

# SB 2507

**Measure Title:** RELATING TO SENTENCING.  
**Report Title:** Crimes Against Elders; Sentencing  
**Description:** Establishes mandatory minimum prison terms for certain offenses committed against persons sixty years of age or older.

**Companion:**  
**Package:** None  
**Current Referral:** HMS, JDL  
**Introducer(s):** GALUTERIA

DEPARTMENT OF THE PROSECUTING ATTORNEY  
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**THE HONORABLE SUZANNE CHUN OAKLAND, CHAIR**  
**SENATE COMMITTEE ON HUMAN SERVICES**  
**Twenty-Seventh State Legislature**  
**Regular Session of 2014**  
**State of Hawai'i**

February 4, 2014

**RE: S.B. 2507; RELATING TO SENTENCING.**

Chair Chun Oakland, Vice-Chair Green, and members of the Senate Committee on Human Services the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony, in support of S.B. 2507. The purpose of S.B. 2507 is to afford greater protection to persons 60 years of age or older who were victims of crimes, by incarcerating criminals who targeted them for certain serious felonies because of their age.

The Department of the Prosecuting Attorney created the Elder Abuse Justice Unit in 2008, not only to give victims of crimes who were age 60 or older a specialized team of staff and attorneys who were trained to provide for the needs of senior victims, but also to hold criminals who preyed on these victims swift justice in the form of higher bail, instant charging and tougher sought sentences.

Where there are already sentencing provisions found in H.R.S. 706-660.2 to hold accountable those criminals who cause serious or substantial bodily injury to victims who are 60 years of age or older, this statute currently does not provide any enhanced consequences to offenders who prey on seniors financially. With the passage of S.B. 2507, juries and judges in the State of Hawai'i who will be presented with the offenses listed in the statute will have the option of finding whether or not the defendant qualifies under this bill's provisions and then sentence them accordingly.

For the foregoing reasons, the Department of the Prosecuting Attorney, City and County of Honolulu, strongly supports S.B. 2507. Thank you for the opportunity to testify on this matter.

# COMMUNITY ALLIANCE ON PRISONS

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## COMMITTEE ON HUMAN SERVICES

Sen. Suzanne Chun Oakland, Chair

Sen. Josh Green, Vice Chair

Tuesday, February 4, 2014

10:00 a.m.

Room 016

## OPPOSE MANDATORY SENTENCING IN SB 2507

Aloha Chair Chun Oakland, Vice Chair Green and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, community initiative promoting smart justice policies for more than a decade. This testimony is respectfully offered on behalf of the 5,800 Hawai'i individuals living behind bars, always mindful that approximately 1,500 Hawai'i individuals are serving their sentences abroad, thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

SB 2507 establishes mandatory minimum prison terms for certain offenses committed against persons sixty years of age or older.

Crimes against our most vulnerable citizens must be dealt with appropriately and Hawai'i's Penal Code has enough penalties for these awful crimes. We, therefore, respectfully ask that the committee rely on our existing statutes to address the crimes in this measure and allow our Judiciary to sentence each case appropriately.

Mandatory sentences have been a topic of national debate not only because of their tremendous costs, but because of their ineffectiveness in deterring crime. And, in fact, long sentences have been proven to promote criminality.

We respectfully ask that the committee strike the mandatory minimum sentencing language from the bill and allow our Judiciary to decide each case on its merits.

Mahalo for this opportunity to testify.