

STAND. COM. REP. NO.

1495

Honolulu, Hawaii

MAR 25 , 2021

RE: S.B. No. 387
S.D. 1
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 387, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE ROOM CONFINEMENT OF CHILDREN AT DETENTION AND SHELTER FACILITIES,"

begs leave to report as follows:

The purpose of this measure is to improve the care and treatment of children in the juvenile justice system by:

- (1) Requiring certain children 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;
- (2) Limiting the circumstances under which children at juvenile detention or adult jail facilities are subject to room confinement; and
- (3) Specifying the conditions and time limit for which room confinement may be imposed.

Your Committee received testimony in support of this measure from the Judiciary, Office of Youth Services, Office of the Public

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Defender, American Civil Liberties Union of Hawai'i, Hawai'i Psychological Association, and one individual.

Your Committee finds that in 2018, Congress passed the First Step Act which, among other things, prohibits facilities that confine youth in federal custody from using room confinement for discipline, punishment, retaliation, or any reason other than as a temporary response to a juvenile's behavior that poses a serious and immediate risk of physical harm to any individual, including the covered juvenile. Your Committee recognizes that the type of facility and the conditions where a child is confined can affect the child's health, safety, and outcomes upon reentry. This measure addresses the impact that room confinement has on the treatment and rehabilitation of children who are detained.

Your Committee has amended this measure by:

- (1) Clarifying that a child may be held in room confinement for more than three hours if the child is a danger to themselves or another; 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. 387, 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. 387, S.D. 1, H.D. 2.

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


MARK M. NAKASHIMA, Chair



