

Honolulu, Hawaii

APR 04 2014

RE: H.B. No. 2490
H.D. 2
S.D. 2

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred H.B. No. 2490, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO JUVENILE JUSTICE,"

begs leave to report as follows:

The purpose and intent of this measure is to improve and enhance Hawaii's juvenile justice system by concentrating secure bed space on the most serious juvenile offenders and by increasing interagency collaboration.

Specifically, the measure:

- (1) Requires the Director of the Office of Youth Services or the Director's designee to develop a comprehensive reentry plan for each person committed to the Hawaii Youth Correctional Facility;
- (2) Specifies supervision requirements for children placed on probation pursuant to section 571-48(1)A, Hawaii Revised Statutes, and requires that probation officers create a case plan in consultation with the child and the child's parent, legal guardian, or custodian;
- (3) Requires the Judiciary to adopt guidelines and procedures for the development and application of graduated sanctions, including presumptive sanctions for



common violations and incentives for compliance with probation requirements;

- (4) Permits a child to earn discharge credits to reduce the length of the child's probation term;
- (5) Establishes a statewide juvenile justice interdepartmental cluster to provide coordinated services to certain children under the jurisdiction of the Family Court;
- (6) Specifies factors that the Director of the Office of Youth Services must consider when granting parole;
- (7) Requires the Director of the Office of Youth Services to submit an annual report to the Board of Family Court Judges and the Hawaii Juvenile Justice State Advisory Council that includes the number of persons committed to the Director of the Office of Youth Services' custody;
- (8) Requires the Board of Family Court Judges to provide guidelines and procedures necessary to implement a single statewide standardized tool to conduct risk and needs assessments and validation of the tool every five years;
- (9) Requires probation officers to complete annual training on juvenile justice or probation supervision best practices;
- (10) Requires intake officers to compile monthly reports indicating the number of cases diverted and the types of alleged offense precipitating the referral of the child to court;
- (11) Requires the Directors of the Family Courts of each circuit to establish a framework that includes criteria that probation officers shall use to guide their discretion in providing informal adjustment;
- (12) Requires the Family Court to conduct a risk and needs assessment prior to disposition, and authorizes the Family Court to suspend delinquency proceedings to obtain substance abuse or mental health treatment;



- (13) Requires a probation officer to refer the child to the Department of Health for a determination of eligibility for services if a risk and needs assessment indicates substance abuse or mental health need; and
- (14) Establishes a Juvenile Justice Oversight Advisory Council to oversee implementation of the juvenile justice reforms in this measure and issue reports necessary to evaluate its effectiveness.

Your Committee received written comments in support of this measure from the Office of the Governor; the Department of the Attorney General; the Department of Health; the Department of Human Services; the Judiciary; the Office of Youth Services; Office of the Mayor, County of Hawaii; the Office of the Prosecuting Attorney, County of Hawaii; Hawaii Substance Abuse Coalition; Hawaii Friends of Justice; Hale Kipa, Inc.; Hawaii Youth Services Network; Community Alliance on Prisons; Olomana, Inc.; and the Salvation Army, Family Intervention Services. Written comments in opposition were received from the Department of the Prosecuting Attorney, City and County of Honolulu.

Your Committee finds that critical services necessary to reduce delinquency, including mental health and substance abuse treatment, are not readily accessible to Hawaii's youth. This may permit inconsistent probation practices across the State's judicial circuits and may lead to disparate treatment of youth. Therefore, your Committee finds that there needs to be systematic coordination between the appropriate service providers and government entities to ensure that evidence-based practices and effective mental health and substance abuse treatments are being tailored to each child's specific needs. Your Committee believes that this measure will provide the effective collaboration between the Family Court, law enforcement personnel, service providers, and departmental staff necessary for Hawaii's juvenile justice system to produce positive outcomes. Furthermore, this measure will ensure individualized treatment for children to reduce recidivism and allow for a safe and effective transition back into the community.

Your Committee has amended this measure by:

- (1) Adding an appropriation for an unspecified sum to the Office of Youth Services to carry out the purposes of this measure, and allowing an unspecified sum to lapse



to the credit of the general fund in the event that the Hawaii Youth Correctional Facility experiences any cost savings from the updated services and programs implemented by this measure;

- (2) Defining the term "presumptive sanctions" to mean sanctions imposed by a probation officer from a range of sanctions for the most common probation violations, as determined by the Judiciary;
- (3) Deleting substantive language from the definition of "home visit" that required the probation officer to visit the child's place of residence within forty-five days of the child's placement on probation, and instead, making this one of the requirements for probation supervision once a child is placed on probation pursuant to section 571-48(1)(A);
- (4) Establishing the requirement that each Director of the Family Court submit an annual report to the Board of Family Court Judges and the Hawaii Juvenile Justice State Advisory Council as a new section in Chapter 571, Hawaii Revised Statutes;
- (5) Adding a member from the Department of Human Services to the Juvenile Justice Oversight Advisory Council; and
- (6) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

Your Committee notes that the Office of Youth Services will provide funding to the Judiciary for purchase of service contracts for juvenile programs.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2490, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2490, H.D. 2, S.D. 2.



Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,

David Y. Ige

DAVID Y. IGE, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
HB2490 HDZ SDI	PSM/JDL, WAM	4-2-14		
<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
IGE, David Y. (C)	✓			
KIDANI, Michelle N. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
DELA CRUZ, Donovan M.				✓
ENGLISH, J. Kalani	✓			
ESPERO, Will	✓			
KAHELE, Gilbert	✓			
KEITH-AGARAN, Gilbert S.C.	✓			
KOUCHI, Ronald D.	✓			
RUDERMAN, Russell E.	✓			
THIELEN, Laura H.	✓			
TOKUDA, Jill N.	✓			
SLOM, Sam	✓			
	12	0	0	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted		<input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:				
<i>Michelle N. Kidani</i>				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes