
SENATE 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 can be harmful to young people and
3 their 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, according to data from the Office of Juvenile
15 Justice and Delinquency Prevention, fees and fines serve no
16 public safety function and may instead undermine public safety
17 by increasing the likelihood of youth recidivism; and
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19 WHEREAS, because youth cannot afford to pay restitution,
20 crime survivors rarely see any compensation for harm they may
21 have experienced; and
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23 WHEREAS, research from the Brennan Center for Justice in
24 its 2019 report "The Steep Costs of Criminal Justice Fees and
25 Fines" found that jurisdictions in the majority of states that
26 assess fees, costs, fines, and restitution to youth spend more
27 money trying to collect those outstanding debts than they
28 receive in revenue; and
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30 WHEREAS, there is a growing consensus that fees and fines
31 should not be assessed for actions taken in a person's youth,
32 regardless of the age or jurisdiction in which the person is



1 adjudicated or sentenced, as illustrated in statements and
2 resolutions from judges, prosecutors, and the law enforcement
3 community, such as the National Council of Juvenile and Family
4 Court Judges' 2018 "Resolution Addressing Fines, Fees, and Costs
5 in Juvenile Courts", and the 2021 "Statement on Abolishing Youth
6 Fines and Fees" from Youth Correctional Leaders for Justice; and
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8 WHEREAS, more than sixteen states throughout the country
9 have eliminated or prohibited the imposition of fees or fines,
10 or both, on young people and their families; and
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12 WHEREAS, current data is needed to better understand the
13 statewide and county-specific imposition and impact of fees,
14 court costs, fines, and restitution on young people and their
15 families in the State; now, therefore,
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17 BE IT RESOLVED by the Senate of the Thirty-second
18 Legislature of the State of Hawaii, Regular Session of 2024,
19 that the Office of the Administrative Director of the Courts is
20 requested to collect, compile, and share data on the assessment
21 of fees, court costs, fines, and restitution in cases against
22 minors; and
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24 BE IT FURTHER RESOLVED that the data is requested to
25 include:
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- 27 (1) The total and annual average amounts of fees, court
28 costs, fines, and restitution that are assessed,
29 collected, waived, and outstanding in cases against
30 minors for each of the last five years, provided as a
31 statewide aggregate and by court circuit; and
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- 33 (2) For the circuit, family, and district courts in each
34 judicial district, a description of each fee, court
35 cost, or fine that can be assessed in cases against
36 minors, and their respective amounts; and
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38 BE IT FURTHER RESOLVED that the Office of the
39 Administrative Director of the Courts is requested to submit a
40 report of its findings and recommendations to the Legislature no
41 later than forty days prior to the convening of the Regular
42 Session of 2025; and



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2 BE IT FURTHER RESOLVED that the Office of the
3 Administrative Director of the Courts is requested to post the
4 report on the Judiciary's public website; and
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6 BE IT FURTHER RESOLVED that the Office of the
7 Administrative Director of the Courts is requested to provide a
8 copy of the report to the Judicial Council; and
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10 BE IT FURTHER RESOLVED that the Judicial Council is
11 requested to consult the report during the next Penal Code
12 review; and
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14 BE IT FURTHER RESOLVED that certified copies of this
15 Resolution be transmitted to the Chief Justice of the Hawaii
16 Supreme Court and Administrative Director of the Courts.

