

STAND. COM. REP. NO. 1351 -22

Honolulu, Hawaii

MAR 24 , 2022

RE: S.B. No. 2115
S.D. 1
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 2115, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE ROOM CONFINEMENT OF MINORS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Require certain minors within the jurisdiction of the family court who are not released or deemed suitable for diversion to be taken without unnecessary delay to the family court or to the place of shelter designated by the family court; and
- (2) Establish conditions and time limits for placing a minor in room confinement at a juvenile detention or adult jail facility.

Your Committee received testimony in support of this measure from the Judiciary, Department of Health, Office of the Public Defender, Office of Youth Services, American Civil Liberties Union of Hawai'i, Opportunity Youth Action Hui, and one individual.

2022-2539 SB2115 HD2 HSCR HMSO



Your Committee finds that states are currently reexamining the practice of placing juveniles in solitary confinement, or room confinement, as concerns about the effectiveness of this practice mounts. Your Committee further finds that long periods of isolation have negative consequences on youth as they are especially vulnerable to the mental and emotional effects of room confinement. Such isolation can lead to depression, anxiety, psychosis, and psychological and developmental harm. This measure establishes conditions and limits for placing minors in room confinement at a detention or adult jail facility.

Your Committee notes that as currently drafted, this measure would allow an unlicensed mental health professional to determine if a minor should be subject to room confinement. Your Committee believes that due to the serious nature of room confinement and potential risk to minors, a qualified mental health professional should oversee the decisions regarding room confinement for minors.

Accordingly, your Committee has amended this measure by:

- (1) Defining a "mental health professional" to mean a qualified mental health professional or mental health professional supervised by a qualified mental health professional; 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 Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2115, S.D. 1, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as S.B. No. 2115, S.D. 1, H.D. 2.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



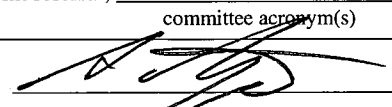
MARK M. NAKASHIMA, Chair



State of Hawaii
House of Representatives
The Thirty-first Legislature

HSCR 1351-22

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: SB 2115, SD1, HD1	Committee Referral: HHH, JHA, FIN	Date: 3-22-22		
<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)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	✓			
2. MATAYOSHI, Scot Z. (VC)	✓			
3. ICHIYAMA, Linda	✓			
4. KOBAYASHI, Dale T.				✓
5. LoPRESTI, Matthew S.	✓			
6. LOWEN, Nicole E.	✓			
7. McKELVEY, Angus L.K.	✓			
8. NAKAMURA, Nadine K.	✓			
9. TAKUMI, Roy M.	✓			
10. TOKIOKA, James Kunane	✓			
11. WARD, Gene	✓			
TOTAL (11)	10	0	0	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				