

STAND. COM. REP. NO. 17

Honolulu, Hawaii

Feb 5, 2009

RE: H.B. No. 819

H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.B. No. 819 entitled:

"A BILL FOR AN ACT RELATING TO CRIME,"

begs leave to report as follows:

The purpose of this bill is to require the Family Court to waive jurisdiction and order a minor, who is at least 15 years of age and charged with murder in the first and second degree, be held for criminal proceedings.

The Honolulu Police Department and several concerned individuals provided testimony in support of this measure. The Office of the Public Defender, the American Civil Liberties Union, and a concerned individual provided testimony opposing this measure. The Judiciary provided comments.

Concerns were raised by the Public Defender's Office that juveniles in this age category are developmentally different than adults and that a balance must be maintained when adjudicating juvenile cases. They also noted that rather than making a waiver mandatory in these cases, a time limit may be imposed on the waiver investigation and hearing process in the family courts. In addition, your Committee notes that should the Committee on Judiciary choose to hear this bill, additional statistical information from the family court on the waiver process would aid legislators in the decision-making process.

HB819 HD1 HSCR HUS HMS 2009-1706



Accordingly, your Committee has amended this bill by changing its effective date to January 1, 2050, to facilitate further discussion. Technical, nonsubstantive amendments were also made for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 819, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 819, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Human Services,


JOHN M. MIZUNO, Chair



