

Honolulu, Hawaii

FEB 07 , 2020

RE: H.B. No. 2238  
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. 2238 entitled:

"A BILL FOR AN ACT RELATING TO FAMILY COURTS,"

begs leave to report as follows:

The purpose of this measure is to require that a child consult with legal counsel or with a parent, guardian, or legal custodian before any custodial interrogation and prior to waiving any rights against self-incrimination.

Your Committee received testimony in support of this measure from the 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 Prosecuting Attorney of the City and County of Honolulu and the Honolulu Police Department.

Your Committee finds that children's brains are still developing and that cognition and judgment continue to form well into young adulthood. Courts have recognized that children often lack the experience, perspective, or understanding necessary to make legal decisions on their own behalf. Your Committee further finds that, without consulting with an adult, children under sixteen years of age cannot adequately understand the meaning of their rights or the consequences of waiving their rights. This




measure will provide children under the age of sixteen the opportunity to consult with legal counsel or their parent, guardian, or legal custodian before any custodial interrogation and before waiving any rights against self-incrimination.

Your Committee has amended this measure by:

- (1) Changing its effective date to December 31, 2059, to encourage further discussion; and
- (2) 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. 2238, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2238, 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



