



Testimony to the Twenty-Fourth State Legislature, 2008 Session
House Committee on Human Services & Housing
The Honorable Maile S. L. Shimabukuro, Chair
The Honorable Karl Rhoads, Vice Chair

Thursday, January 31, 2008, 8:40 a.m.
State Capitol, Conference Room 329

by
Frances Q.F. Wong
Senior Judge / Deputy Chief Judge
Family Court, First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 3363, Relating to Juvenile Court Records.

Purpose: Provides for limited disclosure of confidential Family Court juvenile information to school officials under certain circumstances.

Judiciary's Position:

The Judiciary takes no position on the substance of this measure.

However, this bill may be overly broad and contrary to the intent of HRS Chapter 571 relating to the Family Court. Further, this bill may thwart rehabilitation efforts, which, in the long term, will compromise community strength and safety.

In addition, the Judiciary respectfully proposes the following amendments:

1. (Pages 6-7) Enlarge the time for notification from 7 days of the filing of the petition, to 7 weeks from the filing. We would not have the required information available at the time of the filing of the petition.
2. Mandate the presence of the school official at every hearing for every noticed child so that: a) the official will have more direct information; and b) the Family Court and/or the Office of Youth Services will have the benefit of the official's school information and expertise in developing appropriate sanctions and disposition.



House Bill No. 3363, Relating to Juvenile Court Records
House Committee on Human Services & Housing
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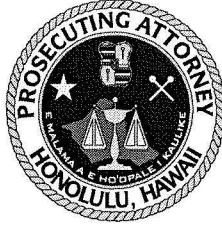
3. (Page 8) Regarding the language in the new subsection (g), while we understand the need to protect public officials from liability, perhaps there should be an exception for negligence and/or gross negligence, and/or for intentional acts that cause release of this confidential juvenile information.

Thank you for the opportunity to comment on this measure.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET, HONOLULU, HAWAII 96813
AREA CODE 808 • 527-6516

PETER B. CARLISLE
PROSECUTING ATTORNEY



DOUGLAS S. CHIN
FIRST DEPUTY
PROSECUTING ATTORNEY

THE HONORABLE MAILE SHIMABUKURO, CHAIR
HOUSE HUMAN SERVICES AND HOUSING COMMITTEE
Twenty-fourth State Legislature
Regular Session of 2008
State of Hawaii

January 31, 2008

RE: H.B. 3363; RELATING TO JUVENILE COURT RECORDS.

Chair Shimabukuro and members of the House Human Services and Housing Committee, the Department of the Prosecuting Attorney submits the following testimony in support of the intent House Bill 3363.

The purpose of this bill is to permit limited access to juvenile records in order to provide school officials with information that has a significant impact on the health and welfare of students and school personnel. H.B. 3363 provides that family court provide a notice to school officials informing them of the filing of a petition against a minor enrolled in the school when the petition involves conduct which would constitute an offense under parts II, III, IV or V of chapter 707 and part IV of chapter 712.

The intent of this bill is not intended to further punish the juvenile, but to make school officials aware of juveniles who may need special attention, guidance or programs and to assist school officials in providing the appropriate attention, guidance or programs. In addition, if the juvenile has been acting out in a manner that may pose a danger to other students or to the faculty, school officials should be made aware of this in order to adequately protect others. We believe this bill recognizes that the juvenile's right to confidentiality in these records must be balanced against the provision of information to those who can provide support and assistance to the juvenile and who have a duty to provide a safe and secure school environment for all students.

For these reasons, we support the intent of H.B. 3363 and thank you for this opportunity to testify.

-----Original Message-----

From: EArakaki [mailto:arakakie003@hawaii.rr.com]

Sent: Tuesday, January 29, 2008 4:17 PM

To: HSHtestimony

Subject: HB-3363 In support of

HB-3363

TESTIMONY IN SUPPORT OF HB-3363

FROM: EARL ARAKAKI, 91-030 AMIO STREET, EWA BEACH, HI., 96706.
Home Phone: 689-3400

I support House Bill 3363. Any juvenile capable of committing cold calculating heinous crimes should be tried as an adult. And, if found guilty of such crimes should face adult penalties.

Accused juveniles tried in adult court will be afforded all legal protections and rights provided every citizen. Presently, there is too much emphasis on protecting the accused at the detriment of law abiding citizens.

Although a new law will not impact on the Ertell murder/rape case it is governments utmost responsibility to protect its citizens first.

Therefore I ask this committee to pass House Bill 3363.

Mahalo,

/s/ Earl Arakaki
91-030 Amio Street
Ewa Beach, HI, 96706

-----Original Message-----

From: EArakaki [mailto:arakakie003@hawaii.rr.com]
Sent: Tuesday, January 29, 2008 4:56 PM
To: HSHtestimony
Subject: HB 3363 Testimony in support of

HB-3363

TESTIMONY IN SUPPORT OF HB-3363

FROM: MARGE AKANA, 91-037 AMIO STREET, EWA BEACH, 96706
Home Phone 689-5355

I HEREBY SUPPORT HOUSE BILL 3363.

No community should experience the cold blooded murder of a good neighbor and have to worry about the accused returning to terrorize the community within four years.

That is what my neighbors and I are experiencing. Not knowing where or how the law will protect us punishes good people. In order to prevent any neighborhood to have to wait in limbo for justice I ask that House Bill 3363 be passed.

Juveniles capable of committing cold calculating heinous crimes are no ordinary teenagers and need to be tried as an adults with adult penalties to protect the greater community.

I am not saying not give such people fair trials. By all means everyone should be considered innocent until proven guilty in all cases. However, accused juveniles such as in the Ertell case should not be protected in Family Court with minimal penalties but tried in Circuit Court.

It has always been my understanding that the purpose of government is to protect its citizens.

Therefore I ask this committee to pass House Bill 3363.

Mahalo,

/s/ Marge Akana
91-037 Amio Street
Ewa Beach, HI, 96706
Ph. 689-5355

-----Original Message-----

From: callahank001@hawaii.rr.com [mailto:callahank001@hawaii.rr.com]

Sent: Wednesday, January 30, 2008 2:22 PM

To: HSHtestimony

Cc: Rep. Kymberly Pine

Subject: Karen's Law

Dear Committee,

My name is Kevin Callahan. I am the longtime boyfriend/partner of Karen Ertell. I knew Karen for over 15 years, and was her steady boyfriend for four and one half years prior to her death. We spoke everyday and were as close as two people can be. Karen called on every incident where the suspect who killed her had broken into her home approximately 5 times prior to killing her. On all these occasions she called me to talk about it and I would urge her to call the Police. Karen was a very caring and understanding person, and always tried to take care of this problem with the suspects parents. She always offered an alternative to the Police, and offered to let this suspect do yard work etc.... to work off the stuff he had stolen from her. On these many occasions she spoke to his parents and I, it was revealed that they had not seen him in 2 to 3 weeks on several occasions, and that he had not been at school in the last year! After many request to the Police, they never did anything, said they did not have any evidence. Finally the suspect stole her truck and \$400.00 from her house. She finally convinced a Detective to press charges. The suspect was subpoenaed at the same time as Karen, and allegedly planned her murder so she could not testify against him. Once arrested, it was determined that the suspect had 12 Felony charges pending against him, but had never been to court for these offenses. His parents had no control over him, never looked for him. One version is that the child had a restraining order against his father.

Had his Principal known this information, it is quite possible that he could have been tracked better and got the correct counseling/treatment....and Karen may be alive today. Thank you for your time.

Sincerely, Kevin P. Callahan

From: Cheri Michel [mailto:cherimichel@earthlink.net]
Sent: Wednesday, January 30, 2008 2:59 PM
To: HSHtestimony
Cc: Rep. Kymberly Pine
Subject: Fwd: HB 3363 - Relating to Juvenile Court Records; Information Sharing with School Personnel - TO BE HEARD THURSDAY, JANUARY 31st

I strongly support HB3363.

Cheri Michel Brazwell
91-435 Pupu Street
Ewa Beach, HI 96706
808-689-7282
cherimichel@earthlink.net

Begin forwarded message:

From: "pine1-Rebecca" <pine1@capitol.hawaii.gov>
Date: January 30, 2008 2:48:34 PM HST
To: "pine1-Rebecca" <pine1@capitol.hawaii.gov>
Subject: FW: HB 3363 - Relating to Juvenile Court Records; Information Sharing with School Personnel - TO BE HEARD THURSDAY, JANUARY 31st

Representative Pine is asking for your help. She asks that everyone in her District get involved by submitting e-mail testimony in support of "Karen's Law" – Please read below for details on how to submit your testimony via e-mail. All you have to do is say that you support HB3363.

MAHALO!

Aloha "Karen's Law Coalition:"

IMPORTANT: ALL TESTIMONY FOR HB 3363 MUST BE E-MAILED TO COMMITTEE TODAY!

**PLEASE NOTE THAT HB 3363 RELATES TO 'Sharing
Information with Schools'**

THIS BILL IS PART OF THE KAREN'S LAW PACKAGE

PLEASE E-MAIL

TO: HSHtestimony@Capitol.hawaii.gov TODAY!!!!

PLEASE CC REP

PINE: REPPINE@CAPITOL.HAWAII.GOV

"Karen's Law" is being well received and is gaining support but we need your help. We need as many people possible to **call on ALL the members of the committees that will hear the bills as well as SHOW UP IN STRONG NUMBERS to testify in support of each bill.**

It is crucial that this happen – **Rep. Pine cannot stress this enough.** If that doesn't happen – the bills have very little chance for survival. We realize that this poses a hardship on working people and it is very difficult to add "one more thing into someone's already busy schedule." However, this kind of support is imperative in order to achieve any degree of success for **Karen's Law.**

Please find below, a list of the bills and their current status. I have also listed the committees that the bills have been assigned to, as well as a link that gives comprehensive information for each committee including the chairs and members, e-mail addresses for each, and the room and days of the week that the committee meets. Send e-mail testimony to the Committee e-mail addresses listed below.

Ideally, you would bring some sort of collateral- i.e. flyers, stickers, etc. as a "leave-behind" for each member. Of course **LOTS of pink T-shirts with Karen's picture, is an all important element so that TV/print cameras have something to put on the air.**

Finally, we don't know when the bills will be heard, but the rule is 48 hrs. notice in advance. However, sometimes it can be as little as 24 hrs. I will do an e-mail blast to alert everyone including the media, as soon as we know the hearing dates. Continue to watch your e-mail for updates.

Bill reference information follows:

HB 3362 - "KAREN'S LAW"(Crime) passed first reading and has been referred to the Committees on Human Services and Housing, and the Judiciary.

Human Services and Housing

Judiciary Committee

HB 3363 (Sharing Information with Schools) passed first reading and has been referred and passed out of the Committees on Human Services and Housing, and Education. It will be heard next in the Committee on Judiciary.

Judiciary Committee

HCR 57 (Immigration; information sharing; task force) passed first reading and has been referred to the Committees on Public Safety, the Judiciary and Finance.

Public Safety and Military Affairs

Judiciary Committee

Finance Committee

E-mail Testimony to Committee's as Follows and be sure to cc **Reppine@Capitol.hawaii.gov**

HSHtestimony@Capitol.hawaii.gov

PSMtestimony@Capitol.hawaii.gov

JUDtestimony@Capitol.hawaii.gov

FINtestimony@Capitol.hawaii.gov

On behalf of Representative Pine, we want to empower each person in **Karen's Law Coalition**. Please try to remember that if we have gotten this far, it would be a shame give up just before the win – this is what you have been fighting for, so please do your best – do it for yourselves and do it for Karen Ertell. She can't talk, but you can speak for her. She can't right an antiquated penal system that lets juvenile offenders such as the animal who killed Karen walk free, but you can make the first bit of difference and victimizes the victim as well as the family and friends of the victim. Quite frankly it is very unusual for all three bills to have gotten into committee. If you want to focus on one bill, please support the progress of the Crime Bill by e-mailing the committees it has been assigned to. Don't wait – start now with an e-mail blast every day.

If you have any questions, please call me or Rep. Pine. We are happy to help in any way that we can.

On behalf of Rep. Pine, John and Jame', many thanks for all your hard work on this and much aloha and blessings to each of you,

Rebecca

--

Rebecca D. Erickson
Lead Legislative Aide – Media Relations Liaison

Representative Kymberly Marcos Pine
Assistant Minority Leader
House of Representatives, 43rd District
O: 808-586-9730
F: 808-587-9738
E: reppine@Capitol.hawaii.gov

|

From: Mel McKeague [mailto:mel_mckeague@hotmail.com]
Sent: Wednesday, January 30, 2008 3:44 PM
To: HSHtestimony
Cc: Rep. Kymberly Pine
Subject: HB3363

As a lifelong resident of Ewa Beach, I urge our lawmakers to please pass House Bill HB 3363, commonly known as "Karen's Law".

There is an atmosphere of anarchy developing in our neighborhoods, as Juvenile Offenders are committing more and more serious crimes. More over, when they are protected by outdated laws.

In this case involving Karen Etrell, here's a lady that was terrorized by the juvenile involved. Her murder was the final act in a long history of terroristic behavior she's experienced from this same criminal. Even after his arrest, his friends carried on the behavior, threatening and assaulting potential witnesses in the case. The careful planning and purposeful intent in executing this murder by this supposed juvenile, fully supports the act as one committed by an adult, and should be adjudicated as such.

This is a common-sense law. It's a new day and time in our Hawaii society. Please support and pass HB 3363.

Mel McKeague
91-1111 Ahona St.
Ewa Beach, HI 96706
808-689-0272

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From: Rich Witek [mailto:alohawitek@hawaii.rr.com]
Sent: Wednesday, January 30, 2008 4:10 PM
To: HSHtestimony
Cc: Rep. Kymberly Pine
Subject: HB 3363

Committee on Human Services and Housing

Dear Committee Members:

I urge you to vote yes for HB 3363. It is a matter of life or death...if you don't think so, just ask the family members of Karen Ertell.

Respectfully,

Rich Witek
91-247 Lukini Pl
Ewa Beach

From: sdwhawaii@aol.com [mailto:sdwhawaii@aol.com]
Sent: Wednesday, January 30, 2008 4:59 PM
To: HSHtestimony
Cc: pine1@capitol.hawaii.gov>
Subject: Fwd: HB 3363 - Relating to Juvenile Court Records; Information Sharingwith School Personnel - TO BE HEARD THURSDAY, JANUARY 31st

Support Karen's Law. As a neighbor I found her untimely, tragic death
horrifying. Also that his school file was inches thick of insubordinations.
Yikes

Susan Watson

More new features than ever. Check out the new [AOL Mail!](#)

From: KORTIZ-TOM [mailto:KORTIZ-TOM@cfs-hawaii.org]
Sent: Wednesday, January 30, 2008 4:56 PM
To: HSHtestimony; PSMtestimony; JUDtestimony; FINtestimony
Cc: Rep. Kymberly Pine
Subject: Karen's Law

I am writing to you to show my support of **HB 3362** and **HB 3363**.

I am a long time Ewa Beach resident and a parent of a beautiful 12 year old girl. I was not only shocked, but I was also deeply affected by the horrible tragedy surrounding Karen's death. I'm a very protective parent and am always thinking about "what if" when it comes to my daughter's safety. Notifying the schools and surrounding community when there is a dangerous juvenile amongst our children would mean I wouldn't have to send my daughter to school blinded. We would be able to take the necessary precautions to ensure her safety by making her aware of what's close to her. I live a mile away from Ilima Intermediate school where my daughter attends and I have never allowed her to walk OR catch the bus home. I'm always there to drop her off and pick her up.

You must pass this bill. All it takes is one mistake. One incident. And our lives and the lives of our children would never be the same again. I mean, you can't prevent everything from happening. I'm a realist. But if you had an opportunity to do something to make people aware of trouble amongst their children therefore making life that much safer for our kids.....why wouldn't you? It's a no brainer. If they're capable of committing these horrific crimes, we deserve to know who they are. Help us....please.

Aloha,
Kevin and Kathy Ortiz-Tom
Ewa Beach Residents

From: shraderhome1977@aol.com [mailto:shraderhome1977@aol.com]
Sent: Wednesday, January 30, 2008 4:55 PM
To: HSHtestimony
Subject: Support

We support HB3363

More new features than ever. Check out the new [AOL Mail!](#)

From: Rob & LeAnn [mailto:hardwickr002@hawaii.rr.com]
Sent: Wednesday, January 30, 2008 5:28 PM
To: HSHtestimony
Cc: Rep. Kymberly Pine
Subject: HB 3363

Aloha!

Kindly add us to the list of people SUPPORTING HB 3363!

Mahalo!

Robert and LeAnn Hardwick
91-1001 Kaiamalo'o St
Ewa Beach 96706

From: Melissa Shaw [mailto:theshaws3@msn.com]
Sent: Wednesday, January 30, 2008 5:54 PM
To: HSHtestimony
Cc: Rep. Kymberly Pine
Subject: Support for HB 3363

We as residents of Ewa Beach SUPPORT HB 3363 for information sharing with schools.
Regards,
Melissa & Don Shaw

Helping your favorite cause is as easy as instant messaging. You IM, we give. [Learn more.](#)

From: Darleen Kiefer [mailto:darleen@hulatogo.com]
Sent: Wednesday, January 30, 2008 6:08 PM
To: HSHtestimony
Subject: WE SUPPORT HB3363

WE SUPPORT HB3363

MRS. Darleen Kiefer

*Darleen Kiefer
President, Hula To Go
www.hulatogo.com*

From: Jim Bell [mailto:j4w8bell@hawaiiantel.net]
Sent: Wednesday, January 30, 2008 6:25 PM
To: HSHtestimony
Cc: Rep. Kymberly Pine
Subject: Support for Karen's Law Package
Importance: High

Aloha!

As a taxpayer and resident of our beautiful state, I feel obligated to voice my support for HB3363. I was appalled to learn that the criminal background of the accused was kept from school and community officials.

I understand confidentiality and privacy more than most constituents ... I spent 30+ years in the Air Force and have worked for the past three years as an Assistant Inspector General for the US Army on Wheeler AAF. Confidentiality cannot be granted or expected in all cases.

The commission of heinous crimes (i.e. murder, rape, etc) are instances where confidentiality should go by the wayside. Local school officials deserve to know "who" is attending their institutions of learning. We, as parents of students, deserve to know who may be sitting next to our young son or daughter.

It is imperative that Karen's Law package gain full support and be enacted into law to protect the families you were elected to serve.

Respectfully,
James W. Bell
Ewa Beach, HI

From: Gary Fuchikami [mailto:wh6c@yahoo.com]
Sent: Wednesday, January 30, 2008 6:47 PM
To: HSHtestimony
Cc: Rep. Kymberly Pine
Subject: HB3363

Hello,

I'm writing to express my support for HB3363 and I would like to see it pass overwhelmingly by the House (as well as the Senate). Thank you very much!

Sincerely,
Gary Fuchikami
91-1038 Niolo St.
Ewa Beach, HI 96706

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From: Kevin Ford [mailto:fordk002@hawaii.rr.com]
Sent: Wednesday, January 30, 2008 7:19 PM
To: HSHtestimony
Cc: Rep. Kymberly Pine; Kevin Ford
Subject: SUPPORT TO ADOPT HB 3363

Please know that I support the full adoption of Hawaii Bill HB 3363 relating to juvenile court records. Supporting this bill is doing the right thing – for the right reasons. Thank you.

Very Respectfully,

Kevin S. Ford
91-768 Launahale Street
Ewa Beach, HI 96706
808-685-2296