennifer Awong
Staff Attorney, Circuit Court of the First Circuit and Judiciary Administration

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 2325 S.D.1, Relating to Juvenile Offenders.

Purpose: Authorizes courts to modify sentences imposed on juvenile offenders if certain conditions are met and the court finds that the defendant is not a danger to the safety of any person or the community and the modification is in the interests of justice after considering certain factors. Establishes procedures, provides for hearings and representation by counsel, and authorizes appellate review. (SD1)

Judiciary's Position:

The Judiciary supports the intent of the legislation as the Judiciary supports efforts to increase judicial discretion and provides the following comments.

The bill’s intent is to provide incarcerated defendants who were convicted as adults of offenses committed when they were under the age of eighteen with the ability to petition the court for a “reduction” of their sentence after serving at least twelve years. The reduction would

occur outside the parole process and is not restricted by the type of offense committed. Respectfully, it does not appear this legislation will fulfill the intent. Significant structural and procedural changes would be required to either create new sentencing provisions for juveniles in Chapter 706 of the Hawai'i Revised Statutes ("H.R.S.") or to the parole provisions of H.R.S. §§ 706-669 and 706-670. To truly implement the intent of this bill (to require a judicial review and reduction of a juvenile's sentence), a statutory framework is necessary to replace indeterminate term sentencing with some form of graduated or range of determinate or indeterminate term sentencing scheme for all juveniles convicted of "A" felony offenses and/or cases involving murder. This is not currently contemplated by the bill.

The State of Hawai'i currently has a "true" indeterminate sentencing scheme for felony offenses. Unlike many other indeterminate term sentencing states where a sentencing judge might sentence a person to prison for a range of years (i.e. a 10-to-20-year, or 20-to-life term of imprisonment) or may choose between a variety of specific indeterminate terms (i.e. those with sentencing guidelines or a choice between three indeterminate terms),[1] sentencing judges in Hawai'i are, for the vast majority of cases, only statutorily permitted to sentence a defendant to an indeterminate term of imprisonment of five years for "C' felonies,[2] ten years for "B" felonies,[3] twenty years for "A" felonies,[4] life with the possibility of parole for murder or attempted murder in the second degree,[5] and life without the possibility of parole for murder or attempted murder in the first degree.[6] There are very few exceptions to these five, ten, twenty, and life terms of imprisonment, and all of them include the requirement for the court to sentence the defendant to a specific, statutorily provided, indeterminate term. For example, the provisions of H.R.S. § 706-667 permit the sentencing judge to sentence young adult offenders (those who committed their offenses when they were less than twenty-two years of age)[7] to indeterminate terms of eight, five, and four years for "A," "B," and "C" felonies, respectively, rather than indeterminate terms of twenty, ten, and five years.[8] The young adult offender provisions do not apply to the offenses of murder or attempted murder.[9] In addition, while for "C" and "B" felonies, the court can consider a term of probation, with some exceptions, instead of the indeterminate term of imprisonment, for most "A" felonies and cases involving murder, the sentence is required by law to be to the indeterminate terms of imprisonment of twenty years for

[1] Or even a determinate term sentencing jurisdiction where a judge may sentence a defendant to a specific term of years (i.e. a 2, 7, 15, 20, or even a 50+ year term of imprisonment).
[2] H.R.S. § 706-660(1)(b).
[3] H.R.S. § 706-660(1)(a).
[4] H.R.S. § 706-659.
[5] H.R.S. § 706-656(2).
[6] H.R.S. § 706-656(1).
[7] In addition to the requirement that the defendant had to have been less than twenty-two at the time of the offense, the defendant must not have been previously convicted of a felony as an adult or previously adjudicated as a juvenile for an offense that would constituted a felony had the defendant been an adult.
[8] Another example is that certain "B" and "C" drug offenses can result in an indeterminate term of years of anywhere between five and ten years for "B" felonies and one and five years for "C" felonies (*see* H.R.S. § 706-660(2)).
[9] H.R.S. § 706-667.

"A" felonies[10] and life with the possibility of parole for murder or attempted murder in the second degree, and life without the possibility of parole for murder or attempted murder in the first degree. [11]

Accordingly, a court reviewing a juvenile's sentence greater than twelve years, as contemplated by this bill, would generally only have available to it, as a "reduced" sentence the indeterminate term of imprisonment outlined in H.R.S. §§ 706-656 and 706-659 – likely the exact sentences that had already been imposed on the defendant. Due to the nature of indeterminate term sentencing, there currently is no alternative sentence available to reduce a juvenile offender's sentence to, with the sole exception being for those defendants who may have qualified for young adult offender sentencing on an "A" felony offense. In very limited situations, the court might have the authority to reduce a twenty-year indeterminate term sentence to probation under H.R.S. §§ 706-620 and 706-623 where the defendant was convicted of an "A" felony under Chapter 712 or manslaughter under H.R.S. § 707-702. However, there is currently no statutory authority for a court to reduce a sentence of life imprisonment with the possibility of parole to a term of years (whether that be 50, 20 or some other term of years). Indeed, the only defendants whose indeterminate term sentences could be reduced to an alternative indeterminate term of years under the proposed legislation and the current statutory provisions of H.R.S. Chapter 706 would be those defendants who were sentenced to serve consecutive terms, those whose terms were extended under H.R.S. § 706-661,[12] and those who were young adult offenders currently serving a term of imprisonment for an "A" felony that were initially denied sentencing under H.R.S. § 706-667.

In Hawai'i, the actual time a person, including juveniles convicted as adults, must serve of the imposed indeterminate term of imprisonment before they may become eligible for, or are released on, parole is currently determined solely by the Hawai'i Paroling Authority ("HPA").[13] The HPA has exclusive authority to release a defendant on parole prior to the expiration of the indeterminate term of imprisonment ordered by the court. The HPA sets the minimum term of imprisonment a defendant must serve prior to being eligible for parole within six months of the sentence issued by the court. In addition, incarcerated individuals may request a reduction of their minimum term of imprisonment and the HPA has promulgated procedures for such actions.[14] The HPA is required to hold an initial parole hearing at least one month prior to the expiration of their minimum term and at least every twelve months thereafter until they are

[10] "Notwithstanding part II; sections 706-605, 706-606, 706-606.5, 706-661, and 706-662, and any other law to the contrary…" H.R.S. 706-659 (emphasis added).
[11] H.R.S. § 706-620.
[12] Under the provisions of H.R.S. § 706-661, the court may sentence a defendant convicted of a "C" felony to a term of imprisonment of 10 years, a defendant convicted of a "B" felony to a term of imprisonment of 20 years, a defendant convicted of an "A" felony to a term of imprisonment of life with the possibility of parole, and a defendant convicted of murder or attempted murder in the second degree to a term of life without the possibility of parole if a jury determines that the extended term is necessary for the protection of the public.
[13] H.R.S. §§ 706-669 and 706-670.
[14] *See,* pages 17-19 and 26-28 of the Hawai'i Paroling Authority Parole Handbook found at *https://dcr.hawaii.gov/hpa/wp-content/uploads/sites/3/2024/02/HPA-Parole-Handbook_Revised_09_2020-1.pdf*

released or they have served the total indeterminate term of imprisonment.[15] Under the HPA's current guidelines, it already appears that a significant number of the factors set forth in the proposed legislation are considered in both the determination of the initial minimum term, any request for reduction of that term, and the granting or denial of parole.[16] In addition, both the initial setting of the minimum term of imprisonment and any denial of parole are already subject to judicial review to ensure that the HPA did not violate the law or act in an arbitrary or capricious manner under the provisions of Rule 40 of the Hawai'i Rules of Penal Procedure.

In order to fulfill the purposes of the measure, further statutory provisions are required to either address the current lack of judicial discretion in the initial sentencing of offenders sentenced as adults for crimes they committed while juveniles or provide additional statutory authority in Section 2 to reduce a juvenile offender's sentence upon review to a selected term of imprisonment either within an indeterminate range of years or a determinate range of years.

However, given the current overall statutory sentencing scheme in Hawai'i, the intent of this bill may be better effectuated by directing the legislation's specific provisions to the HPA, including provisions listed as considerations in proposed section 706-(3) on pages 3-5, once a juvenile defendant has served twelve years, to determine if their set minimum should be reduced and/or whether the defendant should be immediately eligible for parole and should be considered every year thereafter. The Judiciary notes that authorizing judicial reduction of sentences functionally eliminates the finality of judgments in criminal actions for any case where the juvenile defendant received more than a twelve-year term of incarceration – judgments and sentences that were already issued by sentencing judges who were required to consider the factors set forth in H.R.S.§ 706-606, judgments and sentences that were already subject to appeal and continue to be subject to post-conviction and habeas relief, and judgments and sentences that were relied on by victims. In the current statutory scheme for terms of imprisonment, the court sentences a defendant to an indeterminate term and the HPA, through the statutory provisions of H.R.S. §§ 706-669 and 706-670, determines how that indeterminate term sentence is served. Specifically, the HPA determines how much of that term (after serving any court ordered mandatory minimum)[17] must be served in institutional custody and how much of that term may be served while on parole. The sentence – the indeterminate term of years – remains the same. Requiring the HPA to consider the provisions of subsection (3)(a)-(k) on Page 3, lines 18 to Page 5, line 15, may better effectuate the purposes of the measure and ensure that those criteria are considered at each subsequent yearly parole hearing[18] and will maintain the finality of the original sentence.

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[15] H.R.S. § 706-670.

[16] *See* Hawai'i Paroling Authority Parole Handbook found at https://dcr.hawaii.gov/hpa/wp-content/uploads/sites/3/2024/02/HPA-Parole-Handbook_Revised_09_2020-1.pdf

[17] Mandatory minimums are authorized throughout the penal code for some specific offenses and some particular defendants. These include, but are not limited to, sentences for repeat offenders (H.R.S. § 706-606.5), sentences for use of a firearm in the commission of a felony (H.R.S. § 706-660.1), and sentences based upon the status of the victim (H.R.S. § 706-660.2).

[18] The current version of the measure contemplates only review of the specified criteria upon a motion by the defendant and limits the review to only three motions. Parole hearings are considered every year until release on parole or the service of the maximum term once a defendant serves the minimum term set by the HPA.

Thank you for the opportunity to testify on this legislation.

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LATE

March 19, 2026

Testimony of the Office of the Public Defender,
State of Hawai'i to the House Committee on Human Services & Homelessness

S.B. 2325 SD1: RELATING TO JUVENILE OFFENDERS

Chair Marten, Vice-Chair Olds, and Members of the Committee:

The Office of the Public Defender **strongly supports S.B. 2325 SD1**:

We support the intent of this measure. This measure acknowledges the maturity issues, trauma-based issues, and social issues that impact juveniles in the court system. As we already know, juveniles in the court system are often immature and impulsive, they are often influenced by negative peers and family members, they may be in foster care without strong or supportive parental guidance, and they may themselves be victims of horrific crimes that may include physical and sexual abuse. Juveniles do not control who their caregivers are, whether they have incarcerated parents or a parent (or both) with substance abuse or mental health issues. Juveniles do not control the realities of living in poverty, in a gang infested neighborhood, or limited access to educational or pro-social opportunities. Many of our youth who commit criminal offenses that push them into the adult system need opportunities for rehabilitation that acknowledge growth in their maturity levels, their education levels, and their ability to work towards more positive outcomes. Adult jails are hard and often dangerous places – especially for an 18 or 19 year old. But we strongly believe that any youth who was waived into the adult system should be eligible for an opportunity to reduce their sentence based on efforts at rehabilitation with a full understanding of their unique backgrounds. Motivation for continued rehabilitation and positive outcomes if often based on

hope – hope for an opportunity to prove that you have learned from your mistakes, that you have taken positive steps to improve attitudes and understanding, and to demonstrate that you have changed. For these reasons and the reasons stated in the preamble to this measure, we strongly support S.B. No 2325 SD1.

Thank you for the opportunity to provide testimony on this measure.

TESTIMONY IN SUPPORT OF SB 2325 BEFORE THE HAWAII HOUSE COMMITTEE ON HUMAN SERVICES & HOMELESSNESS
Hearing Date: March 19, 2026

Dear Chair Marten and Members of the Committee:

Human Rights for Kids respectfully submits this testimony for the official record to express our full support for SB 2325 and to urge the committee to pass this important measure. We are grateful for the opportunity to submit testimony and appreciate Hawaii Legislature's willingness to address this important human rights issue concerning the treatment of Hawaii's children in the criminal justice system.

Human Rights for Kids is a Washington, D.C.-based non-profit organization dedicated to the promotion and protection of the human rights of children. We use an integrated, multi-faceted approach which consists of research & public education, coalition building & grassroots mobilization, and policy advocacy & strategic litigation to advance critical human rights on behalf of children in the United States. A central focus of our work is advocating in state legislatures and courts for comprehensive justice reform for children consistent with the U.N. Convention on the Rights of the Child. We also work to inform the way the nation understands Adverse Childhood Experiences (ACEs) from a human rights perspective, to better educate the public and policymaker's understanding of the relationship between early childhood trauma and negative life outcomes.

SB 2325 would create a mechanism for judicial sentencing review after a person has served 15 years of incarceration for a crime that was committed when they were under 18 years of age, affording those who qualify with a meaningful opportunity for release as defined in a series of Supreme Court decisions beginning in 2005. The Court relying upon scientific developments in neuropsychology and neurobiology established that children "are constitutionally different from adults" for purposes of sentencing under the 8th Amendment and must be treated differently.[1] The Court further found that states must provide "some meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation"[2]

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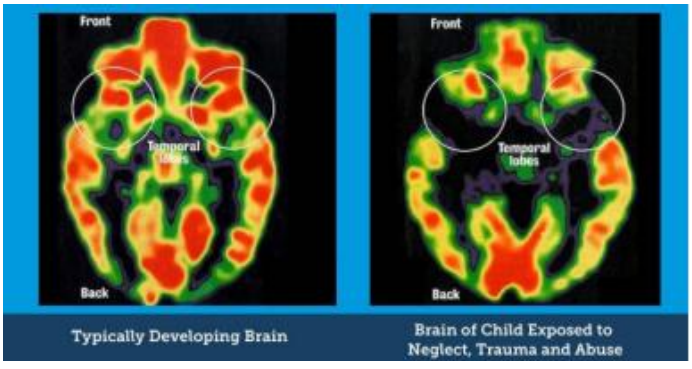
[1] *See Miller v. Alabama 567 U.S. 460 (2012), Montgomery v. Louisiana, 577 U.S. 190 (2016), Graham v. Florida, 560 U.S. 48 (2010).*
[2] *Graham*, 560 U.S. at 75.

Additionally, Human Rights for Kids would ask the committee to consider the following amendments to paragraph 1 of the proposed measure to clarify the authority of Judges to reduce a sentence of incarceration despite any mandatory sentencing framework that currently exists in the statute. Our proposed changes are below in italics:

> "**§706- Sentence modification for juvenile offenders.**
> (1) Notwithstanding any *mandatory sentencing provisions as outlined in, but not limited to, sections 706-656, 706-659, 706-660, 706-660.1, 706-660.2,* the court may, *in its discretion* reduce a term of imprisonment imposed upon a defendant convicted as an adult for offenses committed and completed before the defendant attained eighteen years of age *and impose a term of incarceration less than the original sentence, including time equal to what has already been served, and a term of parole supervision* if:"

Adverse Childhood Experiences

In the vast majority of cases, children who come into conflict with the law are contending with early childhood trauma and unmitigated adverse childhood experiences (ACEs), including psychological, physical, or sexual abuse; witnessing domestic violence; living with family members who are substance abusers, suffer from mental illness, or are formerly incarcerated. Research by Human Rights for Kids has shown that nationally more than 70% of children tried as adults experienced both physical and emotional abuse prior to their offense. Another 45% experienced sexual abuse. Almost every child tried as an adult came from single parent homes where witnessing domestic violence (53%), substance abuse (75%), and mental illness (54%) were normalized. The average ACE score was 6.31 out of 10 and the average age of onset of abuse was 6 years old. Further, approximately 30% of the people we surveyed who were tried as adults for crimes they committed as children were trafficking survivors. This type of trauma often leads to early-onset PTSD and subsequently impacts children's brain development, particularly the prefrontal cortex. This means that kids traumatized by violence in their homes and communities have impaired brain development that influences their behavior and decision making.



The image above depicts the impact of trauma on the developing brain of young children.

Childhood trauma is the primary driver and root cause for how and why so many kids end up in the criminal legal system, and any sentencing analysis or review should include careful consideration of all the factors that brought a person before the court. This measure would give the court the tools necessary to weigh all the relevant factors and make decisions that reflect both a person's demonstrated maturity and rehabilitation but also account for public safety. As outlined by the Supreme Court, youth are categorically less culpable. The Court found because they lack maturity, have an underdeveloped sense of responsibility, and are thus prone to "impetuous and ill-considered actions and decisions;"[3] they are more vulnerable to "negative influence and outside pressures" with limited ability to extricate themselves from risky situations.[4] Children and adolescents are inherently capable of positive growth and change: their character is "not as well formed, and their personality "less fixed."[5] As a result, the penological justifications for incarcerating youth to extreme sentences, even those who commit the most severe crimes, are severely diminished.[6]

Juvenile Brain & Behavioral Development Science

Studies have shown that children's brains are not fully developed. The pre-frontal cortex, which is responsible for temporal organization of behavior, speech, and reasoning continues to develop into early adulthood. As a result, children rely on a more primitive part of the brain known as the amygdala when making decisions. The amygdala is responsible for immediate reactions including fear and aggressive behavior. This makes children less capable than adults of regulating their emotions, controlling their impulses, evaluating risk and reward, and engaging in long-term planning. This is also what makes children more vulnerable, more susceptible to peer pressure, and being heavily influenced by their surrounding environment. Children's underdeveloped brains and proclivity for irrational decision-making is why society does not allow children to vote, enter into contracts, work in certain industries, get married, join the military, or use alcohol or tobacco products. These policies recognize that children are impulsive, immature, and lack solid decision-making abilities.

It is for these same reasons that children have a greater capacity for change than older individuals due to the plasticity of their brains."[7] In 2014, Hawaii banned Juvenile Life without Parole sentences for children. However, this law was not retroactive, leaving people who were sentenced to extreme sentences as children both before it was enacted and since without any remedy. This measure addresses that gap by allowing judges to review sentences and make a judgment about sentence reduction when appropriate.

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[3] *Roper*, 543 U.S. at 569.
[4] *Id.* at 569-571.
[5] *Id.* at 579.
[6] *Miller*, 567 U.S. at 471-72.
[7] Steinberg, *A Social Neuroscience Perspective on Adolescent Risk Taking*, 28 Developmental Rev. 78, 82-84, 85-89 (2008).

International Human Rights Law

In 1989 the United Nations adopted the Convention on the Rights of the Child (CRC), which sets forth minimum standards for the treatment of children who come into conflict with the law. For the purposes of this legislation, Articles 10 and 14 of the International Covenant on Civil and Political Rights states: "Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status . . . the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation." Article 37 of the CRC adds that: "Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age." The need to treat children differently from adults is at the core of these human rights protections. This extends to how we evaluate lengthy sentences imposed on children and ensuring that there are meaningful opportunities for release.

National Context

Following the line of Supreme Court decisions, states around the country have safely adopted sentence review and release procedures that consider the mitigating qualities and rehabilitative capacity of adolescents. This evolving jurisprudence on the culpability of youth is grounded in the understanding that adolescents are less culpable than adults and more amenable to rehabilitation because their brains are still maturing. Currently, a growing number of states and D.C. have laws that provide an opportunity for release through either resentencing or parole review for children serving lengthy prison sentences. These states include West Virginia, North Dakota, Arkansas, Colorado, Ohio, Virginia and Maryland, Oregon and California among others.[8]

Accordingly, we strongly urge this committee to vote favorably upon SB 2325 to ensure judges have the authority to review and reduce sentences where appropriate and to ensure children are treated fairly and with dignity when they come into the justice system. Thank you for your consideration

Submitted by: Teresa Kominos, Senior Policy Counsel, Human Rights for Kids
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[8] Human Rights for Kids 2024 State Rating Report at https://humanrightsforkids.org/wp-content/uploads/State-Ratings-Report-2024-1.pdf

Bill:	Senate Bill 2325
Title:	Relating to Juvenile Offenders
Date:	March 18, 2026
Position:	SUPPORT
Committee:	House Committee on Human Services & Homelessness
Contact:	Nikola Nable-Juris, Campaign for the Fair Sentencing of Youth

Chair Marten, Vice Chair Olds, and members of the Committee on Human Services & Homelessness:

The Campaign for the Fair Sentencing of Youth submits this testimony for the official record to express our **SUPPORT for Senate Bill 2325**. We are grateful to Senator Gabbard for his leadership in introducing this bill and appreciate the Hawaii State Legislature's commitment to ensuring children serving lengthy sentences receive a meaningful opportunity for review.

The Campaign for the Fair Sentencing of Youth ("CFSY") is a national coalition and clearinghouse that coordinates, develops, and supports efforts to implement age-appropriate alternatives to the extreme sentencing of America's youth with a focus on abolishing life-without-parole and life-equivalent sentences for all children. We collaborate with policymakers, national and community organizations, and individuals directly impacted by these policies to develop solutions that keep communities safe while providing opportunities for children to reintegrate into society after demonstrated rehabilitation.

The U.S. Supreme Court has decided a litany of cases over the last two decades which consistently affirm that children are different than adults for the purposes of criminal sentencing.[1] Hawaii is one of 28 states and the District of Columbia that, in response to recent U.S. Supreme

[1] *Roper v. Simmons*, 543 U.S. 551 (2005) (finding the death penalty unconstitutional for children under 18); *Graham v. Florida*, 560 U.S. 48 (2010) (finding life-without-parole sentences for non-homicide offenses to be unconstitutional for children under 18); *Miller v. Alabama*, 567 U.S. 460 (2012) (finding mandatory life-without-parole sentences unconstitutional for children under 18); *Montgomery v. Louisiana*, 577 U.S. 190 (2016) (holding *Miller v. Alabama* applies retroactively to children under 18 who were previously sentenced to life without parole); *Jones v. Mississippi*, 593 U.S. 98 (2021) (addressing sentencing procedure for youth while reaffirming the core tenants of *Miller* and *Montgomery*).

Court cases, have banned life-without-parole sentences for children under 18.[2] Banning this sentence is a hollow promise, however, if children are not provided with what the U.S. Supreme Court described as "some meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation."[3]

Senate Bill 2325 ensures that Hawaii provides youth with this "meaningful opportunity to obtain release." Like many states across the country, Senate Bill 2325 creates a mechanism for a decisionmaker to review and modify the sentences of youth after serving a fixed number of years.[4] For individuals serving lengthy sentences as youth, hope is a powerful motivator for positive behavioral change.

An opportunity to obtain release is simply that– an *opportunity*, not a guarantee. As youth mature and change, a meaningful opportunity provides them with hope and the incentive for positive growth.

The Campaign for the Fair Sentencing of Youth urges the Committee to support **Senate Bill 2325**. Thank you for your serious consideration of this legislation.

Nikola Nable-Juris
National Legal and Policy Director
Campaign for the Fair Sentencing of Youth

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[2] *See* Map of States Banning Juvenile Life Without Parole, Campaign for the Fair Sentencing of Youth (2026).
[3] *Graham v. Florida*, 560 U.S. 48, 75 (2010).
[4] S.B. 294, 91st Leg. (Ark. 2017); HB 4210, S.B. 796, 2015 Reg. Sess. (Conn. 2015); DC Bill 21-683 (D.C. 2015); S.F. 2909, 93rd Legislature, Reg. Sess. (Minn. 2023); S.B. 494, 2021 Reg. Sess. (Md. 2021); H.B. 1195, 65th Leg. (N.D. 2017); S.B. 256, 133rd Gen. Assemb. (Oh. 2020); S.B. 1008, 80th Leg. Assemb., Reg. Sess. (Or. 2019); H.B. 35, 2020 Reg. Sess. (Va. 2020); 81st Legislature, 1st Sess. (W. Virg. 2014).

Bill:	Senate Bill 2325
Title:	Relating to Juvenile Offenders
Date:	March 18, 2026
Position:	SUPPORT
Committee:	House Committee on Human Services & Homelessness
Contact:	Jose Burgos, Policy Advocate (CFSY)

Chair Marten, Vice Chair Olds, and members of the Committee on Human Services & Homelessness:

My name is Jose Burgos. I serve as a Policy Advocate with the Campaign for the Fair Sentencing of Youth, where we work across the country to end extreme sentencing practices for children and ensure meaningful opportunities for review. I am also a formerly incarcerated juvenile lifer who served 27 years in prison for a crime I committed as a child.

I want to thank this Committee for taking up Senate Bill 2325.

I come before you not only as an advocate, but as someone who lived this reality. I know firsthand what it means to enter prison as a teenager still developing, still capable of change. I also know the power of hope, rehabilitation, and redemption.

In many Native Hawaiian traditions, children are not seen as disposable. They are viewed as sacred held within the collective responsibility of the community. When a young person causes harm, the response is not to throw that child away, but to guide them, restore balance, and create a pathway for healing for both the individual and the community.

Senate Bill 2325 reflects that same spirit.

This bill recognizes what research, common sense, and lived experience all show us: children are different. They have a unique capacity for growth, accountability, and transformation. Sentences that ignore that reality undermine both justice and public safety.

Since my release, I have worked as a Reentry Specialist with the Michigan State Appellate Defender Office, mentored returning citizens, and advocated for legislative reform. I am also a member of CFSY's Incarcerated Children's Advocacy Network, a national community of formerly incarcerated youth who now lead, mentor, and support others coming home after long-term incarceration.

For individuals who may receive review under legislation like SB 2325, connection to a network like ICAN can be transformative. No one should have to navigate reentry alone. Through mentorship and shared lived experience, we help people move from surviving incarceration to becoming contributing members of their communities.

This bill does not guarantee release. It does not erase harm. What it does is create a meaningful opportunity after years of demonstrated growth for someone to come back and be seen for who they have become.

Hope is not a small thing inside a prison. Hope is what drives change. Hope is what turns accountability into transformation.

I stand before you today as someone who once had no hope and as someone whose life was changed because a second chance became possible. I ask you to see these children not only for what they have done, but for who they can become when hope is restored.

When we choose restoration over permanent punishment, we are not just changing one life, we are restoring balance to families, to communities, and to the future we all share.

I respectfully ask you to pass Senate Bill 2325 and affirm that in Hawaii, no child is ever beyond hope, and no child is ever beyond redemption.

Thank You,

Jose Burgos
Policy Advocate
Campaign for the Fair Sentencing of Youth

NATIONAL Life Without Parole LEADERSHIP COUNCIL

SECOND CHANCES = STRONGER COMMUNITIES

3-18-2026

RE**: In Support of SB 2325**

Dear Chair Marten, Vice Chair Olds, and members of the Committee on Human Services & Homelessness:

The National Life Without Parole Leadership Council promotes a society that recognizes the human capacity for transformation, promotes true accountability, and creates opportunities for healing and making amends. The Council is comprised of 14 members from across the U.S., each of whom were once sentenced to life without parole (LWOP). Our collective experience has equipped us with unique insights into the potential for human transformation and rehabilitation. Our members have demonstrated significant transformation and now contribute positively to their communities through mentorship, earning college degrees, and working with individuals being released from jail and prison. Moreover, we have seen zero recidivism among our members, reaffirming our belief that no person is beyond redemption.

SB 2325 would provide individuals sentenced as adults for offenses committed in their youth the opportunity to seek judicial review of their sentences, consistent with the recognized developmental characteristics of youth. Although such reforms are often met with concerns regarding public safety, we submit a perspective rooted in lived experience and supported by the fundamental principle that growth, rehabilitation, and transformation are possible.

We understand and deeply respect the need to ensure public safety and justice for all members of society. We also recognize the human capacity for change and the meaningful contributions. Therein lies the necessity for mechanisms to be established to review cases individually, recognizing the possibility of transformation.

It's important to us that we address any skepticism around the possibility of LWOP-sentenced individuals being safely released. We offer the existence of our council, its members, and hundreds of others who once were sentenced to LWOP and are now released as evidence that transformation is possible.

Research by Human Rights Watch examining the lives of 110 people who were sentenced to LWOP in California but later released also supports this:

> The detailed accounts of the individuals formerly sentenced to LWOP outlined in this report supplement a growing body of evidence suggesting the sentence of LWOP is an ineffective and even harmful tool for crime reduction. Recidivism data on these individuals in California in conjunction with interviews exploring how they live their everyday lives show that not only are they safe

> additions to the community, but they are contributing in important and positive ways.[i]

Among other things, their research found that 94 percent of respondents volunteer regularly, 84 percent financially assist others, 90 percent work full- or part-time, and 70 percent have stepped into a healthy adult role in the life of a young person. Most respondents expressed a profound sense of remorse for the harm they had caused earlier in their lives, and a strong desire to make amends as their primary driving force in life since returning home. “Every day I wake up and try to make amends for my crimes and try to do the best I can in memory of the victims in my case and their families,” one respondent told Human Rights Watch. “I’ll never be able to fully make up for it, but I’ll do my best to try.”

The notion that a person who commits grave harm is incapable of change, growth, and giving back to society is a paradigm that must be challenged. While there must be accountability for actions, there must also be room for rehabilitation, reconciliation, and reintegration.

We respectfully request your consideration and hope our perspective informs your deliberation on the proposed bill. Redemption is not only possible but is happening now, as evidenced by the individuals who were once sentenced to LWOP and are directly contributing positively to their communities.

We hope to engage in a deeper dialogue about this critical issue and are available for any further discussion or to provide any additional information you may find helpful.

Thank you for your time and consideration.

Sincerely,

Members of the National Life Without Parole Leadership Council (NLC)

April Barber- LWOP
Served 31 years
Sentenced commuted by Governor

Jose Burgos- LWOP
Served 27 years
Resentenced after change in laws

Allen Burnett- LWOP
Served 28 years
Sentenced commuted by Governor

Steven Green- LWOP
Served 28 years
Sentenced commuted by Governor

William Hoffmann- LWOP
Served 20 years
Sentenced commuted by Governor

James Lavigne- LWOP
Served 31 years
Sentenced commuted by Governor

Arthur Longworth- LWOP
Served 38 years
Resentenced after changes in laws

Thaisan Nguon- LWOP
Served 20 years
Sentenced commuted by Governor

Sheena Rogers- LWOP
Served 25 years
Resentenced after changes in laws

Kelly Savage-Rodriguez- LWOP
Served 23 years
Sentenced commuted by Governor

James Swansey- LWOP
Served 28 years
Resentenced after changes in laws

James Thomas- LWOP
Served 30 years
Resentenced after changes in laws

Bryan Widenhouse- LWOP
Served 31 years
Resentenced after changes in laws

Dara Yin-LWOP
Served 20 years
Sentenced commuted by Governor

[i] *"I Just Want to Give Back": The Reintegration of People Sentenced to Life Without Parole*. (2023, June 28). Human Rights Watch. Retrieved March 14, 2025, from https://www.hrw.org/report/2023/06/28/i-just-want-to-give-back/reintegration-of-people-sentenced-to-life-without-parole

OFFICE OF HAWAIIAN AFFAIRS
ʻŌlelo Hōʻike ʻAha Kau Kānāwai

TESTIMONY IN SUPPORT OF SENATE BILL 2325 SD1

RELATING TO JUVENILE OFFENDERS
Ke Kōmike Hale o ka Lawelawe Kānaka a me ka Pilikia Hoʻokuewa
(House Committee on Human Services & Homelessness)
Ke Kōmike Hale o ke Olakino
(House Committee on Health)
Ke Kapitala ʻo Hawaiʻi
(Hawaiʻi State Capitol)

Malaki 19, 2026 9:30 AM Lumi 329

Aloha e Chair Marten, Chair Takayama, Vice Chair Olds, Vice Chair Keohokapu-Lee Loy, Members of the House Committee on Human Services & Homelessness, and Members of the House Committee on Health:

The Office of Hawaiian Affairs (OHA) SUPPORTS **SB2325 SD1**, which authorizes courts to modify sentences imposed on individuals convicted as adults for offenses committed before age eighteen, after a substantial period of incarceration and upon a judicial finding that the individual is not a danger to the community and that modification is in the interests of justice. OHA appreciates the recent amendments reducing the eligibility threshold from fifteen years served to twelve years served and clarifying that any period of supervised release shall be administered in the manner of parole supervision.

OHA supports policies that recognize the developmental differences between youth and adults and that align sentencing practices with current research and constitutional principles. As recognized by the United States Supreme Court,[1] youth have diminished culpability, greater capacity for change, and heightened vulnerability to trauma, peer influence, and unstable environments. This measure appropriately reflects those principles by allowing individualized, case-by-case review rather than automatic sentence reduction.

The bill includes meaningful guardrails. It requires a substantial period of incarceration before eligibility, a full court hearing, victim input, prosecutorial recommendation, correctional records, and evidence of maturity, rehabilitation, and fitness for reentry. It also requires a specific judicial finding that the person is not a danger to the safety of any person or the community, provides for a period of supervised release,

[1] Defend Youth Rights, *Making the Case for Young Clients: Supreme Court Quotes for Bolstering Juvenile Defense Advocacy,* https://www.defendyouthrights.org/wp-content/uploads/Making-the-Case-for-Young-Clients-Supreme-Court-Quotes-For-Bolstering-Juvenile-Defense-Advocacy.pdf

and limits repeated filings. These provisions help ensure that sentence modification remains discretionary, structured, and centered on public safety.

Research and lived experience show that many youth prosecuted as adults have significant histories of trauma, abuse, family instability, and system involvement prior to their offenses.[2] Prior OHA and Native Hawaiian justice-system findings also show that Native Hawaiian youth are disproportionately represented in serious system involvement and long sentences.[3] A second-look sentencing mechanism gives courts a meaningful opportunity to recognize demonstrated growth, rehabilitation, and readiness for reintegration where appropriate.

This bill promotes accountability and public safety while also recognizing that children are different from adults and that people can change over time. Providing a meaningful opportunity for review encourages participation in education, treatment, and rehabilitative programming and supports stronger reentry outcomes. For these reasons, the Office of Hawaiian Affairs respectfully urges this Committee to **PASS SB2325 SD1**.

Mahalo nui for the opportunity to provide testimony on this important measure.

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[2] Human Rights for Kids, The Childhood Trauma-to-Prison Pipeline: The Prosecution and Incarceration of Traumatized Children As Adults (Nov. 20, 2025), available at https://humanrightsforkids.org/wp-content/uploads/The-Childhood-Trauma-to-Prison-Pipeline.pdf

[3] Office of Hawaiian Affairs, Native Hawaiian Justice Task Force Report (2012), available at http://www.oha.org/wp-content/uploads/2012NHJTF_REPORT_FINAL_0.pdf

ACLU Hawai'i

Committee:	House Committee on Human Services & Homelessness
Hearing Date/Time:	Thursday, March 19, 2026, at 9:30 AM
Place:	Conference Room 329 & Via Videoconference
Re:	**Testimony of the ACLU of Hawai'i in SUPPORT of SB 2325 SD1 Relating to Juvenile Offenders**

Dear Chair Marten, Vice-Chair Olds, and Committee Members:

The American Civil Liberties Union of Hawai'i ("ACLU-HI") writes in **support of SB2325 SD1**, which authorizes the courts to modify sentences imposed on juvenile offenders if certain conditions are met and the court finds that the defendant is not a danger to the safety of any person or the community and the modification is in the interests of justice after considering certain factors.

The ACLU-HI is committed to challenging the criminalization and incarceration of young people, particularly youth from disenfranchised communities. Ending excessive sentences and extreme punishments is of paramount importance to protect young people in the juvenile justice system.

A 2025 National Institute for Criminal Justice Reform report found that many of the remaining youth in Hawai'i's delinquency system face intergenerational trauma, behavioral health disorders, and poverty. Youth from marginalized communities are also disproportionately incarcerated. "There is an overrepresentation of youth who are Native Hawaiian, Micronesian, LGBTQI, and child welfare-involved," reads the report.[1] Further, the Hawai'i Department of Human Services' Office of Youth Services validates that, from arrest to probation, Native Hawaiian and Pacific Islander youth are disproportionately represented in the juvenile justice system from 2021-2023.[2]

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[1] National Institute for Criminal Justice Reform. (February 2025). *Building a Continuum of Care: An Assessment of Hawai'i's System of Care for Court-Involved Youth.* https://nicjr.org/files/galleries/Hawai_i_CoC_Assessment_11_2025_DIGITAL.pdf

[2] Hawai'i Department of Human Services' Office of Youth Services. *Hawai'i Juvenile Justice System Crime Analysis: State Fiscal Year 2021-2023.* https://humanservices.hawaii.gov/wp-content/uploads/2025/04/Hawaii_JJS_Crime-Analysis_2021-2023.pdf

Youth who are subjected to harsh living conditions and severe trauma should not be penalized. In 2025, Act 122 was signed into law, requiring courts to consider certain factors when sentencing a defendant for an offense committed while a minor. This act acknowledges that "children tried as adults have often been victims of physical, emotional, and sexual abuse" and provides authority to the courts to reduce any mandatory minimum period of incarceration or depart from any mandatory sentencing enhancement given the person's age, trauma history, and prospects for rehabilitation.[3]

By passing SB2325 SD1, Hawai'i will continue to advance juvenile justice reform and help mitigate long-lasting trauma inflicted upon youth exposed to the criminal legal system. We urge you to pass this measure.

Mahalo for the opportunity to testify.

Sincerely,
Donavan Kamakani Albano
Donavan Kamakani Albano
Policy Fellow
ACLU of Hawai'i

With more than 4,000 Hawaii-based members, the mission of the American Civil Liberties Union of Hawai'i is to protect the fundamental freedoms enshrined in the United States and Hawai'i State Constitutions through legislative, litigation, and public education work. The ACLU of Hawai'i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai'i has been serving our communities in Hawai'i for over 60 years.

[3] Hawai'i Act 22. https://www.capitol.hawaii.gov/sessions/session2025/bills/GM1222_.PDF

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