

STAND. COM. REP. NO.

61

Honolulu, Hawaii

FEB 10 2021

RE: S.B. No. 387
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 Human Services, to which was referred S.B. No. 387 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 and intent of this measure is to protect children and minors who are being confined at detention and shelter facilities by defining specific conditions and time limits under which they may be confined.

Your Committee received testimony in support of this measure from the Judiciary of the State of Hawaii, Office of the Public Defender, Office of Youth Services of the State of Hawaii, Hawaii Disability Rights Center, ACLU Hawai'i, and one individual.

Your Committee finds that over the past decade, Hawaii's juvenile justice system has undergone a major philosophical shift toward evidence-based and trauma responsive approaches for holding youth accountable for their conduct. In keeping with the significant advances in how to handle youth, facilities that rely on room confinement to control youth must also change their approach. Your Committee also finds that long periods of isolation have negative consequences for youth as they are especially vulnerable to the mental and emotional effects of room confinement. Room confinement poses a safety risk for youth,



including the increased likelihood of self-harm, suicide, and re-traumatizing those who were already victimized. Your Committee finds that codifying these confinement limitations will better protect children and minors.

Your Committee received comments from the Office of Youth Services regarding certain federal laws that apply to juvenile confinement. Accordingly, your Committee has amended this measure by:

- (1) Clarifying that confinement applies only to juveniles who commit non-status offenses;
- (2) Removing language for the purpose of limiting the period of confinement to comply with federal law;
- (3) Removing the reference to "shelter facility" as a place where a child may be held in room confinement;
- (4) Inserting an effective date of May 1, 2029; and
- (5) 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 Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 387, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 387, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Human Services,




JOY A. SAN BUENAVENTURA, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Human Services
HMS

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 387	HMS, JDC	02/04/2021		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
SAN BUENAVENTURA, Joy A. (C)	✓			
IHARA, Jr., Les (VC)	✓			
ACASIO, Laura	✓			
MISALUCHA, Bennette E.	✓			
FEVELLA, Kurt	✓			
TOTAL	5	0	0	0
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes