

March 24, 2009  
The Honorable Suzanne Chun Oakland  
Chair of Senate Human Services Committee  
Hawaii State Capitol/Room 226  
Honolulu HI 96813  
HMStestimony@capitol.hawaii.gov

**Re: Please pass Karen's Law**

Honorable Suzanne Chun Oakland:

I humbly ask that you pass Karen's Law, HB819HD2. Karen's Law is a vital law that will update our archaic judicial system and provide real protection for the citizenry of Hawaii. If passed, Karen's Law would positively counteract the criminal activity here in Hawaii. Simply put, crime offenders are more likely to commit heinous acts of crime, or any type of crime for that matter, if they know they're able to get away with it. As our elected officials, it is your responsibility to protect and defend the people of your representative district. We must, as a state, revert back to putting victims first and criminals last. Where is the Hawaii Legislature headed for in these despotic times? The quality of our State is surly in decline. The rights of our criminal offenders are put before the rights of our victims. Since when has it been the priority of state officials to ensure just laws for our prison inmates before that of our victim's and victim's families that endure heinous acts of crimes, such as murder in the 1<sup>st</sup> or 2<sup>nd</sup> degree? We need to get back on track and put special interests of a few select minorities aside, so that we may focus on protecting the vast majority.

In order to protect the children of Hawaii, we must protect them from crime. We must put these offenders behind bars, away from causing potential harm. A 15-17 year old is not a child. We are not dealing with children but rather teenagers that understand the difference between right and wrong. If they cannot decipher between right and wrong, they need to be away from people to protect society. Let's refocus and stop protecting our criminals. In these harsh economic times, the crime rate is on the rise. We cannot afford to take a pass on Karen's Law. Please pass this much needed law for the people of Hawaii.

Thank you,

Sarah Hunt

## Testimony to the Twenty-Fifth Legislature, Regular Session of 2009

Senate Committee on Human Services  
The Honorable Suzanne Chun Oakland, Chair  
The Honorable Les Ihara, Vice Chair

in consideration of the measure  
**HB 819 HD2 (HSCR939) Relating To Crime**  
Tuesday, March 24, 2009 2:40 pm  
State Capitol, Conference Room 016

by  
Rev. Daniel Paul de Gracia, II

---

**Madam Chair, Honorable Members Of The Committee,**

*Aloha kakou* and thank you for the opportunity to offer testimony regarding House Bill 819 HD2, Relating to Crime. The purpose of this measure is to require the Family Court to waive jurisdiction and order a minor between 15 and 17 years of age who is charged with murder in the first or second degree to be held for criminal proceedings.

I strongly support this measure and ask the Committee for its favorable consideration in passing this measure on to the Senate Committee on Judiciary and Government Operations.

The U.S. Constitution begins with an affirmation that in order to form a more perfect union, we must establish justice. I assert to the Committee this afternoon that there can be no justice so long as those who commit murder are not tried and held accountable for murder. Without justice, we are a society divided, and a society divided cannot stand. The measure that is before us is before us not because we live the way we ought, but because we live the way we ought not, with locked doors, gates, and fear of our neighbors. We live in a state where senseless violence has taken away people we care like Karen Ertell and so many others, and now, we who mourn the dead must live on and live on we shall, but only through justice.

It's been said that we are a patient and generous people. But for the sake of our freedom and that of others, we cannot permit our reserve to be confused with a lack of resolve. I do not believe that any of us take lightly the act of incarceration of a minor, and I also do not believe that we are a society which delights in throwing away the key on someone. But I also do not believe that we can long endure when excessively violent individuals – whether young or old – are allowed to remain on the streets, free to harm those whose good intentions and graces are often exploited by those who have no appreciation for weakness, innocence, or the preservation of life.

The fact of the matter is that government exists because we live in a dangerous world that requires force and power to protect those whom we love. It is a fact that I struggle with and wish were not true, but is true, no matter how much I wrestle with it. In order to have justice, we must be tough on crime and those who commit it. Israeli Prime Minister David Ben Gurion said that "What is crucial is the test of wills, that supreme test beyond which there is nothing: whoever will have the peak will, will withstand the test and remain alive. Whoever will have a failure of will, will fail, and will be faced with total extinction; moral, national, and physical extinction, and therefore everything must be subordinated".

Let us demonstrate to the world that this is still a nation governed by respect for life and the rule of law. Thank you for this opportunity to testify.

**To: Suzanne Chun Oakland**

**From: Concerned citizen**

**I am very much in favor of "Karen's Law" HB819HD2. Juveniles who committ haneous (capital) crimes need to tried as adults. Accountability for one's actions is key.**

W. Gary Johnson  
Kaileolea Drive  
Ewa Beach, HI 96706  
808-265-1021  
[waikikigary@yahoo.com](mailto:waikikigary@yahoo.com)

Sandra Puanani Burgess  
2299C Round Top Drive • Honolulu, Hawaii 96822  
Tel: (808) 947-3881 • Email: [spburgess@hawaii.rr.com](mailto:spburgess@hawaii.rr.com)

March 24, 2009

Senate Committee on Human Services  
The Honorable Senator Suzanne Chun-Oakland, Chair  
The Honorable Senator Les Ihara, Jr., Vice-Chair  
and all Honorable members of this Committee

Re: HB 819, HD 2: Relating to Crime

Dear Senator Chun-Oakland, Senator Ihara  
and members of the Senate Committee on Human Services,

I write in support of House Bill 819 HD2 mandating that minors aged 15-17 be tried as adults in cases of first and second degree murder.

Coddling juveniles who murder in Family Court will only allow them to be set free to commit more crimes once they turn 18 years of age. This loophole needs to be closed in order to protect innocent law abiding citizens who are often unarmed. One of the primary purposes of government is to prevent citizens from harming other citizens. Not ensuring incarceration of juveniles that commit murder would be a failure on the part of our government and an egregious offense to victim's families.

Juveniles age 15 – 17 know the difference between right and wrong. If they commit an adult crime, they should be tried as adults. Tried as adults these juveniles will still have full constitutional rights afforded to all citizens under the law.

Please protect our families, neighborhoods and communities.  
Please pass HB 819, HD 2.

Thank you,

/s/ Sandra Puanani Burgess

Dan Douglass  
3030 Ala Ilima St. #1103  
Honolulu, HI 96818  
808 295 0783

Aloha Chair Chun-Oakland and Human Services Committee:  
I'm Dan Douglass a Salt Lake resident who is concerned about the recent spike in the amount of and severity of crime in my neighborhood.  
The recent offenses have been by offenders mostly in their teens to early 20s.  
Karen's Law is the kind of legislation that would signify to such offenders that our state is serious about keeping the peace in our streets and homes.  
I ask you to fully support HB819.  
Mahalo.

---

Express your personality in color! Preview and select themes for Hotmail®. [See how.](#)

TESTIMONY IN SUPPORT OF HB819, HD2

I support HB819, HD2 which will have minors aged 15, 16, or 17 be tried as adults in cases of first and second degree murder.

In section (e)(2) of the bill, the bill provides for a safeguard to keep the minor under the jurisdiction of family court if:

**"Subsequent to a waiver by the family, upon motion by the defendant, the circuit court may remand the minor back to the jurisdiction of the family court if the circuit court finds that the rehabilitation of the minor would be seriously impaired if the minor remained under the jurisdiction of the circuit court, or that the minor is committable to an institution for the mentally defective or retarded or the mentally ill."**

This measure will ensure that the minor is properly tried as an adult with safeguards to remand the minor if it is his or her best interest in relation to rehabilitation.

For all the following reasons, I ask the Senate Human Services committee to pass this measure.

Jack Nagaishi  
Resident of Hawaii

Senate Committee on Human Services  
Room 016  
March 24, 2009

Testimony in SUPPORT of HB819

My name is *Arienne Cameros* and I am testifying in SUPPORT of HB819 HD2. I believe that the measure before the committee today is extremely important in maintaining the safety of the people of Hawaii. While charging minors as adults may seem drastic, I want to emphasize that this bill only targets a very narrow, very specific group of people. Only minors aged 15-17 years of age who commit the most heinous crimes would be charged as adults. If a minor commits first or second degree murder, then he/she should be subjected to adult consequences.

Adult choices warrant adult consequences.

Thank you for the opportunity to testify.



*THE JUDICIARY, STATE OF HAWAII*

**Testimony to the Twenty-Fifth Legislature, Regular Session of 2009**

Senate Committee on Human Services  
The Honorable Suzanne Chun Oakland, Chair  
The Honorable Les Ihara, Jr., Vice Chair

Tuesday, March 24, 2009, 2:40 p.m.  
State Capitol, Conference Room 016

by  
Thomas R. Keller  
Administrative Director of the Courts

**WRITTEN TESTIMONY ONLY**

---

**Bill No. and Title:** House Bill No. 819, H.D.2, Relating to Crime

**Purpose:** Provides for the mandatory waiver of Family Court jurisdiction over minors, aged 15 and older, who are charged with certain acts.

**Judiciary's Position:**

The Judiciary takes no position on House Bill No. 819, H.D. 2, which provides for the mandatory waiver of Family Court jurisdiction over minors, aged 15 and older, who are charged with murder in the 1st or 2nd degree.

It is our understanding that the impetus for this bill comes from the perceived unreasonable delays in a recent waiver of Family Court jurisdiction case which has been reported by the media to have taken over a year to complete.

The length of time in that case does not reflect the normal timetable for waiver cases. Excluding that case, all other closed waiver cases filed during the calendar years 2007 and 2008 were completed between 1-9 months, with 3.67 months being the average length of time from the filing of the petition to completion.





House Bill No. 819, H.D. 2, Relating to Crime  
Senate Committee on Human Services  
March 24, 2009  
Page 2

In this context, it becomes clear that the reported waiver case dealt with complexities that required more than the usual time for waivers. In any waiver case, there are critical tasks which both the State and the defense must undertake whether the offender is to be treated as a juvenile or an adult. These tasks must be performed at the beginning of the case. If the case is complex, there are more tasks and more time expended. To pass a bill based on the public perception of one very tragic case may have unintended consequences with negative results for the community in the long run.

Nearly all of the petitions for the waiver of Family Court jurisdiction regarding minors charged with the offenses included in this bill have been granted. The existing statutory language has not resulted in inconsistent outcomes or in outcomes which would be to the detriment of public safety. The existing statute allows for judicial discretion without compromising public safety.

Last, if such waiver is mandated, we strongly suggest deletion of the following language in subsection (e) on page 4, lines 17-19, which reads, “(e) The court shall waive jurisdiction [**and order a minor to be held in a youth correctional facility for criminal proceedings**] ...” because it is inadvisable to require the Office of Youth Services/Hawaii Youth Correctional Facility to house both waived and non-waived juveniles.

Thank you for the opportunity to submit testimony on this matter.