

MAR 08 2024

SENATE CONCURRENT RESOLUTION

REQUESTING THE OFFICE OF THE ADMINISTRATIVE DIRECTOR OF THE
COURTS TO COLLECT, COMPILE, AND SHARE DATA ON THE
ASSESSMENT OF FEES, COURT COSTS, FINES, AND RESTITUTION IN
CASES AGAINST MINORS.

1 WHEREAS, research shows that charging fees, fines, costs,
2 and restitution to youth is harmful to young people and their
3 families; and

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5 WHEREAS, in the State, these consequences
6 disproportionately fall on Native Hawaiian, Pacific Islander,
7 and Black youth, who are more likely to be arrested, detained,
8 and unable to afford fees, fines, costs, and restitution; and

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10 WHEREAS, although state law authorizes courts to charge
11 youth and their families a range of fees and fines, judges
12 across the state rarely impose such costs in practice; and

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14 WHEREAS, research shows that fees and fines serve no public
15 safety function and may instead undermine public safety by
16 increasing the likelihood of youth recidivism; and

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18 WHEREAS, because youth cannot afford to pay restitution,
19 crime survivors rarely see any compensation for harm they may
20 have experienced; and

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22 WHEREAS, jurisdictions in the majority of states that
23 assess fees, costs, fines, and restitution to youth spend more
24 money trying to collect those outstanding debts than they
25 receive in revenue; and

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27 WHEREAS, there is a growing consensus that fees and fines
28 should not be assessed for mistakes made in a person's youth,
29 regardless of the age or jurisdiction in which the person is
30 adjudicated or sentenced; and

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1 WHEREAS, several states throughout the country have
2 prohibited the imposition of fees and limited the impact of
3 restitution on young people and their families; now, therefore,
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5 BE IT RESOLVED by the Senate of the Thirty-second
6 Legislature of the State of Hawaii, Regular Session of 2024, the
7 House of Representatives concurring, that the Office of the
8 Administrative Director of the Courts is requested to collect,
9 compile, and share data on the assessment of fees, court costs,
10 fines, and restitution in cases against minors; and
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12 BE IT FURTHER RESOLVED that the data is requested to
13 include:
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15 (1) The total and annual average amounts of fees, court
16 costs, fines, and restitution that are assessed,
17 collected, waived, and outstanding in cases against
18 minors for each of the last five years; and
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20 (2) For the circuit, family, and district courts in each
21 judicial district, a description of each fee, court
22 cost, or fine that can be assessed in cases against
23 minors, and their respective amounts; and
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25 BE IT FURTHER RESOLVED that the Office of the
26 Administrative Director of the Courts is requested to submit a
27 report of its findings and recommendations to the Legislature no
28 later than twenty days prior to the convening of the Regular
29 Session of 2025; and
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31 BE IT FURTHER RESOLVED that certified copies of this
32 Concurrent Resolution be transmitted to the Chief Justice of the
33 Hawaii Supreme Court and Administrative Director of the Courts.
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OFFERED BY: _____

