

Honolulu, Hawaii

APR 04 2019

RE: H.B. No. 218
H.D. 1
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 218, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MINORS,"

begs leave to report as follows:

The purpose and intent of this measure is to grant the Circuit Court, when sentencing a minor for a criminal offense, the discretion to:

- (1) Impose a sentence that includes a period of incarceration that is as much as fifty percent shorter than any mandatory minimum; and
- (2) In certain cases, decline to impose a mandatory enhanced sentence.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Human Rights for Kids, O'ahu County Democrats Committee on Legislative Priorities, and one individual. Your Committee received testimony in opposition to this measure from the Honolulu Police Department.

Your Committee finds that the Supreme Court of the United States noted in *Miller v. Alabama*, 567 U.S. 460 (2012), that "only a relatively small proportion of adolescents" who engage in



illegal activity "develop entrenched patterns of problem behavior", and "developments in psychology and brain science continue to show fundamental differences between juvenile and adult minds", including "parts of the brain involved in behavior control." Your Committee further finds that children and adolescents are generally more easily influenced by peers, less able to fully understand the consequences of their actions, and more responsive to rehabilitation than fully mature adults. Your Committee additionally finds that lengthy periods of incarceration expose minors to significant negative influences and can severely interfere with their ability to learn from their misdeeds and develop into lawful members of society. This measure grants the Circuit Court the discretion to impose reduced sentences, below mandatory enhanced sentences in certain cases, when sentencing a minor for a criminal offense.

Your Committee has amended this measure by removing the exemption to the judicial discretion proposed by this measure in cases of conviction for a felony that is a violent crime or that resulted in serious bodily injury.

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. 218, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 218, H.D. 1, S.D. 2.

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



KARL RHOADS, Chair



