

Honolulu, Hawaii

, 2020

FEB 13

RE: H.B. No. 2101
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. 2101 entitled:

"A BILL FOR AN ACT RELATING TO MINORS,"

begs leave to report as follows:

The purpose of this measure is to require circuit courts to apply special sentencing considerations when sentencing a minor for a nonviolent offense and allow the courts, in their discretion, to impose a sentence up to fifty percent shorter than the mandatory minimum or to decline to impose a mandatory enhanced sentence in certain circumstances.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Office of the Public Defender, Community Alliance on Prisons, Human Rights for Kids, and four individuals. Your Committee received testimony in opposition to this measure from the Honolulu Police Department and Department of the Prosecuting Attorney of the City and County of Honolulu.

Your Committee finds that there are fundamental differences between minor and adult criminal offenders that are critical to consider during sentencing. Consideration of these differences becomes especially important when the minors are tried and convicted as adults. Studies have shown that minors' brains are



not fully developed, which makes minors more vulnerable to negative influences, peer pressure, and being heavily influenced by their surrounding environment.

Your Committee further finds that mandatory minimums for juveniles often fail to recognize the extenuating circumstances that often lead minors to offend and may significantly limit minors' potential for rehabilitation and reform. This measure allows the courts to have greater discretion in sentencing minors, which will enable judges to consider the mitigating circumstances surrounding a charged offense, issue tailored sentences that can take advantage of a minor's high rehabilitation potential, and potentially reduce the unjust and unnecessary impacts of mandatory sentencing on juvenile offenders.

Your Committee has amended this measure by:

- (1) Changing the effective date to December 31, 2059, to encourage further discussion; and
- (2) Making a technical, nonsubstantive amendment 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. 2101, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2101, 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



