

STAND. COM. REP. NO.

840

Honolulu, Hawaii

MAR 05 2021

RE: S.B. No. 386
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B.
No. 386 entitled:

"A BILL FOR AN ACT RELATING TO THE DETENTION OF A MINOR IN AN
ADULT JAIL OR LOCKUP,"

begs leave to report as follows:

The purpose and intent of this measure is to protect youth from certain harmful conditions in the justice system by ensuring compliance with the federal Juvenile Justice Reform Act of 2018, codified under 34 U.S.C.A §11133, which requires the family court to make findings before a minor can be transferred to an adult facility.

Your Committee received testimony in support of this measure from the Judiciary, Office of the Public Defender, Office of Hawaiian Affairs, Office of Youth Services, and Hawaii Disability Rights Center. Your Committee received comments on this measure from the Department of Public Safety.

Your Committee finds that when a youth is transferred to the adult criminal justice system, the lifelong consequences of placement in the criminal justice system has a profoundly negative effect on both the youth and our community. Your Committee further finds that full brain development and maturity is proven to extend beyond teen years, and studies have shown that young adults reach full maturity past the age of twenty-five years. In



light of these developmental facts, your Committee additionally finds that adult facilities do not provide the developmentally appropriate rehabilitative services youth require.

Your Committee has amended this measure by:

- (1) Requiring the court to hold a hearing no less frequently than once every thirty days if a minor is held in a jail or lockup for adults, to review whether the detention of a child in a jail or lockup for adults remains in the interest of justice; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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 S.B. No. 386, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 386, S.D. 1.

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



KARL RHOADS, Chair



