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**Testimony of the Office of the Public Defender,
State of Hawai'i to the Senate Committee on Judiciary**

March 11, 2025

H.B. 103: RELATING TO SENTENCING.

Chair Rhoads, Vice-Chair Gabbard, and Members of the Committee:

The Office of the Public Defender **strongly supports H.B. 103:**

This measure raises the threshold age for life without parole from 18 to 21 years of age, thus allowing any emerging adult under the age of 21 to qualify for parole when deemed appropriate by the Hawaii Paroling Authority. We believe that the preamble of the bill clearly states principles that are generally accepted in the legal, scientific, and psychological communities on the topic of juvenile and emerging adult development. Juveniles (waived into adult court) and emerging adults are psychologically and developmentally different from adults and these differences should be recognized by the legal system. Emerging adults are often extremely vulnerable to negative environments and are easily influenced by crime-producing influences such as physical, sexual, and psychological abuse by family members, other adults, and older juveniles. Emerging adults are often less capable than adults to consider the long-term impact of their actions, control their emotions and impulses, or evaluate risks and reward and may not have full control over their living situations. They may experience traumas related to family homelessness, abandonment, exposure to adult drug abuse, limited access to education, and the

realities of living in poverty that create environments susceptible to gang involvement or exposure to adult criminal behaviors.

H.B. 103 seeks to guarantee opportunities for parole for emerging adults – adults between the ages of 18 and 21. The Office of the Public Defender is in full support of the proposed sentencing factors in this measure, and we submit that this bill will create a fairer and more just system for the determination of an appropriate sentence for any emerging adult facing a life sentence.

Thank you for the opportunity to provide testimony on this bill.

**DEPARTMENT OF THE PROSECUTING ATTORNEY
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CITY AND COUNTY OF HONOLULU**

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**THE HONORABLE KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY
Thirty-Third State Legislature
Regular Session of 2025
State of Hawai'i**

March 10, 2025

RE: H.B. 103; RELATING TO CRIMINAL JUSTICE REFORM.

Chair Rhoads, Vice Chair Gabbard, and members of the Senate Committee on Judiciary, the Department of the Prosecuting Attorney for the City and County of Honolulu submits the following testimony in **opposition** to H.B. 103.

H.B. 103 raises the minimum age for a sentence of life imprisonment without the possibility of parole from eighteen years of age to twenty-one years of age.

When an adult commits first-degree murder, a sentence of life imprisonment without the possibility of parole is appropriate. Murder in the first degree applies for mass killers, serial killers, and contract killers. It applies to murderers who undermine the justice system: killers of police officers, prosecutors, judges, and witnesses. It applies to killers who murder persons protected by an abuse warning, a temporary restraining order, or a protective order. It applies to killers who murder their hostages or human shields, or who murder a person held for ransom. It applies to murderers who murder even while in prison.

The Department does not believe these murderers should ever be released from prison. Even so, the governor retains the option to commute these sentences to life imprisonment after twenty years of imprisonment. Their victims remain dead.

This bill also amends the definition of a “persistent offender” to exclude felonies committed between the age of eighteen and twenty-one years. A small number of criminals are disproportionately responsible for the bulk of serious and violent offenses. Identifying and incapacitating these persistent offenders is necessary for public safety.

Thank you for the opportunity to testify.

HB-103

Submitted on: 3/8/2025 8:48:38 AM

Testimony for JDC on 3/11/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Frank Schultz	Individual	Oppose	Written Testimony Only

Comments:

I oppose this initiative. If old enough to vote, you are considered an adult. Do the crime, do the time.

HB-103

Submitted on: 3/10/2025 2:45:48 AM

Testimony for JDC on 3/11/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Gregory Misakian	Individual	Oppose	Remotely Via Zoom

Comments:

I do not support HB103, as I personally believe that 18 is the age that you are classified as an adult. Nationally and worldwide, the age of majority is widely established at 18.

Gregory Misakian

HB-103

Submitted on: 3/10/2025 1:08:07 PM

Testimony for JDC on 3/11/2025 9:45:00 AM

LATE

Submitted By	Organization	Testifier Position	Testify
Michael Olderr	Individual	Support	Written Testimony Only

Comments:

I support this bill