

JON N. IKENAGA  
STATE PUBLIC DEFENDER

**DEFENDER COUNCIL**  
1130 NORTH NIMITZ HIGHWAY  
SUITE A-254  
HONOLULU, HAWAI'I 96817

**HONOLULU OFFICE**  
1130 NORTH NIMITZ HIGHWAY  
SUITE A-254  
HONOLULU, HAWAI'I 96817

**APPELLATE DIVISION**  
TEL. No. (808) 586-2080

**DISTRICT COURT DIVISION**  
TEL. No. (808) 586-2100

**FAMILY COURT DIVISION**  
TEL. No. (808) 586-2300

**FELONY DIVISION**  
TEL. No. (808) 586-2200

**FACSIMILE**  
(808) 586-2222



STATE OF HAWAI'I  
**OFFICE OF THE PUBLIC DEFENDER**

HAYLEY Y.C. CHENG  
ASSISTANT PUBLIC DEFENDER

**HILO OFFICE**  
275 PONAHAHAWAI STREET  
SUITE 201  
HILO, HAWAI'I 96720  
TEL. No. (808) 974-4571  
FAX No. (808) 974-4574

**KONA OFFICE**  
75-1000 HENRY STREET  
SUITE #209  
KAILUA-KONA HI 96740  
TEL. No. (808) 327-4650  
FAX No. (808) 327-4651

**KAUAI OFFICE**  
3060 EIWA STREET  
SUITE 206  
LIHUE, HAWAI'I 96766  
TEL. No. (808) 241-7128  
FAX No. (808) 274-3422

**MAUI OFFICE**  
81 N. MARKET STREET  
WAILUKU, HAWAI'I 96793  
TEL. No. (808) 984-5018  
FAX No. (808) 984-5022

**Testimony of the Office of the Public Defender,  
State of Hawai'i to the House Committee on Judiciary & Hawaiian Affairs**

February 7, 2025

H.B. 103: RELATING TO SENTENCING.

Chair Tarnas, Vice-Chair Poepoe, and Members of the Committee:

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

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 development. Juveniles are psychologically and developmentally different from adults and these differences should be recognized by the legal system. Juveniles should not be equated with adults in our criminal justice system. Juveniles are 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. Juveniles are less capable than adults to consider the long-term impact of their actions, control their emotions and impulses, or evaluate risks and reward. Juveniles do not have control over their living situations and may experience traumas related to family homelessness, abandonment, exposure to adult drug abuse, and the realities of living in poverty that create environments susceptible to gang involvement or exposure to adult criminal behaviors.

Through the formation of a family court, Hawaii has recognized that children must be treated differently from adults in our justice system. Nevertheless, juveniles, through the waiver of jurisdiction process, are still able to be tried by the adult criminal justice system and receive the harshest penalties under our state laws. H.B. 103 seeks to reform this situation and make our laws compliant under United States Supreme Court decisions which have questioned the wisdom of the imposition of such penalties on juvenile offenders. 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 juvenile waived into the adult system.

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

**DEPARTMENT OF THE PROSECUTING ATTORNEY  
KA 'OIHANA O KA LOIO HO'OPI'I  
CITY AND COUNTY OF HONOLULU**

ALII PLACE  
1060 RICHARDS STREET • HONOLULU, HAWAII 96813  
PHONE: (808) 768-7400 • FAX: (808) 768-7515 • WEBSITE: www.honoluluprosecutor.org

STEVEN S. ALM  
PROSECUTING ATTORNEY  
LOIO HO'OPI'I



THOMAS J. BRADY  
FIRST DEPUTY PROSECUTING ATTORNEY  
HOPE MUA LOIO HO'OPI'I

**THE HONORABLE DAVID A. TARNAS, CHAIR  
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS  
Thirty-Third State Legislature  
Regular Session of 2025  
State of Hawai'i**

February 7, 2025

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

Chair Tarnas, Vice Chair Poepoe, and members of the House Committee on Judiciary and Hawaiian Affairs, 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 who 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.

# Opportunity for Youth Action Hawai'i

# KAWAIILOA

February 7, 2025

House Committee on Judiciary and Hawaiian Affairs  
Hearing Time: 2:05PM  
Location: State Capitol Conference Room 325  
Re: HB103, Relating to Sentencing

Aloha e Chair Tarnas, Vice Chair Poepoe and members of the Committee:

On behalf of the Opportunity for Youth Action Hawai'i hui, we are writing in **strong support of HB103, relating to sentencing**. This bill changes the age for which individuals are eligible for life without parole sentences from eighteen years of age or older to twenty-one years of age or older.

This bill addresses the issue that individuals eighteen years of age have not fully achieved adult-like capacities and privileges to be held eligible for a life sentence without parole. Although eighteen-year-olds are considered “emerging adults,” their brains continue to develop and mature throughout their mid-to-late twenties. Their prefrontal cortex, which controls their planning, prioritizing, and decision-making skills, has not yet been fully developed. Eighteen-year-olds share more in common with youth than adults.

Without parole, there is less opportunity for rehabilitation and reintegration into the community. Individuals eighteen years of age are more capable of change than adults, and their misconduct is less likely a result of irreversible character. A life sentence without parole is inappropriate for eighteen-year-olds who have a greater propensity for rehabilitation.

Individuals between eighteen and twenty-one years of age also have a higher rate of recidivism. The opportunity to receive parole will reduce that rate. Eighteen to twenty-one-year-olds also have less control over their impulses and react differently than adults in emotionally arousing situations. Twenty-one-year-olds are physically, cognitively, emotionally, socially, and morally more competent in understanding that their actions have consequences.

By changing the eligible age for a sentence of life without parole from eighteen to twenty-one, HB103 acknowledges that significant differences exist in the psychological and neurological development of eighteen-year-olds and twenty-one-year-olds. This bill offers eighteen-year-olds the opportunity to be rehabilitated and reintegrated into society when there is more potential for positive change and growth.

Opportunity for Youth Action Hawai'i is a collaboration of organizations and individuals committed to reducing the harmful effects of a punitive incarceration system for youth; promoting equity in the justice system; and improving and increasing resources to address adolescent and young adult mental health needs. We seek to improve the continuity of programs and services for youth and young adults transitioning from minor to adult status; eliminate youth houselessness and housing market discrimination against young adults; and promote and fund more holistic and culturally informed approaches among public/private agencies serving youth.

**Please support HB103.**

1099 Alakea Street, Suite 2530 | Honolulu, Hawaii 96813 | (808) 447-1840

**HB-103**

Submitted on: 2/5/2025 12:34:18 AM

Testimony for JHA on 2/7/2025 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Gregory Misakian	Individual	Oppose	Written Testimony Only

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