

STAND. COM. REP. NO. 565-20

Honolulu, Hawaii

FEB 14 , 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 Judiciary, to which was referred H.B. No. 1788, H.D. 1, 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) Specifying 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, American Civil Liberties Union of Hawaii, AAUW of Hawaii, and one individual.

Your Committee finds that 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

HB1788 HD1 HSCR JUD HMS 2020-1112



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 that room confinement has on the treatment and rehabilitation of children who are detained.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1788, H.D. 1, and recommends that it be referred to your Committee on Finance.

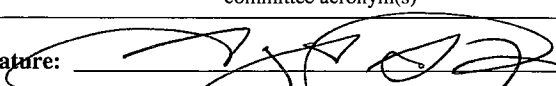
Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



CHRIS LEE, Chair



Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 1788 HDI	Committee Referral: HSH, JUD, FIN	Date: 2/12/2020		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. LEE, Chris (C)	/			
2. SAN BUENAVENTURA, Joy A. (VC)	/			
3. BROWER, Tom	/			
4. CREAGAN, Richard P.	/			
5. LOWEN, Nicole E.	/			
6. McKELVEY, Angus L.K.	/			
7. NAKASHIMA, Mark M.	/			
8. PERRUSO, Amy A.	/			
9. SAY, Calvin K.Y.	/			
10. TAKAYAMA, Gregg	/			
11. YAMANE, Ryan I.	/			
12. THIELEN, Cynthia	/			
TOTAL (12)	11	1		
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				