

Honolulu, Hawaii

FEB 28 2025

RE: S.B. No. 691
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B.
No. 691 entitled:

"A BILL FOR AN ACT RELATING TO FAMILY COURTS,"

begs leave to report as follows:

The purpose and intent of this measure is to establish a
minimum age of twelve for delinquency adjudication.

Your Committee received testimony in support of this measure
from Human Rights for Kids, Law Enforcement Action Partnership,
National Youth Justice Network, and two individuals.

Your Committee received comments on this measure from the
Office of the Public Defender.

Your Committee finds that the United States is the only
country in the world that has not fully established a minimum age
for juvenile delinquency adjudication, in violation of Article 40
of the United Nations Convention of the Rights of the Child, which
requires nations to set a minimum age below which children are
deemed incapable of transgressing the criminal law. In the United
States, only a bare majority of states have established any
minimum age of delinquency adjudication, and most states that have
set a minimum age have set it at the low age of ten years old.
Your Committee further finds that young children under the age of
twelve do not have the ability to form mens rea or criminal



intent, but should still receive services and treatment when they engage in what would otherwise be delinquent or criminal behavior. This measure will improve juvenile justice and public safety across the State by recognizing the intrinsic differences between children and adults and prioritizing the well-being of youth in the legal system.

Your Committee notes that in practice, juvenile petitions for law violations do not use the term "delinquency" when referring to law violations or adjudications. Rather, a petition alleging a law violation may be filed and processed in the juvenile justice system against a juvenile twelve years of age or older, with rare exceptions.

Your Committee also notes that section 571-44, Hawaii Revised Statutes (HRS), allows for a child under the age of twelve to be adjudged under section 571-11(1), HRS, with the written recommendation of a qualified professional. To ensure that no child under the age of twelve is adjudicated and to promote parity in the laws relating to the adjudication of children, your Committee believes that this ability should be repealed, therefore amendments to this measure are necessary.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that a petition alleging violation or attempted violation of any federal, state, or local law or county ordinance, rather than a petition alleging delinquency for a violation of law, shall not be filed in a case involving a child under the age of twelve;
- (2) Repealing the exception for a child under the age of twelve to be adjudged to come within section 571-11(1), HRS, with the written recommendation of a qualified professional; and
- (3) 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 691, as amended herein, and recommends that it pass Second



Reading in the form attached hereto as S.B. No. 691, S.D. 1, and
be placed on the calendar for Third Reading.

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




KARL RHOADS, Chair



The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 691</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">JDC</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">2/7/25</div>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
CHANG, Stanley	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton	✓			
TOTAL	5	—	—	—
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; margin-top: 10px;">  </div>				
Distribution: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="text-align: center;">Original File with Committee Report</div> <div style="text-align: center;">Yellow Clerk's Office</div> <div style="text-align: center;">Pink Drafting Agency</div> <div style="text-align: center;">Goldenrod Committee File Copy</div> </div>				

***Only one measure per Record of Votes**