



TESTIMONY IN SUPPORT OF SENATE BILL 2108 SD1
RELATING TO JURISDICTION

Ke Kōmike ‘Aha Kenekoa o ka Ho‘okolokolo
(Senate Committee on Judiciary)
Hawai‘i State Capitol

Pepeluali 27, 2026

10:30 AM

Room 016

Dear Chair Rhoads, Vice Chair Gabbard, a me Members of Ke Kōmike ‘Aha Kenekoa o ka Ho‘okolokolo:

The Office of Hawaiian Affairs (OHA) **SUPPORTS SB2108 SD1** which amends the factors family courts must consider when determining whether to waive jurisdiction over a minor for criminal proceedings, preserves family court jurisdiction over subsequent acts, and requires courts to retain jurisdiction when clear and convincing evidence shows the minor was trafficked, sexually abused, or raped by the alleged victim in the case.

Research examining youth prosecuted as adults shows that many enter the justice system with significant trauma histories, including prior emotional, physical, or sexual abuse, and that a substantial subset were victims of exploitation or trafficking.¹ At the same time, Hawai‘i-focused research highlights that justice-involved youth experience elevated behavioral health risks, such as substance use and suicidality, while receiving limited services across the continuum of care, particularly for youth from historically marginalized communities.² These findings collectively support the need for this bill, which ensures that family courts explicitly consider trauma, coercion, and child welfare involvement when making jurisdictional decisions, and prevents the transfer of youth whose alleged offenses are rooted in abuse or exploitation into the adult criminal justice system.

Native Hawaiian youth are disproportionately represented in both the juvenile justice and child welfare systems, which contributes to Native Hawaiians’ overrepresentation in the adult criminal justice system. Prior OHA research has found that Native Hawaiian youth are more likely to be arrested across offense categories and more

¹ 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>

² Tai-An Miao, Earl S. Hishinuma & Karen N. Umemoto, *Implications for a System of Care in Hawai‘i for Youth Involved in the Justice System and Substance Use*, *Haw. J. Health & Soc. Welf.* 81(12 Supp. 3) 27–36 (Dec. 2022), available at <https://pmc.ncbi.nlm.nih.gov/articles/PMC9783811/>

likely to experience early and repeated system involvement.³ Contact with the justice system often begins in childhood, frequently following exposure to adverse childhood experiences, family disruption, or foster care involvement.

This measure appropriately strengthens family court discretion by explicitly requiring courts to consider a minor's exposure to childhood trauma, involvement in the child welfare system, and status as a victim of trafficking or sexual abuse. Importantly, the bill also ensures that a minor is not transferred into the adult system when the alleged victim exerted abuse or coercion over the minor before or during the commission of the offense. These safeguards recognize that youth who commit offenses under conditions of exploitation or abuse are fundamentally different from adult offenders and are more likely to benefit from rehabilitative, trauma-informed interventions available through the family court.

By preserving family court jurisdiction and limiting unnecessary transfers to adult criminal court, this bill helps mitigate the long-term harms associated with prosecuting youth as adults. These harms include increased recidivism, poorer health outcomes, and diminished opportunities for rehabilitation. This approach aligns with evidence-based practices that prioritize accountability while recognizing youth development, diminished culpability, and the potential for growth and reform. For these reasons, the Office of Hawaiian Affairs respectfully urges this Committee to **PASS SB2108 SD1**.

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

³ Office of Hawaiian Affairs, *The Disparate Treatment of Native Hawaiians in the Criminal Justice System* 10 (2010), available at http://www.oha.org/wp-content/uploads/2014/12/ir_final_web_rev.pdf



TESTIMONY IN SUPPORT OF SB 2108 BEFORE THE HAWAII SENATE JUDICIARY COMMITTEE

Hearing Date: February 27, 2026

Dear Chair Rhoads and Members of the Committee:

Human Rights for Kids respectfully submits this testimony for the official record to express our full support for SB 2108 and to urge the committee to pass this important measure. We are grateful to Senator Gabbard for his leadership in introducing this bill and appreciate the Hawaii Legislature's willingness to address this important human rights issue concerning the treatment of Hawaii's children in the criminal justice system.

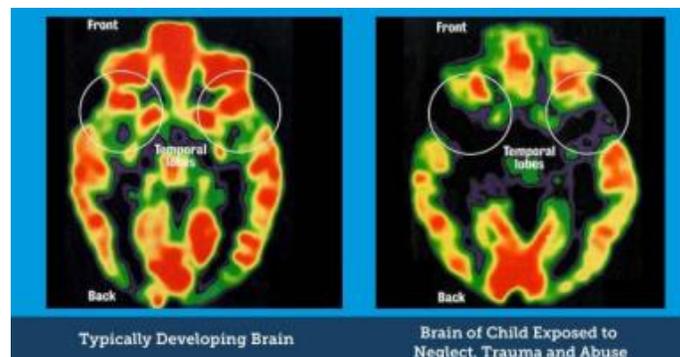
Human Rights for Kids is a Washington, D.C.-based non-profit organization dedicated to the promotion and protection of the human rights of children. We use an integrated, multi-faceted approach which consists of research & public education, coalition building & grassroots mobilization, and policy advocacy & 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.

Human Rights for Kids supports SB 2108 because it will ensure that a child's full experience is considered by a court before their case can be waived to adult criminal court. The practice of disregarding child status and sending children to adult criminal court is a human rights abuse. SB 2108 would mandate the court to consider a child's exposure to adverse childhood experiences, childhood trauma, involvement in the child welfare or foster care systems, and status as a victim of human trafficking, sexual abuse, or rape or whether the child has any diagnosable mental, emotional, or physical disability that would be best treated through the family court. SB 2108 would further remove a provision that mandates once a child is waived to adult court that any subsequent court involvement must also be waived to adult court. Finally, SB 2108 mandates that if a court finds a child to be a victim of trafficking, sexual abuse or rape by the alleged victim in the case prior to the commission of the offense, that the case must remain in juvenile court ensuring that the lived experience of the child is considered when making such an important jurisdictional decision.

In addition to these provisions, we would also encourage the committee to adopt an amendment to this measure to ensure that only children 14 years of age or older may be waived into adult court. HRS §571-22 (d) has no minimum age requirement for a child to be waived into adult court, meaning that 12- and 13-year-old children could be subject to waiver and prosecution as adults. To put this into context, these are elementary and middle school aged children. Several other states have set a minimum age of 14 years old before a child may be prosecuted as an adult, even for the most serious offenses. These include Utah, New Mexico, North Dakota, Nebraska, Kansas, Minnesota, Arkansas, Louisiana, Michigan, Kentucky, Alabama, South Carolina, Virginia, New Jersey and Massachusetts. Additionally, Connecticut, California and Oregon have all set 15 years of age as the minimum. We would urge the committee to add the necessary language to §571-22 (d) establishing that a child must be 14 years of age or older before waiver into adult court.

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. Policies that prohibit courts from holding full hearings that consider all the relevant factors and permit children to be charged as adults ignore this truism and divest juvenile court judges – who are trained in child development – from making a decision of what is in the best interest of the child and society. Because most of the children accused of crimes have been victims themselves, automatic or de facto automatic adult charging policies ignore and disregard both the victim and child status of these offenders. That is not to say that in appropriate cases public safety considerations may require the court to waive juvenile court jurisdiction, but that that decision rightfully should rest with juvenile court judges. These judges are in the best position to weigh a child’s trauma history with their potential for rehabilitation if kept within the juvenile system.

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 reasons that children should also not be automatically subject to criminal court jurisdiction. In every aspect of our society, we require individuals who work with or make decisions about our children to be specially trained in child development, i.e. teachers, day care workers, pediatricians, nurses, etc. However, in Hawaii currently, children are not always entitled to a full child status hearing before their case is waived to adult court. Divesting juvenile court judges of this decision-making authority is counter to how we treat children in every other aspect of our society. Like pediatricians and teachers in health care and learning settings, we should bestow decision making authority over our children in the legal system with juvenile court judges who have been trained specifically on child development.

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.” Further, in 2019, the Committee on the Rights of the Child, which monitors the implementation of the CRC, issued General Comment No. 24 finding that 14 years old is the most common minimum age of criminal responsibility internationally, and urging nations to set their minimum age of criminal responsibility to at least 14-years-old. The need to treat children differently from adults is at the core of these human rights protections and amending §571-22 (d) to ensure children under 14 years of age cannot be waived into adult court would bring Hawaii closer into alignment with international standards and the growing trend in the United States. Treating children as adults, regardless of the crime they are accused of, without due consideration of their age and examination of all the contributing factors is a human rights abuse.

Accordingly, we strongly urge this committee to vote favorably upon SB 2108 with the proposed amendment to ensure courts fully consider all the factors of a child’s experience before their case can be waived to adult court 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
tkominos@humanrightsforkids.org

LATE

SB-2108-SD-1

Submitted on: 2/26/2026 12:40:01 PM

Testimony for JDC on 2/27/2026 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jarrett Harper	Testifying for Better-Days.org	Support	Written Testimony Only

Comments:

Testimony of Jarrett Harper

In support of SB 2108

2/26/26

I am grateful for the effort and work it takes each of you to examine laws and recommend reforms. My name is Jarrett Harper; I am a passionate advocate for criminal justice reform, working for positive change in the foster care system, ending life sentences for children, implementing trauma-informed practices, and creating better rehabilitative resources for children returning to society after incarceration. Your time is valuable, and I am encouraged by the invitation to share my personal experience with multiple systems, mainly the California sentencing laws, and express the severe need for SB2108.

I was released on June 18th, 2019, after serving 20 years in Lancaster State Prison, just outside Los Angeles. At the age of 16, I committed crimes with an adult codefendant. I regrettably took the life of my abuser, was found guilty of murder, and received a life sentence in prison without the possibility of parole +10 years. At the age of 17, I faced a murder trial without the support of anyone but the court-assigned public defender.

Caught in the foster care system since infancy, my choices never felt like my own, so much as they felt like functions of survival. From ages 7 to 13, my neighbor sexually abused my brother and me, and I had grown to trust him. To protect myself and my younger brother, I also took the life of my abuser.

I've learned that when we encounter troubling circumstances, we are faced with two options - fall victim or rise above them. In my case, the latter was made possible by the former. In the years of serving my punishment, I developed the ability to influence other incarcerated citizens to create positive change that stems from painful circumstances. Despite having no idea of when I would be released from prison, I found forgiveness within myself and made it my mission to transform my life by helping and supporting other men to do the same. In 2012, when the United

States Supreme Court held in *Miller v. Alabama*, the mandatory death sentence for children was unconstitutional. In addition to California legislation, Senate Bill 9 and SB394 gave me my first glimpse of real hope.

On August 17, 2011, after 20 years in prison, with the support of other advocates, including Bryan Stevenson, John Legend, Ty Stiklorius, Elizabeth Calving of Human Rights Watch, Scott Budnick, and countless others, my life's sentence was commuted by Governor Jerry Brown and later released by Governor Gavin Newsom, my life story illustrates the fundamental faults in the criminal justice system as well as the foster care system while exposing the urgent need for change.

Today I am 43 years old and a new father. My mission is to continue to work for change within each system that disproportionately traumatized me while influencing those still impacted by harsh sentences to rehabilitate and transform to be considered safe and worthy to walk with us in society again. A judicial determination that a child be transferred to the adult legal system after responding to sexual abuse further re-traumatizes a child. As an abused foster child, I was told that I must die in prison with a life sentence without the possibility of parole. This told me that my abuser was justified and my life had no value. A stranger, a woman who was appointed to represent me as my public defender, opening statement and closing arguments, was "my client is dumb" to then be told by a Los Angeles Superior court judge, "I was irredeemable and that I would never walk amongst society again. That I was to die in prison." It hurt to be disconnected from my humanity and dignity as a child - I felt no hope or value and was wholly erased from the community and the world. I was a child forced to experience life as an adult in a max-security prison. Science shows that a child's brain is underdeveloped; therefore, children cannot assess risks and consequences. At an age susceptible to peer pressure, I was faced with daily traumas and was stripped of positive growth and change. California has empowered a system that strips away circumstances, backgrounds, and futures, all in exchange for a false promise of safety.

I was first groomed by my abuser and then by prison, and while society assumes prison hardened me, it did not. I was befriended and protected by older men serving LWOP, whom I reminded of their children. My teachers were other men serving life sentences who encouraged me to spend time in the library and join programs that promoted healing and spiritual wellness. I was offered many employment positions, earning 8 cents an hour. I developed the skill of saving money to purchase items needed to remain healthy, like toothpicks and toothpaste, rather than buying candy due to the institution's lack of dental and health care. I worked on myself and read numerous books to grow. I grew to value others, leading me to my most intentional position, creating "Men for Honor," a program I taught and encouraged fellow men to transform their hearts and minds. I advocated for care, accountability, healing, change, and mercy. I hope to share my personal experience to raise awareness and encourage treating children with care first. I am advocating for precisely why each of you is here today: a closer look at innovative, safe policy changes in our state that prevent children from being re-traumatized by our legal system. I always thought my life would be a living amends if I had another chance. I now know what it feels like to give back after being shown mercy. My life experience with Life Without the Possibility of Parole as a child in an adult setting left me feeling hopeless, as though my community and the rest of the world saw no value in me. Life without the possibility of parole attempted to strip me of my humanity. This was made possible because I was transferred to adult

court. This prevents a path of growth and change for most children. It also limits proper accountability and healing for survivors.

I urge you all to consider children's past trauma and ability to change and grow from the worst acts of our lives. I am proof that we are capable and more than our worst acts. After experiencing a life of trauma and pain, the suffering is unlike any other. Because of my experiences, I can see through the lens of reflection. I hope the reflection lens will give you all the clarity needed to pass SB2108. Thank you for your time and consideration.

Sincerely,

Jarrett N. Harper

SB-2108-SD-1

Submitted on: 2/24/2026 12:46:56 AM

Testimony for JDC on 2/27/2026 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Johnnie-Mae L. Perry	Individual	Support	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry, Support

2108 SB RELATING TO JURISDICTION.

AS A U. S. CITIZEN MINOR WILL BE PROTECTED UNDER U. S. LAWS IN COUNTRIES
OUTSIDE OF THE U. S. A. JURISDICTION.

To: Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Committee on Judiciary

From: Veronica Moore, Individual Citizen

Date: February 25, 2026

RE: Senate Bill 2108 SD1
Measure Title: RELATING TO JURISDICTION.
Report Title: Family Court; Jurisdiction; Criminal Offenses; Minor Defendants;
Abuse; Trauma

To All Concerned,

My name is Veronica Moore and I support Senate Bill 2108 SD1. Thank you for your consideration.

Sincerely,

Veronica M. Moore