

STAND. COM. REP. NO.

1039

Honolulu, Hawaii

MAR 27 2009

RE: H.B. No. 819
H.D. 2
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Human Services, to which was referred H.B. No. 819, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO CRIME,"

begs leave to report as follows:

The purpose of this measure is to mandate that minors 15 to 17 years of age be tried as adults in cases of first and second degree murder, and provides for discretionary remand of the minor in specified cases.

Testimony in support of this measure was submitted by the Office of the Governor, the Honolulu Police Department, the Hawaii Rifle Association and sixty-five individuals. Testimony in opposition was submitted by the Office of the Public Defender and the American Civil Liberties Union. Written testimony presented to your Committee may be reviewed on the Legislature's website.

This measure is in response to the prosecution of Karen Ertell's murderer. In 2007, Karen Ertell was robbed, brutally raped, and murdered, and a fifteen year old boy later confessed to the crime. It took fifteen months for the family court to determine that the accused murderer should be tried as an adult. Your Committee finds that providing an accelerated judicial process for prosecuting accused murderers will bring closure more quickly for the victims' families. This measure provides mechanisms for remand from circuit court to family court in situations where the minor's rehabilitation would be impaired by

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circuit court jurisdiction or where the minor is to be committed. Your Committee believes that, under circumstances where a fifteen to seventeen year old commits the heinous act of first or second degree murder, the laws that protect children from the full force and penalties applicable to adults should not be available to be utilized as shields.

Your Committee has amended this measure by:

- (1) Changing the measure to be effective on January 1, 2010; and
- (2) Making technical, nonsubstantive changes for the purposes of 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, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 819, H.D. 2, S.D. 1, and be referred to the Committee on Judiciary and Government Operations.

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

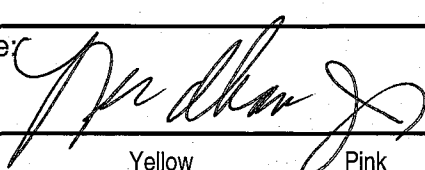
Suzanne Chun Oakland

SUZANNE CHUN OAKLAND, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Human Services
HMS

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 819, HD 2	HMS, JGO	3/24/09		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
CHUN OAKLAND, Suzanne (C)	✓			
IHARA, Jr., Les (VC)	✓			
GREEN, M.D., Josh	✓			
HEMMINGS, Fred	✓			
TOTAL	4	0	0	0
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes