



LATE

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

Testimony to the Thirty-Third Legislature, 2026 Regular Session

Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

Friday, February 13, 2026 at 9:00 a.m.
State Capitol, Conference Room 016 & Videoconference

By

Jennifer Awong
Staff Attorney, Circuit Court of the First Circuit

Bill No. and Title: Senate Bill No. 2325, 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.

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.

While both the Model Penal Code and the American Bar Association support “second-look sentencing” similar to this measure, the State of Hawai‘i currently has a “true” indeterminate sentencing scheme for felony offenses. Due to this sentencing scheme, there are significant limitations on judicial discretion and these structural issues would preclude the ability of the court to “reduce” a sentence in the instances contemplated by this measure. In order 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 determinate or scaled 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.



Senate Bill No. 2325, Relating to Juvenile Offenders
Senate Committee on Judiciary
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The Judiciary is open to work with the Legislature and the pertinent criminal justice system stakeholders during the interim.

Thank you for the opportunity to testify on this legislation.



OFFICE OF HAWAIIAN AFFAIRS

TESTIMONY IN SUPPORT OF SENATE BILL 2325

RELATING TO JUVENILE OFFENDERS

Ke Kōmike 'Aha Kenekoa o ka Ho'okolokolo

Hawai'i State Capitol

Pepeluali 13, 2026

9:00 AM

Lumi 016

Aloha e Chair Rhoads, Vice Chair Gabbard, a me Members of Ke Kōmike 'Aha Kenekoa o ka Ho'okolokolo:

The Office of Hawaiian Affairs (OHA) **SUPPORTS SB2325**, 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 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. SB2325 appropriately reflects these principles by allowing individualized, case-by-case review rather than automatic sentence reduction.

The measure sets careful guardrails: it requires at least fifteen years served, a full court hearing, victim input, prosecutorial recommendation, correctional records, risk and rehabilitation evidence, and a specific judicial finding of public safety. It also provides for supervised release and limits repeated filings. Together, these provisions ensure that sentence modification remains discretionary, structured, and safety centered.

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

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>

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>

and long sentences.³ A second-look sentencing mechanism allows courts to recognize demonstrated maturity, rehabilitation, and readiness for reintegration where appropriate.

SB2325 promotes accountability and public safety while also recognizing growth and change over time. Providing a meaningful opportunity for review encourages participation in education, treatment, and rehabilitative programming and supports more successful reentry outcomes.

For these reasons, the Office of Hawaiian Affairs respectfully urges this Committee to **PASS SB2325**. Mahalo nui for the opportunity to provide testimony on this important measure.

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

JON N. IKENAGA
PUBLIC DEFENDER

DEFENDER COUNCIL
1130 NORTH NIMITZ HIGHWAY
SUITE A-254
HONOLULU, HAWAII 96817

HONOLULU OFFICE
1130 NORTH NIMITZ HIGHWAY
SUITE A-254
HONOLULU, HAWAII 96817

APPELLATE DIVISION
TEL. NO. (808) 586-2080

DISTRICT COURT DIVISION
TEL. NO. (808) 586-2100

FAMILY COURT DIVISION
TEL. NO. (808) 586-2300

FELONY DIVISION
TEL. NO. (808) 586-2200

FACSIMILE
(808) 586-2222



STATE OF HAWAII
OFFICE OF THE PUBLIC DEFENDER

HAYLEY Y. C. CHENG
ASSISTANT PUBLIC DEFENDER

HILO OFFICE
275 PONAHAHAWAI STREET
SUITE 201
HILO, HAWAII 96720
TEL. NO. (808) 974-4571
FAX NO. (808) 974-4574

KONA OFFICE
75-1000 HENRY STREET
SUITE #209
KAILUA-KONA HI 96740
TEL. NO. (808) 327-4650
FAX NO. (808) 327-4651

KAUAI OFFICE
3060 EIWA STREET
SUITE 206
LIHUE, HAWAII 96766
TEL. NO. (808) 241-7128
FAX NO. (808) 274-3422

MAUI OFFICE
81 N. MARKET STREET
WAILUKU, HAWAII 96793
TEL. NO. (808) 984-5018
FAX NO. (808) 984-5022

February 13, 2026

**Testimony of the Office of the Public Defender,
State of Hawaii to the Senate Committee on Judiciary**

S.B. 2325: RELATING TO JUVENILE OFFENDERS

Chair Rhoads, Vice-Chair Gabbard, and Members of the Committee:

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

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 access to educational 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 is 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 this measure, we strongly support S.B. No 2325.

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



Committee: Senate Committee on Judiciary
Hearing Date/Time: Friday, February 13, 2026, at 9:00 AM
Place: Conference Room 016 & Via Videoconference
Re: **Testimony of the ACLU of Hawai'i in SUPPORT of SB 2325 Relating to Juvenile Offenders**

Dear Chair Rhoads, Vice-Chair Gabbard, and Committee Members:

The American Civil Liberties Union of Hawai'i ("ACLU-HI") writes in **support of SB2325**, 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

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, 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



TESTIMONY IN SUPPORT OF SB 2325 BEFORE THE HAWAII SENATE JUDICIARY COMMITTEE

Hearing Date: February 13, 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 2325 and to urge the committee to pass this important measure. We are grateful for the opportunity to submit testimony 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.

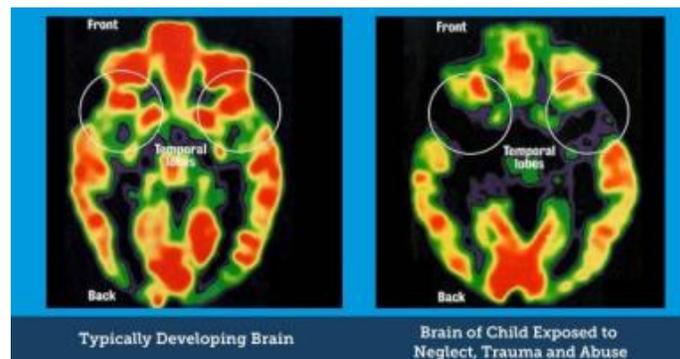
SB 2325 would create a mechanism for judicial sentencing review after a person has served 15 years of incarceration for a crime that was committed when they were under 18 years of age, affording those who qualify with a meaningful opportunity for release as defined in a series of Supreme Court decisions 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

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.

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

³ *Roper*, 543 U.S. at 569.

⁴ *Id.* at 569-571.

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.

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

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).

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
tkominos@humanrightsforkids.org

⁸ Human Rights for Kids 2024 State Rating Report at <https://humanrightsforkids.org/wp-content/uploads/State-Ratings-Report-2024-1.pdf>

Jose Burgos, Policy Advocate
Campaign for the Fair Sentencing of Youth
jburgos@cfsy.org



The **CAMPAIGN** for the
FAIR SENTENCING
of **YOUTH**

RE: Testimony in Support of Hawaii SB 2325

Dear Chair Rhoads, Vice Chair Gabbard, and Members of the Committee,

Thank you for the opportunity to testify today in strong support of SB 2325.

My name is Jose M. Burgos. I serve as Policy Advocate with the Campaign for the Fair Sentencing of Youth (CFSY), where we work across the country to end extreme sentencing practices for children and ensure meaningful opportunities for review.

I come before you not only as an advocate, but as someone who lived this reality. I was sentenced to life in prison as a child in the State of Michigan and served 27 years before being released. I know firsthand what it means to enter prison as a teenager still developing, still capable of change and I know the power of hope, rehabilitation, and redemption.

SB 2325 reflects what research, common sense, and lived experience have shown 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 dedicated my life to this work. I have served as a Reentry Specialist with the Michigan State Appellate Defender Office, mentored returning citizens, worked on legislative reforms, and advocated for the abolition of juvenile life without parole. I am also a member of CFSY's Incarcerated Children's Advocacy Network (ICAN.) ICAN is a national network of formerly incarcerated youth who are now leaders in reform.

ICAN provides mentorship, peer support, advocacy training, and a powerful community of individuals who understand the challenges of reentry after long-term incarceration. For youthful offenders receiving review and possible release under legislation like SB 2325, connection to a network like ICAN can be transformative. No one should have to navigate reentry alone. Through mentorship, shared lived experience, and leadership development, we help individuals move from surviving incarceration to becoming contributing members of their communities.

SB 2325 is not about excusing harm. It is about recognizing human development, accountability, and the capacity for change. It is about aligning sentencing practices with science, fairness, and hope.

I respectfully urge you to pass SB 2325 and affirm that, in Hawaii, children are never defined solely by their worst mistake

Thank you for your time and consideration.



The **CAMPAIGN** for the
FAIR SENTENCING
of **YOUTH**

Bill: Senate Bill 2325
Title: Sentencing; Juvenile Offenders; Sentence Modification; Interest of Justice
Date: February 12, 2026
Position: SUPPORT
Committee: Committee on Judiciary
Contact: Nikola Nable-Juris, Campaign for the Fair Sentencing of Youth

Chair Rhoads, Vice Chair Gabbard, and members of the Committee on Judiciary:

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

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).

LATE

SB-2325

Submitted on: 2/13/2026 7:08:33 AM

Testimony for JDC on 2/13/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lorenn Walker	Testifying for Hawai'i Friends of Restorative Justice	Support	Written Testimony Only

Comments:

[Hawai'i Friends of Restorative Justice HFRJ](#) supports this bill to give courts discretion to modify the sentences of certain youth who were tried as adults.

SB 2325 reflects well-established developmental science and the clear direction of the [United States Supreme Court that children are constitutionally different](#) from adults for sentencing purposes.

Research consistently shows that offending [peaks in adolescence and declines sharply in early adulthood](#), and that young people have a far greater capacity for growth and rehabilitation than mature adults. Many youth stop offending as they mature.

HFRJ knows from decades of working with youth and adults involved in the criminal legal system, and from my own experience as a juvenile who was incarcerated and involved in crime, that the maturation process changes people. I was incarcerated briefly at age 16 and soon after fully desisted from crime. Youth sentenced as adults need and deserve the opportunity for a meaningful ["second look."](#)

The Judiciary is correct that meaningful second-look review requires structural reform because Hawai'i's indeterminate sentencing laws can limit judicial discretion. The Legislature should modernize our sentencing framework so courts can truly evaluate rehabilitation and reduce sentences when justice and public safety warrant it.

Mahalo for the opportunity to submit this testimony. Please contact me at lorenn@hawaiiifriends.org if you need additional information regarding our support for this bill.

Lorenn Walker, JD, MPH
Director, Hawai'i Friends of Restorative Justice