STAND. COM. REP. NO. 1723

Honolulu, Hawaii

MAR 3 1 , 2025

RE: S.B. No. 544 H.D. 1

Honorable Nadine K. Nakamura Speaker, House of Representatives Thirty-Third State Legislature Regular Session of 2025 State of Hawaii

Madame:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 544 entitled:

"A BILL FOR AN ACT RELATING TO SENTENCING OF MINOR DEFENDANTS,"

begs leave to report as follows:

The purpose of this measure is to allow courts to depart from mandatory minimum and sentencing enhancements when sentencing minor defendants if the court believes the reduction is warranted given certain factors.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs; Office of the Public Defender; Human Rights for Kids; Rights4Girls; ACLU of Hawai'i; Opportunity for Youth Action Hawai'i Kawailoa; and one individual.

Your Committee finds that children differ from adults in cognitive development, decision-making, and susceptibility to external influences, which must be considered when sentencing minors convicted of adult crimes. Research shows that many minors in the criminal justice system have experienced significant trauma, abuse, or adverse childhood experiences, impacting their behavior and rehabilitation potential. This measure would allow the courts to account for the unique psychological and developmental differences between children and adults when

sentencing minors for adult crimes and to depart from mandatory minimums and sentencing enhancements if the reduction is warranted based on specific factors, recognizing the impact of childhood trauma and circumstances on juvenile offenders.

Your Committee has amended this measure by making a technical, nonsubstantive amendment 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. 544, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 544, H.D. 1, and be placed on the calendar for Third Reading.

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

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DAVID A. TARNAS, Chair

State of Hawaii House of Representatives The Thirty-third Legislature

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Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: 58544	Committee Referral:			
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)				
A POEDOE WILL (MC)			1000000	
2. POEPOE, Mahina (VC)				46
3. BELATTI, Della Au				
				1
4. COCHRAN, Elle				-
5. HASHEM, Mark J.				
5. HASHEM, Mark J.				
6. KAHALOA, Kirstin			3 3 3 1 4 3 P. A 5 1 1 1 1	
7. PERRUSO, Amy A.				
8. TAKAYAMA, Gregg				
o. TAKATAMA, Gregg				
9. TODD, Chris	√			
				,
10. GARCIA, Diamond				
11. SHIMIZU, Garner M.				
TOTAL (11)	0	0	0	2
The recommendation is: Adopted Not Adopted If joint referral, did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
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