

STAND. COM. REP. NO. 471

Honolulu, Hawaii

Feb 19, 2009

RE: H.B. No. 819
H.D. 2

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

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 819, H.D. 1, 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 or second degree be held for criminal proceedings.

The Honolulu Police Department, Hawaii Rifle Association, and numerous concerned individuals testified in support of this bill. The Office of the Public Defender and American Civil Liberties Union of Hawaii testified in opposition to this measure. The Judiciary provided comments.

Your Committee notes that the Judiciary expressed concern that a waived minor would be held in a youth correctional facility, stating that it is inadvisable to require the Office of Youth Services/Hawaii Youth Correctional Facility to house both waived and non-waived juveniles.

Upon further consideration, your Committee has amended this bill by:

- (1) Providing for the remand of the waived minor to the Family Court;

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- (2) Including a sunset provision; and
- (3) Making technical, nonsubstantive changes for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 819, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.B. No. 819, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



JON RIKI KARAMATSU, Chair



