



LATE Testimony

Committee: Committee on Human Services
Hearing Date/Time: Thursday, February 3, 2011, 9:00 a.m.
Place: Conference Room 329
Re: Testimony of the ACLU of Hawaii in Opposition to H.B. 1476

Dear Chair Mizuno and Members of the Committee on Human Services:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes in opposition to H.B. 1476, which seeks to mandate that minors age 15-17 be tried as adults in cases of first degree murder.

The ACLU of Hawaii opposes prosecuting children in adult court. Our current system already strikes the appropriate balance: every time the prosecution wants to try a child as an adult, no matter how serious the offense, there is a transfer hearing. The transfer hearing requires a full hearing - which affords all due process rights to the child - after which the presiding Judge determines whether the child should be tried as an adult. The prosecution, not the child, bears the burden of establishing the need for a transfer by "clear and convincing" evidence.

Trying Minors as Adults Does Not Deter Crime Nor Reduce Recidivism

Trying juveniles as adults does not make anyone safer. The fact is, putting young offenders in adult prisons has been found to have no deterrence value and may lead to more crime, higher prison costs and increased violence because young people will learn criminal behaviors from the adults they are placed with.

Children Are Not Adults and Should Not Be Treated As Adults in the Justice System

Because the adult correctional system does not have the resources or the facilities to address the needs of youth under the age of 18, the jurisdiction of the Court for youth should remain with family court and juvenile justice systems, which were specifically created to address the needs of and provide services to young people. Incarcerating youth offenders in adult prisons places juveniles in real physical, mental, and psychological danger.

Our current system provides an appropriate response to violent crimes by young people and should be maintained, and the ACLU of Hawaii supports the existing reasonable middle ground.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-

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profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 45 years.

Thank you for this opportunity to testify.

Sincerely,
Laurie Temple
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ACLU of Hawaii

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