

SB2395

Measure Title: RELATING TO THE HOMELESS.

Report Title: Homeless; Penal Code; Sentence of Imprisonment

Description: Requires mandatory minimum terms of imprisonment without the possibility of parole for crimes that cause death or inflict serious or substantial bodily injury upon a homeless individual or family. Subjects crimes that inflict serious or substantial bodily injury upon a homeless person to extended terms of imprisonment if the defendant knew or reasonably should have known the person was homeless.

Companion:

Package: None

Current Referral: HMS, JDL

Introducer(s): CHUN OAKLAND (Introduced by request of another party)

**Board of Directors**

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Testimony of Hawai'i Appleseed Center for Law and Economic Justice
Commenting on SB 2395
Relating to the Homeless
Scheduled for Hearing Saturday, January 25, 2014, 10:00 AM, Room 229

Hawai'i Appleseed Center for Law and Economic Justice is a nonprofit, 501(c)(3) law firm created to advocate on behalf of low income individuals and families in Hawai'i on civil legal issues of statewide importance. Our core mission is to help our clients gain access to the resources, services, and fair treatment that they need to realize their opportunities for self-achievement and economic security.

Thank you for an opportunity to comment on Senate Bill 2395, which would require mandatory minimum sentencing for certain violent crimes upon individuals experiencing homelessness and subjects crimes that inflict serious or substantial bodily injury upon a homeless person to extended terms of imprisonment if the offender knew or reasonable should have known the victim was homeless. Hawai'i Appleseed Center for Law and Economic Justice strongly **supports the intent** of this bill to stop the growing wave of violence against individuals experiencing homelessness in our community. We respectfully propose **amendments** to this bill to add homelessness status to the existing provision for extended sentencing in hate crimes in Hawai'i Revised Statutes § 706-662.6 (b).

Recent acts of violence against unsheltered homeless individuals indicate the dire need for increased protections. We respectfully propose amending SB 2395 to move protections for homeless individuals to the provision regarding bias-motivated crimes. We propose that instead of the current proposed amendments to Hawai'i Revised Statutes § 706-662.6(b) be amended to read:

“The defendant intentionally selected a victim or, in the case of a property crime, the property that was the object of a crime, because of hostility toward the actual or perceived race, religion, disability, ethnicity, national origin, gender identity or expression, ~~or~~ sexual orientation, or homeless status of any person.”

We propose this amendment for two primary reasons. First, we believe that covering homelessness status under bias-motivated sentencing more fully addresses the terrible crimes against people experiencing homelessness. Some of the killings that have been committed follow the typical pattern for hate crimes against people experiencing homelessness, and it is important to address the underlying discrimination that is motivating these acts of violence. Hate crimes should receive a priority response because of the broader damage that such bias-motivated acts inflict upon our community. Other unsheltered homeless individuals must live with the very real fear that they will be targeted and attacked because they are unsheltered. Our community is also damaged by knowledge that members of our community are seeking out the most vulnerable individuals and committing brutalities. Including homelessness under 6(b) is a more effective way to address bias against homeless individuals and show that our community will not tolerate this targeted, dehumanizing violence against people who have already experienced so much hardship. We should be targeting the underlying discrimination and hatred of people experiencing homelessness to more fully address the bias-motivated nature of this violence.

We also suggest this amendment because such “vulnerable victims” statutes such as HRS §§706-660.2 and 706-662.5 may also be used to extend sentences for perpetrators who are themselves experiencing homelessness. While

no intentional violence is ever excusable, homeless perpetrators, especially those with mental illness or substance use disorders, deserve consideration of mitigating factors, regardless of the housing status of the victims. For example, there has been a horrifying national trend of "bum fights," in which desperate homeless individuals are paid in cash or alcohol to fight others who are also homeless and then recorded and distributed online. The most severe punishment in these instances should be brought against the instigator of such violence rather than the troubled individuals who are manipulated into acts of violence.

Thank you for the opportunity to comment on SB 2395. Hawai'i Appleseed strongly supports the intent of this bill to deter crimes against individuals experiencing homelessness and send a strong message that such violence will not be tolerated. However, we believe the proposed amendment to treat bias-motivated crimes against the homeless like other hate crimes will be a more effective way to achieve these goals.

TESTIMONY ON SB 2542 RELATING TO THE DISPOSITION OF THE CONVEYANCE TAX COLLECTIONS TO THE RENTAL HOUSING TRUST FUND, SB 2267 RELATING TO HOUSING, SB 2442 RELATING TO AFFORDABLE HOUSING, SB 2266 RELATING TO HOUSING, SB 2265 RELATING TO HOUSING, SB 2545 RELATING TO UNIVERSAL CHILDREN'S SAVING ACCOUNTS, SB 2544 RELATING TO THE HAWAII PUBLIC HOUSING AUTHORITY'S ADMINISTRATION OF THE FEDERAL HOUSING CHOICE VOUCHER PROGRAM, SB 2534 RELATING TO HOMELESSNESS, SB 2337 RELATING TO LOW-INCOME HOUSING, SB 2395 RELATING TO HOMELESS, AND SB 2286 RELATING TO HOMELESSNESS BEFORE THE SENATE COMMITTEE ON HUMAN SERVICES

January 25, 2014

10:00 AM

Conference Rm. 229

Aloha Chair Chun Oakland, Vice-Chair Green, and members of the Senate Committee on Human Services, **my name is Stephen Morse. I am the Executive Director of Blueprint for Change (BFC) and am here today to support Senate Bills 2542, 2267, 2442, 2266, 2265, 2545, 2544, 2534, 2337, 2395, and 2286, all of which are part of the Housing and Homeless Legislative Package.**

Members, for the record, BFC is the fiscal, technical, and administrative support entity for five Neighborhood Place centers statewide that provide support and strengthening services to families at risk of child abuse and neglect under a POS contract with the Department of Human Services. Our Neighborhood Place programs are unique among CAN prevention programs for two reasons: (1) they are community-based and are located in communities where families are at high risk of child abuse and neglect; and (2) they are the only programs where children and families at risk of child abuse and neglect can get services without a referral or appointment and by simply knocking on the door.

We find that one of the biggest risk factors for child neglect in the families we serve is that they are homeless, homeless-at-risk, or living in unstable, overcrowded living conditions. In many cases, these families are also mired in other socioeconomic problems, such as unemployment and low incomes, substance abuse, and chronic health problems, but studies show that the key to helping these families break the cycle of poverty starts with providing them stable housing. Without stable housing, these families live transient lifestyles that make it hard for them to focus on problem-solving. It also makes it extremely difficult for prevention/diversion programs such as our Neighborhood Places to help provide the sustained, support services these families need to break the cycle, because they are always on the move.

If we are going to break the cycle and prevent the generational neglect of children within these families, we need to support housing programs and the development of low-income and affordable housing such as those proposed in the Senate Bills that are before this Committee today.

Aloha and Mahalo for allowing us the opportunity to testify this afternoon.

SB2395

Submitted on: 1/22/2014

Testimony for HMS on Jan 25, 2014 10:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Todd Hairgrove	Individual	Support	Yes