

STAND. COM. REP. NO.

1762

Honolulu, Hawaii

APR 06 2023

RE: H.B. No. 781
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 781, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CHILDREN,"

begs leave to report as follows:

The purpose and intent of this measure is to require that a child under eighteen years of age who is under custody of an officer have contact with legal counsel, and to the extent practicable, a parent, guardian, or legal custodian, before the child waives any right against self-incrimination and before any custodial interrogation.

Your Committee received testimony in support of this measure from the Office of the Public Defender, Human Rights for Kids, Community Alliance on Prisons, and eight individuals.

Your Committee finds it essential that individuals subject to custodial interrogation by the State are advised of their rights, and that, if they so choose, they make a knowing, intelligent, and voluntary waiver of those rights before the interrogation proceeds. Your Committee further finds that children have a lesser ability to comprehend the meaning of their rights and the consequences of waiving them. Your Committee also finds that children are also much more vulnerable to psychologically coercive interrogations and in other dealings with law enforcement compared



to adults, and according to testimony received by your Committee, in 2017, six out of seven children under the age of fourteen who confessed to having committed a crime were later exonerated because they had falsely confessed. Similarly, nearly sixty percent of children aged fourteen and fifteen in the same situation reported giving false confessions. This measure will reduce incidents of false confessions and wrongful convictions of children by ensuring that children under the age of eighteen have access to legal counsel before any custodial interrogation, and if they choose to waive any right against self-incrimination, they do so with full understanding of the consequences.

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 H.B. No. 781, H.D. 2, S.D. 1, and recommends that it pass Third Reading.

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



KARL RHOADS, Chair



