

LINDA LINGLE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

CLAYTON A. FRANK
DIRECTOR

DAVID F. FESTERLING
Deputy Director
Administration

TOMMY JOHNSON
Deputy Director
Corrections

JAMES L. PROPOTNICK
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON HOUSE BILL 3372
RELATING TO SERIOUS OFFENSES COMMITTED BY MINORS

by
Clayton A. Frank, Director
Department of Public Safety

House Committee on Human Services & Housing
Representative Maile S. Shimabukuro, Chair
Representative Karl Rhoads, Vice Chair

Thursday, February 7, 2008, 9:15 a.m.
State Capitol, Conference Room 329

Representative Shimabukuro and Members of the Committee:

The Department of Public Safety (PSD) understands the intent of House Bill 3372, which amends Hawaii Revised Statutes, Section 571-48, to permit an offender over the age of 16, but under the age of 18, who has been convicted of murder, attempted murder, or sexual assault in the first degree, to be removed from the custody of the Hawaii Youth Correctional Facility and placed in the custody of the Director of Public Safety by order of the court. Further, this bill would allow the child to remain in the custody of the Director of Public Safety until the age of 26 under the jurisdiction of the court. PSD supports the effort to punish criminals for heinous crimes even if they are below the age of 18, but the PSD would like to recommend some amendments to clarify this bill.

In order for HPA to set minimum sentences and hold parole hearings under the provisions of Hawaii Revised Statutes, Sections 706-669 and 706-670, the offender cannot be under the jurisdiction of family court, as these provisions only apply to adult

offenders in the jurisdiction of regular court. The PSD suggests that the jurisdiction of the offender be moved to regular court when he or she is placed in PSD custody.

Further more, there are currently no rules covering how the offender under the age of 18 would be housed with the other offenders if remanded to the custody of PSD. Secluding the younger offender from older convicted offenders for that long of a duration may require additional segregated facilities under PSD's control.

We ask the legislature to take these into consideration in moving this bill forward.