



Office of the Public Defender State of Hawaii



Testimony of the Office of the Public Defender, State of Hawaii to the House Committee on Judiciary

February 9, 2019

H.B. No. 217: RELATING TO CHILDREN

Chair Lee, Vice Chair San Buenaventura, and Members of the Committee:

The Office of the Public Defender supports H.B. 217.

We strongly support the requirement that any child under the age of sixteen have access to legal counsel before waiving any constitutionally protected right and before any custodial interrogation. We believe that children are in need of special and additional legal protections and legal assistance to help them understand, process and participate in any kind of custodial interrogation where constitutional rights are impacted. Children are particularly vulnerable to the pressures and complications of adult situations and interactions. Care and consideration should be taken to insure that any child asked to waive a constitutional rights fully understands and comprehends that decision and the consequences of that decision and that child should be guaranteed access to legal counsel.

Thank you for the opportunity to comment on H.B. 217.

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON JUDICIARY

Rep. Chris Lee, Chair

Rep. Joy SanBuenaventura, Vice Chair

Monday, February 11, 2019

2:00 pm

Room 325

SUPPORT FOR HB 217 - RIGHT OF A CHILD TO CONSULT WITH COUNSEL

Aloha Chair Lee, Vice Chair SanBuenaventura and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for more than two decades. This testimony is respectfully offered on behalf of the families of **ASHLEY GREY, DAISY KASITATI, JOEY O'MALLEY, JESSICA FORTSON AND ALL THE PEOPLE WHO HAVE DIED UNDER THE "CARE AND CUSTODY" OF THE STATE** as well as the approximately 5,400 Hawai'i individuals living behind bars or under the "care and custody" of the Department of Public Safety on any given day. We are always mindful that more than 1,600 of Hawai'i's imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

HB 217 requires that when an officer has custody of a child for an alleged violation of law, the child shall consult with legal counsel before the child waives any constitutional rights and before any custodial interrogation.

Community Alliance on Prisons supports this measure that a child under the age of 16 years has the right to consult with counsel before waiving his/her rights before any custodial interrogation.

Mahalo for the opportunity to testify in support of this measure.

HB-217

Submitted on: 2/8/2019 6:00:42 PM

Testimony for JUD on 2/11/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Golojuch Jr	Individual	Support	Yes

Comments:

Aloha Representatives,

The LGBT Caucus of the Democratic Party of Hawaii supports the passage of HB 217.

Mahalo for your consideration and for the opportunity to testify.

Mahalo,

Michael Golojuch, Jr.

Chair

LGBT Caucus of the Democratic Party of Hawaii

HB-217

Submitted on: 2/10/2019 2:20:26 PM

Testimony for JUD on 2/11/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments: