

Honolulu, Hawaii
, 2026

APR 08

RE: S.B. No. 2108
S.D. 1
H.D. 2

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2026
State of Hawaii

Madame:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 2108, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO JURISDICTION,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Amend the factors the Family Court is required to consider in deciding whether the court may waive jurisdiction over a minor held for criminal proceedings;
- (2) Preserve the Family Court's jurisdiction over a minor transferred for criminal proceedings for subsequent acts that would otherwise be within the Family Court's jurisdiction; and
- (3) Require the Family Court to retain jurisdiction over a minor if the court finds by clear and convincing evidence that the minor was trafficked, sexually abused, or raped by the alleged victim in the case before or during the commission of the alleged offense.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs; Office of the Public



Defender; Opportunity for Youth Action Hawai'i Hui; and Human Rights for Kids.

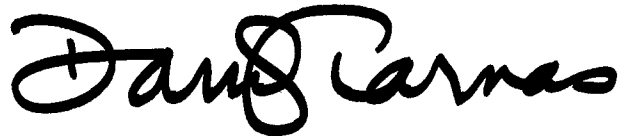
Your Committee finds that a significant majority of children prosecuted as adults have endured severe childhood trauma, including physical and sexual abuse, human trafficking, and household instability. Research indicates that these adverse experiences are linked to post-traumatic stress disorder and adverse brain development, necessitating a judicial approach that prioritizes the specific developmental and environmental histories of minor defendants. This measure strengthens Family Court decision-making by ensuring that waiver determinations fully consider a minor's background and victimization and by preserving Family Court jurisdiction in cases where rehabilitative services and trauma-informed interventions are more appropriate.

Your Committee has amended this measure by:

- (1) Establishing a minimum age of fourteen years for a minor to be waived into another court for murder or attempted murder; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2108, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2108, S.D. 1, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



