

Honolulu, Hawaii

JAN 31, 2020

RE: H.B. No. 1788
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Human Services & Homelessness, to which was referred H.B. No. 1788 entitled:

"A BILL FOR AN ACT RELATING TO THE ROOM CONFINEMENT OF CHILDREN AT DETENTION AND SHELTER FACILITIES,"

begs leave to report as follows:

The purpose of this measure is to improve the care and treatment of children in the juvenile justice system by:

- (1) Limiting the circumstances under which children at detention and shelter facilities are subject to room confinement; and
- (2) Specifies the conditions and time limit for which room confinement may be imposed.

Your Committee received testimony in support of this measure from the Judiciary, Office of the Public Defender, and American Civil Liberties Union of Hawaii.

In 2018, Congress passed the First Step Act which, among other things, prohibits facilities that confine youth in federal custody from using room confinement for discipline, punishment, retaliation, or any reason other than as a temporary response to a juvenile's behavior that poses a serious and immediate risk of



physical harm to any individual, including the covered juvenile. Your Committee recognizes that the type of facility and the conditions where a child is confined can affect the child's health, safety, and outcomes upon reentry. This measure addresses the impact room confinement has on the treatment and rehabilitation of children who are detained.

Your Committee has amended this measure by:

- (1) Reducing the time a child can be held in room confinement in a detention or shelter facility from four hours to three hours;
- (2) Requiring all detention and shelter facilities that confine children to report annually to the Judiciary on their compliance with the requirements relating to room confinement, including frequency and length of confinement, demographic information, and alternative strategies;
- (3) Changing its effective date to December 31, 2059, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services & Homelessness that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1788, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1788, H.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Human Services &
Homelessness,


JOY A. SAN BUENAVENTURA, Chair



