

STAND. COM. REP. NO. **1020**-20

Honolulu, Hawaii

FEB 28, 2020

RE: H.B. No. 2101
H.D. 2

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. 2101, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MINORS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Require circuit courts to apply special sentencing considerations when sentencing a minor for a nonviolent offense; and
- (2) Allow the circuit 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 two individuals. Your Committee received testimony in opposition to this measure from the City and County of Honolulu Department of the Prosecuting Attorney and Honolulu Police Department.



Your Committee finds that there are fundamental differences between minor and adult criminal offenders that are critical to consider during sentencing. Your Committee further finds that mandatory minimums for juveniles often fail to recognize the extenuating circumstances that may lead minors to offend and may significantly limit minors' potential for rehabilitation and reform. This measure allows the circuit 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 requiring a minor to enter a rehabilitation or diversion program in order to be eligible for a special sentence that is up to fifty percent shorter than the mandatory minimum.

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. 2101, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2101, H.D. 2.

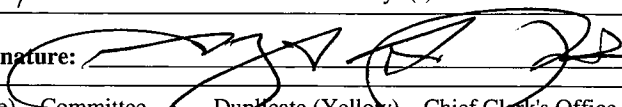
Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



CHRIS LEE, Chair



Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 2101 HDI	Committee Referral: HSH, JUD	Date: 2/28/20		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" 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)	7	2		3
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				