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February 12, 2026

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

H.B. 1690: RELATING TO MINORS

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

The Office of the Public Defender **strongly opposes H.B. 1690:**

The Office of the Public Defender submits that raising the unaccompanied curfew age from 16 to 18 will only serve to criminalize teens who are responsible and able to travel safely across the State for legitimate purposes without adult supervision. While there are youth who may be involved in criminal activities between the ages of 16 and 18, we submit that the majority of our youth are going to school, some are working part-time, going to visit friends and family, and who not in need of the restrictions imposed in this measure. Extending such a restrictive statewide curfew will substantially impact all our youth and make it harder for families and youth who are responsible, mindful, and law-abiding. Responsible independent youth should not have to be treated like criminals because they have permission from a parent or guardian to visit a friend and who may be driving, walking, on the rail, on the bus, or riding a bicycle from point A to point B for legitimate reasons. This bill makes it a crime for a 17 year old who has a job to leave work at 10:00 p.m. and make a stop at 7-11 for a snack – as that would be treated as an unacceptable and thus illegal detour or stop.

We are troubled by the creation of criminal offenses for curfew violations that include mandatory fines and the possibility of imprisonment. We very strongly

object to Section (2)(A) that requires “Imprisonment of the child for no more than one year” as inconsistent with the jurisdiction of the family courts and the adjudication provisions in HRS 571-11(2)(D) which allow the family courts to handle curfew violation. Expanding the curfew restrictions to treat all youth between 16-18 in this manner, incorrectly assumes that all youth out in the community after 10:00 p.m. are up to no good, engaged in nefarious activities and is simply too restrictive.

Thank you for the opportunity to comment on this measure.



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

Thursday, February 12, 2026, 10:30 a.m.
State Capitol, Conference Room 329

By

Dyan M. Medeiros
Senior Judge, Deputy Chief Judge
Luna Kānāwai 'Ohana Nui
Family Court of the First Circuit
'Aha Ho'okolokolo 'Ohana o ke Ka'apuni 'Ekah

Bill No. and Title: House Bill No. 1690, Relating to Minors.

Purpose: Expands the statewide curfew to apply to minors under 18 years of age, instead of under 16. Amends the exceptions to, and penalties for, violations of the statewide curfew. Restricts a county's authority to enact curfew ordinances to only those ordinances that are more stringent than the statewide curfew.

Judiciary's Position:

The Judiciary respectfully opposes House Bill No. 1690 and would like to share with the Legislature the following important information.

In Hawai'i, curfew is a status offense. Pursuant to Hawai'i Revised Statutes (HRS) §571-2, a status offender is defined as:

[A]ny child coming within the family court's jurisdiction under section 571-11(2)(B), (C), or (D). Such child is distinguished from (A) a law violator under section 571-11(1) who comes into the family court upon allegations such person has committed an act which would constitute a crime if committed by an adult, and (B) a neglected child under section 571-11(2)(A) and (9) and chapter 587A.



HRS §571-11(2)(D) makes violation of curfew a status offense. HRS §571-31.5 allows the Judiciary to use informal adjustments to help keep a youth out of the juvenile justice system. If passed, this bill would prohibit the ability to use informal adjustments.

Further, the language of this bill does not comply with the standards of detention as set out in HRS §571-31.1. Hawai'i adopted the Juvenile Detention Alternative Initiative in 2008. Studies performed by the Annie E. Casey Foundation and other organizations have shown that children can benefit greatly by receiving developmentally-appropriate responses to misconduct and, conversely, over-incarceration of low-level offenders can actually *increase* recidivism. Hawai'i is required by federal law to comply with the Juvenile Justice and Delinquency Prevention Act of 1974 (hereinafter "the Act"). The Act provides, in relevant part:

[A] juvenile shall not be placed in a secure detention facility or a secure correctional facility, if (i) the juvenile is charged with or has committed an offense that would not be criminal if committed by an adult[.]

If the State does not comply with the requirements of the Act we would be at risk of losing at least 20% of our federal funding the year of the violation and potentially unable receive any funds the following year. See 34 USC §11133(c)(1).

Additionally, the bill's language on page 2, lines 19–20, amending HRS § 577-16.5(a) to state that "any child in violation of section 577-16 shall be guilty of a misdemeanor and sentenced as follows..." conflicts with the purpose of HRS Chapter 571, which decriminalizes juvenile justice cases. HRS § 571-1 emphasizes that Family Court proceedings should promote reconciliation and rehabilitation, ensure no minor's adjudication is deemed a conviction, and prevent children from being labeled as criminals.¹ Unless the legislature intends to change this policy, any reference to a child's guilt or criminal sentencing should be removed from the bill.

Finally, the bill as drafted would prohibit youth from participating in positive non-school related activities. Essentially this bill could have the affect of punishing all youth for the actions of the minority.

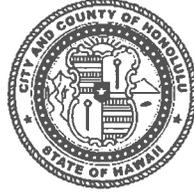
Thank you for the opportunity to submit testimony on this bill.

¹ Under HRS § 571-22, Family Court may waive jurisdiction for certain felony cases, allowing minors to be tried as adults, but only under specific conditions, which wouldn't apply to this proposed misdemeanor.

LATE

HONOLULU POLICE DEPARTMENT
KA 'OIHANA MĀKA'I O HONOLULU
CITY AND COUNTY OF HONOLULU

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INTERIM CHIEF
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AARON TAKASAKI-YOUNG
RYAN T. NISHIBUN
INTERIM DEPUTY CHIEFS
NĀ HOPE LUNA NUI MĀKA'I KŌIKAWA

OUR REFERENCE RT-SA

February 12, 2026

The Honorable Lisa Marten, Chair
and Members
Committee on Human Services
and Homelessness
House of Representatives
415 South Beretania Street, Room 329
Honolulu, Hawaii 96813

Dear Chair Marten and Members:

SUBJECT: House Bill No. 1690, Relating to Minors

I am Robert Towne, Major of the Community Affairs Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD appreciates the intent of House Bill No. 1690, Relating to Minors, and submits the following comments and concerns.

The Office of Juvenile Justice and Delinquency Prevention states that there is mixed evidence on the effectiveness of curfews on various youth crime outcomes and some evidence of negative effects. There are activities that minors participate in besides work or school-related functions in which they should be allowed to attend and return after curfew. Enforcement of minors leaving the approved activity and directly returning home will be hard to prove or enforce.

This change will increase the workload for officers as time will be spent stopping, questioning, and processing minors for a status offense. It will divert the officers' time away from responding to violent crime, property theft, and emergency calls.

The Honorable Lisa Marten, Chair
and Members

Page 2

February 12, 2026

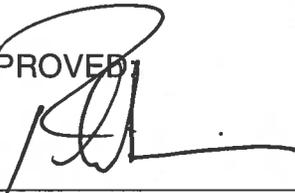
The HPD appreciates the committee's consideration of our comments and concerns regarding House Bill No. 1690, Relating to Minors, and thanks you for the opportunity to testify.

Sincerely,



for. Robert Towne, Major
Community Affairs Division

APPROVED



Rade K. Vanic
Interim Chief of Police

HOUSE OF REPRESENTATIVES
THE THIRTY-THIRD LEGISLATURE
REGULAR SESSION OF 2026

COMMITTEE ON HUMAN SERVICES & HOMELESSNESS

Rep. Lisa Marten, Chair
Rep. Ikaika Olds, Vice Chair

Rep. Terez Amato	Rep. Jenna Takenouchi
Rep. Daisy Hartsfield	Rep. David Alcos III
Rep. Sue L. Keohokapu-Lee Loy	Rep. Diamond Garcia
Rep. Gregg Takayama	

NOTICE OF HEARING

DATE: Thursday, February 12, 2026
TIME: 10:30 am
PLACE: VIA VIDEOCONFERENCE
Conference Room 329
State Capitol
415 South Beretania Street

Click [here](#) to submit testimony and to testify remotely or in person.

A live stream link of all House Standing Committee meetings will be available online shortly before the scheduled start time.

Click [here](#) for the live stream of this meeting via YouTube.

A G E N D A

HB 1877
Status

RELATING TO THE HAWAII STATE LESBIAN, GAY,
BISEXUAL, TRANSGENDER, QUEER, PLUS COMMISSION.
Expands the membership of the Hawaii State Lesbian, Gay,
Bisexual, Transgender, Queer, Plus Commission from eight voting
members to eleven.

HSH, JHA

HB 2006
Status

RELATING TO CHILD WELL-BEING.
Requires the Department of Human Services to establish and
administer a Hawaii Rx kids program to improve the economic
stability of households with very young children who reside in the
State through a one-time payment and several monthly payments.

HSH, FIN

<u>HB 2167</u> <u>Status</u>	RELATING TO YOUTH HOMELESSNESS. Requires the Office of Youth Services to establish a two-year Youth Housing Stability Assistance Pilot Program to award funds to certain nonprofit organizations and government agencies to support eligible youth with financial assistance. Appropriates funds.	HSH, FIN
<u>HB 2224</u> <u>Status</u>	RELATING TO MEDICAID. Repeals a provision in Act 4, Special Session Laws of Hawaii 2005, that prohibits the Department of Human Services from taking any action to remove pharmaceutical benefits management from managed care plans that provide health care coverage for Hawaii Medicaid beneficiaries.	HSH, FIN
<u>HB 1626</u> <u>Status</u>	RELATING TO YOUTH PENALTIES. 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 aina-based principles. Repeals certain penalties imposed on parents, guardians, or other persons associated with unaccompanied children in streets and unmarried minors in dance halls.	HSH, JHA
<u>HB 1690</u> <u>Status</u>	RELATING TO MINORS. Expands the statewide curfew to apply to minors under 18 years of age, instead of under 16. Amends the exceptions to, and penalties for, violations of the statewide curfew. Restricts a county's authority to enact curfew ordinances to only those ordinances that are more stringent than the statewide curfew.	HSH, JHA
<u>HB 2012, HD1</u> <u>(HSCR25-26)</u> <u>Status</u>	RELATING TO COMMUNITY LITERACY LABS. Establishes and appropriates funds for the Department of Education to establish and implement a two-year Community Literacy Labs Pilot Program. Effective 7/1/3000. (HD1)	EDN, HSH, FIN

DECISION MAKING TO FOLLOW

Persons wishing to offer comments should submit testimony at least **24 hours** prior to the hearing. Testimony received after this time will be stamped late and left to the discretion of the chair to consider. While every effort will be made to incorporate all testimony received, materials received on the day of the hearing or improperly identified or directed, may not be processed.

Testimony submitted will be placed on the legislative website. This public posting of testimony on the website should be considered when including personal information in your testimony.

The chair may institute a per-testifier time limit.

Committees meeting in the morning must adjourn prior to the day's Floor Session. Therefore, due to time constraints, not all testifiers may be provided an opportunity to offer verbal comments. However, written submissions will be considered by the committee.

Please refrain from profanity or uncivil behavior. Violations may result in ejection from the hearing without the ability to rejoin.

For remote testifiers, the House will not be responsible for bad connections on the testifier's end.

For general help navigating the committee hearing process, please contact the Public Access Room at (808) 587-0478 or par@capitol.hawaii.gov.

The livestream and/or cable TV broadcast of this meeting will include closed captioning. If you need an auxiliary aid/service or other accommodation (including oral, written, or ASL interpretive services) or are unable to submit testimony via the website due to a disability, please contact the committee clerk at (808) 586-9453. Requests made as early as possible have a greater likelihood of being fulfilled.

Click [here](#) for a complete list of House Guidelines for remote testimony.

FOR AMENDED NOTICES: Measures that have been deleted are stricken through and measures that have been added are bolded.

For more information, please contact the Committee Clerk at (808) 586-9453.

Rep. Lisa Marten
Chair



OFFICE OF HAWAIIAN AFFAIRS

TESTIMONY IN SUPPORT OF HOUSE BILL 1690

RELATING TO YOUTH PENALTIES

Ke Kōmike Hale o ka Lawelawe Kānaka a me ka Pilikia Ho'okuewa

Hawai'i State Capitol

Pepeluali 12, 2026

10:30 AM

Lumi 329

Aloha e Chair Marten, Vice Chair Olds, a me Members of Ke Kōmike Hale o ka Lawelawe Kānaka a me ka Pilikia Ho'okuewa:

The Office of Hawaiian Affairs (OHA) offers **COMMENTS on HB1690**. OHA recognizes and respects the urgency expressed by the introducer and community members regarding late-night safety concerns and the need to respond to conditions affecting youth and neighborhoods, and we share the goal of improving community safety and youth well-being.

Research in Hawai'i has consistently shown that Native Hawaiian youth are disproportionately represented at multiple stages of the juvenile legal system.¹ Prior OHA and Native Hawaiian Justice Task Force findings recognize that justice-system involvement often begins in youth and can function as an early pipeline into deeper system contact later in life.² Policies that add fines and penalties to youth cases can compound this harm without improving accountability or public safety.

OHA is concerned that HB1690 shifts the penalty structure for curfew violations from a civil fine assessed to parents or guardians to a misdemeanor offense applied to the juvenile. This change creates an additional entry point into the juvenile legal system and increases the risk of deeper system involvement over time. Research and policy experience indicate that formal court involvement for low-level youth offenses can increase, rather than decrease, the likelihood of continued justice-system contact. Approaches centered on restoration, supervision, and community-based accountability generally produce stronger long-term outcomes than approaches grounded primarily in criminalization.

OHA also notes concern that the bill's listed exemptions may be too narrow to reflect the realities of youth life and family responsibility, including cultural practices, caregiving duties, informal work, and other legitimate nighttime activities. This concern becomes more significant if the curfew age is expanded from sixteen to eighteen. Older teens are more

¹ Office of Hawaiian Affairs, *The Disparate Impact of Native Hawaiians in the Criminal Justice System* (2010), available at http://www.oha.org/wp-content/uploads/2014/12/ir_final_web_rev.pdf

² 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

likely to be engaged in extracurriculars and responsibilities during evening hours, so broader exemptions and retention of the current statutory age limit of sixteen would better reduce unintended youth criminalization.

Last session, OHA supported a related measure that has been amended this year to replace youth penalties with ‘āina-based community service and restorative approaches (HB1626/SB2540), and OHA continues to support this model. Evidence from other jurisdictions suggests these approaches can promote accountability and behavior change while avoiding unnecessary escalation into the court system. OHA respectfully suggests that, if the Legislature proceeds with curfew reform, enforcement mechanisms be aligned with restorative, diversion-first, and culturally grounded approaches rather than misdemeanor prosecution of youth.

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

HB-1690

Submitted on: 2/11/2026 9:23:23 AM

Testimony for HSH on 2/12/2026 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jacob Wiencek	Individual	Oppose	Written Testimony Only

Comments:

Aloha Committee Members,

Hawaii has become a nanny state. While seemingly well intentioned, bills like these are just used to unjustly jam up. We're reducing the space for young people to enjoy growing up and exploring themselves. Worse, we are furthering a suffocating culture of risk aversion for young people when we should be allowing them to take risks and to grow up. Government enforced curfews are ineffective and socially counterproductive.

I urge the committee to **REJECT** this bill!