



*The Judiciary, State of Hawai‘i*

**Testimony to the Thirty-Third Legislature, 2025 Regular Session**

**House Committee on Human Services & Homelessness**

Representative Lisa Marten, Chair  
Representative Ikaika Olds, Vice Chair

Tuesday, January 28, 2025, 9:00 a.m.  
State Capitol, Conference Room 329

by  
Dyan M. Medeiros  
Senior Judge, Family Court of the First Circuit

**WRITTEN TESTIMONY ONLY**

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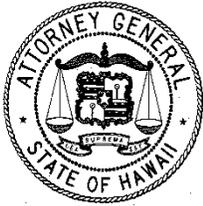
**Bill No. and Title:** House Bill No. 129, Relating to Youth Fines and Fees.

**Purpose:** Prohibits the assessment of any fees, fines, or court costs against a person who was adjudicated for an offense committed during the person's minority, or against the person's parent or guardian, and discharges all related debt obligations assessed before the effective date of the Act. Limits court-ordered community service for a minor to no more than seventy-two hours. Repeals certain penalties imposed on parents, guardians, or other persons associated with unaccompanied children in streets and unmarried minors in dance halls.

**Judiciary's Position:**

The Judiciary takes no specific position on House Bill No. 129, which prohibits the assessment of fines, fees, or court costs against adjudicated minors. We note, however, that the intent and purpose of this bill are admirable and the strategies employed are evidence-based. Further, as noted in the bill's preamble, Family Courts across the state already rarely impose fines, fees, or costs on youths and their parents.

We thank you for the opportunity to offer testimony on this bill.



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-THIRD LEGISLATURE, 2025**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 129, RELATING TO YOUTH FEES AND FINES.

**BEFORE THE:**

HOUSE COMMITTEE ON HUMAN SERVICES & HOMELESSNESS

**DATE:** Tuesday, January 28, 2025      **TIME:** 9:00 a.m.

**LOCATION:** State Capitol, Room 329 and Videoconference

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Mark S. Tom, Deputy Attorney General

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Chair Marten and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments.

The purposes of the bill are to prohibit the assessment of any fines, fees, or court costs against a person who is adjudicated for an offense committed while the person was a minor under the age of eighteen, or against the person's parent or guardian; limit court ordered community service for minors to no more than seventy-two hours; and repeal certain penalties imposed on parents, guardians, or other persons associated with unaccompanied children in streets and unmarried minors in dance halls.

The Department has the following concerns about some of the terminology in the bill and offers suggestions to address them.

The term "reimbursements" in the amended section 291E-61(l)(1) in section 12 of the bill (page 32, line 10) and in the amended section 291E-64(j)(1) in section 14 of the bill (page 46, line 5), needs clarification. Although the term "reimbursements" is used or inserted in various other sections of this bill, the Department is concerned that, as the term is used in these two sections, it is not clear how the term is intended to be applied. Without further clarification the term could create statutory confusion, possibly preventing courts from imposing restitution in applicable cases. In an abundance of caution, the Department suggests including a provision anytime "reimbursements" is referenced, that clarifies that removing the responsibility of any financial reimbursement

from the minor does not preclude the courts from ordering restitution to a victim when applicable.

Section 25 amends section 577-3.5(b), HRS (page 85, line 10, to page 86, line 8), to address sentencing provisions for an act constituting graffiti by a minor. The Department believes that the removal of the phrase "pay for the actual cost of having the damaged property repaired or replaced" (page 85, lines 19-20) makes this section too rigid and may not allow for the participation in "an available accountability program offered by the Judiciary" as there will be no court-ordered restitution to complete through an accountability program. Currently, when minors are ordered to pay restitution to a victim, the minor is given the option to participate in the Judiciary's Accountability Program (Papa Hoike Kuleana), which is an innovative program created for minors, to address court-ordered restitution and community service obligations. Minors who participate in Papa Hoike Kuleana complete community service work through the accountability program, and upon completion of community service work, the program will pay applicable restitution to victims on behalf of the minor. By removing this wording, it may force the minor, parent, or guardian to remove graffiti even in situations that may otherwise be dangerous (graffiti on an overpass sign) to the individual as the minor may not be statutorily allowed to complete a sufficient amount of community service work to utilize the accountability program as contemplated or authorized. Consequently, we recommend that the phrase "pay for the actual cost of having the damaged property repaired or replaced" (page 85, lines 19-20) remain in the statute and not be removed.

Additionally, there may be a constitutional problem with the title of the bill and the subjects contained in the bill. Section 14, of article II of the Hawaii Constitution provides in part that "Each law shall embrace but one subject, which shall be expressed in its title. This bill is entitled "Relating to Youth Fees **and** Fines," which may be construed by a court as embracing two subjects. And the bill itself relates to "fees, fines, or court costs," three subjects, the last of which may not be encompassed within the title of the bill.

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



STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
OFFICE OF YOUTH SERVICES  
1010 Richards Street #314  
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**JUVENILE JUSTICE STATE ADVISORY COUNCIL (JJSAC)**

Date: January 28, 2025

To: The Honorable Representative Lisa Marten, Chair  
The Honorable Representative Ikaika Olds, Vice Chair  
Members of the House Committee on

Re: Strong Support of HB 129, Relating to Youth Fees and Fines

Hearing: Tuesday, January 28<sup>th</sup>, 2024, at 9:00am, House Conference Room 329

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**Position: Strong Support**

Aloha, my name is Rick Collins, and I'm the Chair for the Hawai'i Juvenile Justice State Advisory Council (JJSAC). The mission of JJSAC is, "To advise government and local communities to ensure effective service provision and development of policies that improve the juvenile justice system, advocate for delinquency prevention and guide Hawaii's youth in becoming productive community members."

I am submitting testimony on behalf of the JJSAC in STRONG SUPPORT of HB 129. HB 129 prohibits the assessment of fines, fees, or court costs to minors and their guardians when the minor commits an offense while they are a minor, and limits the community service to 72 hours for an offense.

**Monetary fines disproportionately affect low-income families**

Monetary penalties imposed on youth in the juvenile justice system are punitive and create lasting financial and emotional burdens for both young individuals and their families. These sanctions intensify economic disparities and disproportionately affect low-income families as well as Native Hawaiian and Pacific Islander communities. Eliminating this counterproductive and harmful practice would align Hawai'i with numerous other states that have embraced debt-free justice for young people.

**Monetary fines are not a relied upon revenue stream for Hawai'i courts**

Research indicates that these fees and fines neither contribute to rehabilitation nor significantly fund court operations. A report presented to the Hawai'i State Legislature by the Administrative Director of Hawai'i Courts revealed that, over the past five years, only 17% of juvenile fines have been paid. Courts in Hawai'i do not depend on these revenues, and many judges avoid imposing them, acknowledging their ineffectiveness and the financial strain they place on low-income families.

**Monetary fines increase the likelihood of recidivism for youth of color**

Furthermore, criminological studies demonstrate that imposing fees and fines on youth—particularly youth of color—significantly increases the likelihood of recidivism, even when controlling for other factors. Data from other states also show that the costs of collecting these fees often exceed the revenue generated.

**Strong local and national support for the abolishment of monetary fines for minors**

By eliminating court-assessed fees and fines for youth, HB 129 would position Hawai'i as part of the growing national movement to abolish such practices. Across the United States, over 20 states have already taken steps to remove fees and/or fines from their juvenile systems, with more jurisdictions following suit.

The federal Department of Justice, along with national organizations of judges, prosecutors, correctional leaders, and law enforcement officials, has expressed support for ending monetary sanctions against youth. In Hawai'i, advocates ranging from juvenile defense attorneys to restorative justice organizations have echoed this call for change.

Currently, Hawai'i stands apart in continuing to permit these sanctions under state law. While Kaua'i County has taken commendable steps to oppose these penalties, it is now up to the state legislature to repeal these outdated statutes. Removing the legal basis for youth fees and fines aligns with Hawaii's broader justice reform efforts and reflects the state's commitment to equity and effective practices.

Mahalo for your consideration of our testimony in strong support of this important measure.

Rick Collins

Chair

Hawai'i Juvenile Justice State Advisory Council

If you have any questions, please feel free to contact me at [rick@hiphi.org](mailto:rick@hiphi.org) or (808) 591-6508, x22.

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STATE PUBLIC DEFENDER

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**Testimony of the Office of the Public Defender,  
State of Hawai'i to the House Committee on Human Services & Homelessness**

January 28, 2025

H.B. 129: RELATING TO YOUTH FEES AND FINES.

Chair Marten, Vice-Chair Olds, and Members of the Committee:

The Office of the Public Defender **strongly supports H.B. 129:**

The Office of the Public Defender represents indigent juveniles in the criminal justice system. Most of our juvenile clients come from families with limited incomes and live in poverty. Many of our clients are not only entangled in the criminal justice system but may also be in foster care and have limited access to resources that many in our community take for granted. We strongly support the purpose of H.B. 129 and join in the call for the prohibition of fines, fees, and court costs against any person adjudicated for an offense committed during the person's minority, or against the person's parent or guardian.

The core principles and goals espoused in HRS § 571-1, which established the Family Courts, read in part as follows:

This chapter shall be liberally construed to the end that children and families whose rights and well-being are jeopardized shall be assisted and protected, and secured in those rights through action by the court; that the court may formulate a plan adapted to the requirements of the

child and the child's family and the necessary protection of the community, and may utilize all state and community resources to the extent possible in its implementation.

This chapter created within the State a system of family courts and *it shall be a policy and purpose of said courts to promote the reconciliation of distressed juveniles with their families, foster the rehabilitation of juveniles in difficulty, render appropriate punishment to offenders, and reduce juvenile delinquency.*

Many of our juveniles involved in the court system are struggling with everything – from access to food and basic amenities, access to a safe place to live, access to transportation, access to a computer and internet access, and access to a working phone. Juveniles in distress include children who are victims of physical and sexual abuse, children who have experienced traumas and face mental health challenges resulting from those traumas. They include children in our foster care system who do not have a loving responsible parent to care and provide for them.

H.B. 129 will help juveniles and their families concentrate their financial resources on accessing other services more in line with rehabilitation: providing basic needs, maintaining housing, accessing counseling services, educational services, mental health services, and reducing some of the daily pressures on families living in poverty by eliminating court-imposed debt that does nothing to promote rehabilitation, education, or the personal growth of youth in the criminal justice system.

Thank you for the opportunity to comment on this measure.



STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
KA 'OIHANA HO'ONA'AUAO  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

**Date:** 01/28/2025

**Time:** 09:00 AM

**Location:** 329 VIA VIDEOCONFERENCE

**Committee:** House Human Services &  
Homelessness

**Department:** Education

**Person Testifying:** Keith T. Hayashi, Superintendent of Education

**Bill Title:** HB 0129 RELATING TO YOUTH FEES AND FINES.

**Purpose of Bill:** Prohibits the assessment of any fees, fines, or court costs against a person who was adjudicated for an offense committed during the person's minority, or against the person's parent or guardian, and discharges all related debt obligations assessed before the effective date of the Act. Limits court-ordered community service for a minor to no more than seventy-two hours. Repeals certain penalties imposed on parents, guardians, or other persons associated with unaccompanied children in streets and unmarried minors in dance halls.

**Department's Position:**

The Hawaii State Department of Education (Department) respectfully provides comments on HB 0129 specifically on Part III of the bill.

Shifting from monetary penalties to community service for vandalism promotes restorative justice, reduces financial burdens on families, and fosters accountability, empathy, and stronger school connections. However, this shift presents logistical challenges that require significant planning, staffing, and funding. Implementing these programs will increase the administrative workload, present logistical challenges in scheduling and compliance tracking, and create barriers for smaller or under-resourced schools. Systems must be in place to manage community service tasks that comply with the 72-hour limit and do not interfere with school or work commitments. Additionally, staff training on restorative justice practices, supervisory staffing, funding, and technical expertise in construction standards will be essential.

In light of these considerations, the Department proposes the following amendment to ensure a fair and effective implementation of the policy:

In Part III, Section 15, Page 48, Lines 13-17, the Department recommends striking out: "~~The pupil shall repair any damage caused~~" and replacing it with: "When appropriate, the principal will assess the extent of the damage and determine if the pupil has the skills necessary to address it."

The proposed changes emphasize the principal's discretion in determining whether a student can repair damage, considering factors like skill, liability, age, funding, and staffing.

In conclusion, HB 0129 has the potential to positively impact students and school communities if supported with the necessary resources, including staff training on restorative justice practices, supervisory staffing, funding, and technical expertise.

Thank you for the opportunity to provide testimony for HB 0129.

**Rebecca V. Like**  
Prosecuting Attorney



**Keola Siu**  
First Deputy  
Prosecuting Attorney

**OFFICE OF THE PROSECUTING ATTORNEY**

**County of Kaua'i, State of Hawai'i**

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The Honorable Lisa Marten, Chair  
House Committee on Human Services & Homelessness  
Thirty-third State Legislature  
Regular session of 2025  
State of Hawai'i  
January 26, 2025

**RE: HB 129 Relating to Youth Fees and Fines**

Dear Chair Martin:

Our Office provides the testimony below in OPPOSITION to House Bill 129. This bill seems unnecessary, as most current statutes or case law require judges to find that a person has the ability to pay. Further, the introduction to the bill explicitly states, "Although Hawaii law authorizes courts to charge youth and their families a range of fines, judges across the State rarely impose those costs in practice."

Bill 129 also lumps fines, fees and costs together. Each has a distinct purpose. Fines are monetary punishment. Fees are typically mandated payments that fund certain criminal justice programs and help victims. Costs typically relate to the programming, services or treatment the juvenile in these cases would be ordered to complete. Further, this bill fails to appropriate funds to the Judiciary or other service providers who now would not be getting paid for their services. Many statutes already articulate that health insurance can be used to pay for certain services.

Our Office agrees that fines should not be given to minors or parents as punishment. However, individuals who commit crimes should have at least some responsibility to pay for the services they are ordered to complete rather than that falling completely on taxpayers.

HB 129 does not contain the word "restitution," but does address it in various statutes, which will be discussed further below. Restitution is compensation to a victim for damages caused by a crime. It would be highly

problematic if courts could not order minors to pay their victims back. Still, this bill has situations where it in fact prohibits the courts from ordering restitution because the current statutes use the words “costs” or “reimbursement” rather than “restitution”.

Below are some statutory sections in the bill that we wanted to highlight

- HRS 291E-39
  - Bill prohibits judges from ordering minor/parents to pay for cost of administrative hearing for determination of violations.
  - This statute currently has a provision that those who are indigent do not have to pay.
- \*\*HRS 291E-61 (OVUII), HRS 291E-61.5 (Habitual), HRS 291E-64 (Measurable amount)
  - These statutes currently require that the offender has an assessment by a certified abuse counselor and then complies with all treatment requirements. The bill prohibits judges from ordering minor/parents to pay for the costs relating to the assessment/treatment.
  - Assessments and recommended treatment are often done by the private sector or non-profits. The private sector is not going to do the assessments and treatment if they do not get paid. Will the courts to pay for these? There will be no assessments and treatment if the courts cannot order the minor/parents to pay for the costs.
- HRS 302A-1153 (Vandalism damage to public school property)
  - This statute is not a criminal statute. Nevertheless, it says that schools cannot require a minor/parents to pay monetary restitution for vandalism done by the minor.
  - It can require the minor to repair the damage, but what if it is something that minor cannot do or something that requires parts? It seems silly that because the victim is a school, it cannot get money for vandalism. If it was a private entity, it could sue the parents for the damage.
- HRS 351-62.6 (Compensation Fee for Deferred Acceptance)
  - Bill prohibits judges from requiring minor/parents to pay compensation fee.
  - Statute already allows judges to factor whether a person can pay. Also, this statute would not apply to minors anyway.
- HRS 571-31.4 (Informal Adjustment)
  - Treatment or services at no cost

- This is problematic as most providers are private companies or non-profits.
- HRS 571-48 (Decree)
  - Subsections (11) and (13) allow courts to order restitution. Subsection (14) then says “Notwithstanding paragraph (11) or (13), the court shall not impose any financial penalties or seek reimbursement for costs against the adjudicated child or the child's parent or guardian.”
  - Word choice of “notwithstanding” makes it confusing whether a court can order restitution.
- 577-3.5 (Graffiti)
  - While the statute still allows the court to make the minor physically repair the damage, it specifically disallows the court from ordering the minor/parents to pay for the paint, etc.

Because of the above articulated concerns, the Kauai Office of the Prosecuting Attorney submits this testimony in OPPOSITION to HB 129.

Thank you for the opportunity to testify.

**HB-129**

Submitted on: 1/25/2025 8:19:53 PM

Testimony for HSH on 1/28/2025 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lynette Cruz	Malama Makua	Support	Written Testimony Only

Comments:

Malama Makua fully supports this bill. Hawaii's youth, especially Native Hawaiian youth and those from families in poverty, deserve as much help as they can get. Our kuleana is to help them.



Committee: Human Services and Homelessness  
Hearing Date/Time: Tuesday, January 25, 2025, at 9:00am  
Place: Conference Room 329 & Via Videoconference  
Re: **Testimony of the ACLU of Hawai'i in SUPPORT of H.B. 129  
Relating to Youth Fees and Fines**

Dear Chair Marten, Vice Chair Olds, and Committee Members:

The American Civil Liberties Union of Hawai'i **SUPPORTS H.B. 129** which prohibits the assessment of any fines, fees, or court costs against a person who was adjudicated for an offense committed during the person's minority or against the person's parent or guardian.

***The Department of Justice Supports the Elimination of Fines and Fees.***

A 2023 report from the U.S. Department of Justice recommended that state and local courts, in addition to juvenile justice agencies, should operate with the understanding that "children and youth under the jurisdiction of the juvenile justice system should be presumed indigent and unable to pay fines and fees."<sup>1</sup> This guidance is not only moral, fair, and just—it is also pragmatic. Associate Attorney General Vanita Gupta, summarizing this report, wrote: "eliminating the unjust imposition of fines and fees is one of the most effective ways for jurisdictions to support the success of youth and low-income individuals, honor constitutional and statutory obligations, and reduce racial disparities in the administration of justice."

***National Research Shows Fees and Fines Imposed on Young People Increase the Risk of Recidivism.***

Fees are designed to cover administrative costs associated with the system. Fines are intended to punish or deter future behavior. However, research shows that fees and fines generate little or no revenue for local government while doing real harm to youth rehabilitation. Data from other states show that jurisdictions often spend more on collection than they generate in revenue from fees and fines charged to youth.<sup>2</sup> Concerningly, studies by criminologists found that youth who had fees and fines imposed on them had a significantly higher likelihood of recidivism, even when controlling for demographics and case characteristics.<sup>3</sup> As fees and fines increased, so did the youth's chances of recidivism.

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<sup>1</sup> <https://ojjdp.ojp.gov/news/juvjust/justice-department-addresses-court-imposed-fines-and-fees-youth>

<sup>2</sup> <https://www.brennancenter.org/our-work/research-reports/steep-costs-criminal-justice-fees-and-fines>

<sup>3</sup> Piquero, A. R., & Jennings, W. G. (2017). Research Note: Justice System—Imposed Financial Penalties Increase the Likelihood of Recidivism in a Sample of Adolescent Offenders. *Youth Violence and Juvenile Justice*, 15(3), 325-340.; Piquero, A. R., Baglivio, M. T., & Wolff, K. T. (2023). A Statewide Analysis of the Impact of Restitution and Fees on Juvenile Recidivism in Florida Across Race & Ethnicity. *Youth Violence and Juvenile Justice*, 21(4), 279-308.

Fining youth also creates unnecessary laws, regulations, and enforcement. Law enforcement officers spend an extraordinary amount of time and resources on arresting and booking people for minor offenses with hefty fees attached, or for not paying those fees. Instead, those resources could be reallocated into prevention programs and other services that address pathways to involvement in the criminal legal system.

***Imposing Fines and Fees Disparately Impacts Native Hawaiian and Pacific Islander Youth and their Families.***

Financial costs for juveniles associated with fines, fees, or court costs are unnecessarily punitive and can result in long-lasting financial harm and stress for these youth and their families.<sup>4</sup> The majority of youth have no means to pay fees and fines as they have little to no income or assets of their own. As a result, the burden falls largely on their families. Because Native Hawaiian and Pacific Islander youth are disproportionately represented in the juvenile legal system, this burden tends to fall more heavily on those families.

***By Passing H.B. 129, Hawai'i will Join Dozens of States That Have Already Achieved Debt Free Justice for Youth and their Families.***

Over 20 states and localities are acknowledging the harm created by imposing fines and fees on young people by abolishing them from their juvenile justice systems. Others are reducing fees as well.<sup>5</sup> Research on these localities suggest that eliminating fees for youth reduces financial burdens for families of justice-involved youth.<sup>6</sup> Many more are following their lead.

We urge you to pass **H.B. 129** and implement debt free justice for youth that aligns with Hawaii's commitment to reform its juvenile justice system.<sup>7</sup>

Sincerely,

Nathan Lee  
Policy Legislative Fellow, ACLU Hawai'i

C: Carrie Ann Shirota  
Policy Director, ACLU Hawai'i

*The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i is a non-partisan and private non-profit organization founded in 1965 that provides its services at no cost to the public and does not accept government funds.*

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<sup>4</sup> Leigh R. Shapiro, The Crippling Costs of the Juvenile Justice System: A Legal and Policy Argument for Eliminating Fines and Fees for Youth Offenders, 69 Emory L. J. 1305 (2020).

<sup>5</sup> <https://imprintnews.org/justice/juvenile-justice-2/doj-fines-and-fees/247097>

<sup>6</sup> <https://www.capolicylab.org/wp-content/uploads/2021/11/Eliminating-fees-in-the-Alameda-County-Juvenile-Justice-System.pdf>

<sup>7</sup> <https://www.washingtonpost.com/nation/2022/07/25/hawaii-zero-girls-youth-correctional-facility/>

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COMMITTEE ON HUMAN SERVICES & HOMELESSNESS

Rep. Lisa Marten, Chair  
Rep. Ikaika Olds, Vice Chair  
January 27, 2025

**RE: HB129: RELATING TO YOUTH FEES AND FINES**

Dear Honorable Chair Tarnas, Vice Chair Takayama, and Members of the House Committee on Judiciary and Hawaiian Affairs:

Mahalo for your work. [Hawai'i Friends of Restorative Justice](#) began in 1980 to with youth in the Honolulu family court and submits the following testimony to express our strong support for HB129.

Fees and fines assessed against youth in the juvenile system are punitive and can impose long-lasting financial and emotional harm on youth and their families. Fees and fines exacerbate existing economic inequality and disproportionately harm low-income, and Native Hawaiian and Pacific Islander families. By ending this ineffective and criminogenic practice, the Legislature would join dozens of states across the country in achieving debt free justice for our youth.

**Youth and families cannot pay fees and fines**

Most youth cannot pay fees and fines because they have little to no income, assets, or money of their own. As a result, the burden of fees and fines falls largely on the families of youth. Because Native Hawaiian and Pacific Islander youth are disproportionately represented in the juvenile legal system, this burden tends to fall more heavily on those families.

Native Hawaiian and Pacific Islander youth are also more likely to live in low-income households with parents who cannot afford the costs associated with the system. With Native Hawaiian and Pacific Islander youth both more likely to be impacted by the juvenile system and poverty, youth fees and fines create a perfect storm of financial and emotional harm for often already struggling families. Fees and fines be insurmountable and often force families to choose between paying for necessities and paying the court, leading to strained relationships between system-involved youth and their parents and siblings at a time when they need support most.<sup>1</sup>

**National research shows that fees and fines are ineffective and do not support youth rehabilitation.**

Fees are designed to cover administrative costs associated with the system, and fines are intended to punish or deter future behavior. And yet, research shows that fees and fines generate little or no revenue for local government and harm youth rehabilitation. Data from other states show that jurisdictions often spend more on collection than they generate in revenue from fees and fines charged to youth.<sup>2</sup>

Additionally, studies by criminologists found that youth who had fees and fines imposed on them had a significantly higher likelihood of recidivism, even when controlling for demographics and case characteristics.<sup>3</sup> As the amount of fees and fines increased, so did the youth's chances of recidivism.<sup>4</sup>

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<sup>1</sup> Berkeley Law Policy Advocacy Clinic, *Making Families Pay* (2017), <https://www.law.berkeley.edu/wp-content/uploads/2015/12/Making-Families-Pay.pdf>.

<sup>2</sup> Brennan Center for Justice, *The Steep Costs of Criminal Justice Fees and Fines* (2019), <https://www.brennancenter.org/our-work/research-reports/steep-costs-criminal-justice-fees-and-fines>.

<sup>3</sup> Alex Piquero, *Justice System—Imposed Financial Penalties Increase the Likelihood of Recidivism in a Sample of Adolescent Offenders*, 15 YOUTH VIOLENCE AND JUVENILE JUSTICE 325 (2017); Alex Piquero, Michael Baglivio & Kevin Wolff, (2023), [A Statewide Analysis of the Impact of Restitution and Fees on Juvenile Recidivism in Florida Across Race & Ethnicity](#).

<sup>4</sup> *Id.*



**By passing this bill, Hawai'i will join the dozens of states that have achieved debt free justice for youth and families.**

States and localities across the continent are recognizing the harms of fees and fines. Over 20 states have abolished fees and/or fines from their juvenile systems, and many more have since followed their lead. By removing the authority to charge fees and fines against system-involved youth, this law would bring Hawai'i in-step with the national movement towards abolishing fees and fines.

**Eliminating the assessment of juvenile fees and fines on youth aligns the law with Hawai'i's existing general practices and its dedication to reforming its juvenile justice system.**

We respectfully ask for your support. Please contact me if you need more information about our strong support [lorenn@hawaiifriends.org](mailto:lorenn@hawaiifriends.org) or 808 218 3712.

Mahalo,

Loren Walker, JD, MPH  
Director, Hawai'i Friends of Restorative Justice

# Opportunity for Youth Action Hawai'i

January 28, 2025

House Committee on Human Services and Homelessness

Hearing Time: 9:00AM

Location: State Capitol Conference Room 329

Re: HB129, Relating to Youth Fines and Fees

Aloha e Chair Marten, Vice Chair Olds, and Members of the Committee:

On behalf of the Opportunity for Youth Action Hawai'i hui, we are writing in **strong support of HB129, relating to youth fines and fees**. This bill prohibits the assessment of any fees, fines, or court costs against a person who was adjudicated for an offense committed during the person's minority, or against the person's parent or guardian, and discharges all related debt obligations assessed before the effective date of the Act. The bill limits court-ordered community service for a minor to no more than seventy-two hours. It also repeals certain penalties imposed on parents, guardians, or other persons associated with minors in specific instances.

This bill represents a significant step towards creating a more equitable justice system that prioritizes rehabilitation and accountability over the imposition of punitive financial burdens. Current practices disproportionately impact low-income families and communities of color, perpetuating ongoing cycles of poverty and inequity. By eliminating fees and discharging related debts, this measure ensures that minors and their families are not saddled with long-term financial burdens that impede their ability to move forward and thrive.

Native Hawaiians and other Pacific Islanders are overrepresented in the criminal justice system. As such, these communities are more likely to incur court-related fines and fees, leading to greater financial burdens. According to the Office of Hawaiian Affairs, Native Hawaiians receive longer prison sentences and probation terms than most other racial or ethnic groups. Longer sentences can lead to higher cumulative fines and fees, further exacerbating financial challenges for these individuals and their families. Repealing penalties on parents, guardians, or others in certain cases recognizes the challenges borne by those families. Penalizing caregivers for circumstances often beyond their control exacerbates hardships rather than addressing root causes or supporting positive outcomes for minors.

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 homelessness 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 HB129.**

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



**Testimony in Support of HB 129**  
**Submitted by Nā 'Ōpio Waiwai, Youth Council of 'Ekolu Mea Nui**  
**Committee on Human Services & Homelessness**

**January 26, 2025**

Aloha Chair Marten, Vice Chair Olds, and Members of the Committee on Human Services & Homelessness,

We are [Nā 'Ōpio Waiwai](#), the youth council of 'Ekolu Mea Nui, a collective committed to uplifting Native Hawaiian youth and dismantling intergenerational incarceration through cultural practices and advocacy. As young leaders rooted in the values of aloha 'āina (love for the land) and 'ohana (family), we strive to empower justice-impacted communities and transform systems that disproportionately harm our people. We would have preferred to provide testimony in person today, but as high school students, our school commitments prevent us to participate in person or online. Please accept our apologies.

As Native Hawaiian youth, we speak from personal and shared experiences within our communities. HB 129 is not just a policy—it is a step toward justice, equity, and healing for all young people in Hawai'i. For these reasons, we strongly support HB 129.

**Our WHY:**

**1. HB 129 Reflects Hawai'i's Leadership in Equity and Justice.**

Hawai'i is recognized nationally for embracing racial equity and trauma-informed care, and this bill aligns with that leadership. Eliminating juvenile fees and fines ensures that our justice system reflects our shared values of aloha and kuleana (responsibility). Punitive systems built on financial penalties only perpetuate cycles of harm, disproportionately impacting Native Hawaiians and communities of color. Instead, this bill offers us an opportunity to embrace solutions that truly support youth and families.

**2. Fees and Fines Punish Families, Not Just Youth**

Most youth in the justice system cannot afford to pay fees or fines. We are students, not full-time workers, and many of us come from low-income families. Our families are already making sacrifices to provide us with basic needs like housing, food, and education. Adding court fees to that burden only forces families to choose between paying for necessities and paying the system.

For Native Hawaiian families, who already face some of the lowest median incomes in the state, these penalties feel like additional punishment for being born into circumstances beyond our control. HB 129 lifts this unfair weight off the shoulders of families and opens the door to real accountability and growth.

**3. HB 129 Reduces Recidivism by Focusing on Support, Not Punishment**

Fees and fines hurt more than they help. Research shows that financial penalties increase the chances of youth returning to the system. When youth are burdened with unpayable debt, they feel hopeless, which makes it harder to move forward. By eliminating these fees and instead focusing on support, we can break cycles of recidivism and give youth a real chance to succeed.

Our council has seen firsthand the impact of relevant cultural approaches, where youth are supported to take accountability in ways that strengthen, rather than harm, their relationships with their families and communities. HB 129 is a critical step in prioritizing support over punishment.

#### **4. This Bill Reflects Hawaiian Values of Ho‘oponopono and ‘Ohana**

As Native Hawaiian youth, we value the principles of ho‘oponopono (to make right) and mālama ‘ohana (caring for family). HB 129 reflects these values by shifting from punishment to restoration. Penalizing youth and families financially only deepens the hurt and divides caused by the system. Instead, we need policies that help us heal as individuals and families, so we can be stronger individuals and families in our communities.

#### **5. A National Movement for Justice Reform**

Hawai‘i should join the growing number of states that have already recognized the harm caused by juvenile fees and fines. By eliminating this outdated and harmful system, Hawai‘i can continue to lead the way in innovative justice reform and demonstrate its commitment to protecting and uplifting its youth.

#### **Our Ask to You:**

We ask you to support HB 129 not just for us, but for all of Hawai‘i’s families. Eliminating fees and fines is a step toward building a justice system that values restoration, healing, and equity.

We thank you for the opportunity to testify and for your commitment to Hawai‘i’s youth. Together, we can create a system that uplifts rather than punishes, and supports rather than burdens.

Mahalo nui loa,



Ōhāwai Manuel



Zoe Martinez



Aubree K-aloha

Nā Ōpio Waiwai  
Youth Council of ‘Eko Lu Mea Nui  
now@ekolumeanui.org



Berkeley Law

Policy Advocacy Clinic

**THE HONORABLE LISA MARTEN, CHAIR  
THE HONORABLE IKAIKA OLDS, VICE CHAIR  
HOUSE COMMITTEE ON HUMAN SERVICES & HOMELESSNESS  
Thirty-Third State Legislature  
Regular Session of 2025  
State of Hawai'i**

January 28, 2025

**RE: H.B. No. 129: RELATING TO YOUTH FEES AND FINES**

Dear Chair Marten, Vice-Chair Olds, and Members of the Committee:

On behalf of the national Debt Free Justice campaign, we respectfully submit the following testimony to express our strong support for H.B. No. 129, relating to youth fees and fines.

Debt Free Justice is the national campaign to end harmful financial penalties (fees and fines) assessed against youth and their families in juvenile legal systems throughout the country. The campaign is coordinated by the National Center for Youth Law, Juvenile Law Center, and UC Berkeley Law's Policy Advocacy Clinic, and powered by dozens of grassroots state advocacy organizations. Since 2021, Debt Free Justice has supported successful efforts in over 20 states to eliminate youth fees and fines, discharge outstanding court debt, and shift juvenile systems to alternatives that achieve justice and accountability through evidence-based strategies.

Debt Free Justice Hawai'i is a statewide coalition of advocacy organizations, academic institutions, and law and public policy experts dedicated to eliminating the harmful and unjust fees and fines imposed on youth and their families in the Hawai'i Family Court system. Led by Hawai'i non-profit 'Ekolu Mea Nui and supported by the Policy Advocacy Clinic at UC Berkeley School of Law and others, the Coalition has spent over four years researching fees and fines in Hawai'i, engaging directly with impacted youth and families, and crafting policy alternatives in collaboration with juvenile system attorneys and administrators.

Hawai'i state law authorizes the assessment of fees and fines against youth and their families in the juvenile legal system. These costs can range dramatically, from \$10 to \$5,000 for any given fee or fine.<sup>1</sup> These costs can accumulate, quickly becoming an insurmountable debt that imposes long-lasting financial and emotional harm on youth and their families.<sup>2</sup> It is no surprise that a 2024 report submitted by the Administrative Director of Hawai'i Courts found that youth and families have paid only 17% of fines assessed in juvenile cases over the past five years.<sup>3</sup>

Recognizing the significant toll that court debt places on young people, Hawai'i courts have already taken bold actions to design alternatives that achieve rehabilitation and accountability for youth without ordering crushing financial penalties. Because many of these fines are mandated by law, judges are forced to order rigid, formulaic penalties where individually tailored, community-centered alternatives have proven their comparable success.<sup>4</sup> The forced imposition of fines runs contrary to criminology research on youth monetary sanctions, which show that youth had significantly higher likelihood of recidivism (reoffending) when assessed court-ordered fees and fines, even when controlling for demographics and case characteristics.<sup>5</sup> In effect, the assessment of court fees and fines may further contribute to instances of misconduct that keep youth from achieving their fullest potential.

Analyzing trends from 2021 through 2023, the Hawai'i Department of Human Services' Office of Youth Services found that Native Hawaiian and Pacific Islander youth are disproportionately represented throughout the juvenile legal system, from arrest and petition to detention and probation.<sup>6</sup> Hawaiians face the lowest median income of all major ethnic groups throughout the state.<sup>7</sup> The elimination of youth fees and fines provides further incentive to invest in proven alternatives that integrate Native Hawaiian culture and tradition into the justice system.

The federal Department of Justice, national associations of judges,<sup>8</sup> prosecutors,<sup>9</sup> correctional leaders,<sup>10</sup> and law enforcement professionals<sup>11</sup> all support the elimination of fees and fines for young people. Advocates from across the state of Hawai'i, from juvenile system attorneys to community-led restorative justice organizations, have also joined the call to end youth fees and fines.<sup>12</sup>

Hawai'i is an outlier in continuing to authorize monetary sanctions under state law. While Kaua'i County has taken bold action to denounce the imposition of monetary sanctions on youth,<sup>13</sup> it is up to the state legislature to repeal these harmful and outdated statutes. Removing authorization for assessing fees and fines on youth aligns the law with Hawai'i's existing general practices and its dedication to reforming its justice system.

Thank you for the opportunity to share our research and express our concerns on this measure.

Respectfully submitted,



Cameron D. Clark, Esq.  
National Co-Coordinator  
Debt Free Justice



Jamee Māhealani Miller, EdD, LSW  
'Ekolu Mea Nui  
Co-Executive Director

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<sup>1</sup> See, e.g., Haw. Rev. Stat. § 291E-61 (providing for mandatory fines of up to \$3,000 for first-time juvenile vehicular offenses), § 291E-61.5 (providing for mandatory fines of up to \$5,000 for repeat juvenile vehicular offenses).

<sup>2</sup> Depending on the circuit, youth and families are charged, on average, over \$600 in court costs per case. See HAW. ST. JUD., A REPORT ON THE ASSESSMENT OF FEES, COURT COSTS, FINES, AND RESTITUTION IN CASES AGAINST MINORS 3 (2024), <https://www.courts.state.hi.us/wp-content/uploads/2025/01/RPT-Assessment-of-Fees-Court-Costs-Fines-Restitution-for-Minors-FINAL.pdf>.

<sup>3</sup> From January 2019 through September 2024, Hawai'i family courts ordered roughly \$40,600 in fines against youth and their families; they had only received roughly \$6,900 in repaid fine debt. HAW. ST. JUD., A REPORT ON THE ASSESSMENT OF FEES, COURT COSTS, FINES, AND RESTITUTION IN CASES AGAINST MINORS 3 (2024), <https://www.courts.state.hi.us/wp-content/uploads/2025/01/RPT-Assessment-of-Fees-Court-Costs-Fines-Restitution-for-Minors-FINAL.pdf>.

<sup>4</sup> See, e.g., Haw. St. Jud., *Papa Hoike Kuleana: Accountability Program of the First Circuit Family Court* (Jul 8, 2016), [https://www.courts.state.hi.us/news\\_and\\_reports/featured\\_news/2016/07/papa-hoike-kuleana-accountability-program-of-the-first-circuit-family-court](https://www.courts.state.hi.us/news_and_reports/featured_news/2016/07/papa-hoike-kuleana-accountability-program-of-the-first-circuit-family-court) (describing the Program's "innovative approach to helping youth complete their court-ordered restitution and community service obligations, while instilling the values of forgiveness, healing and empowerment through mentorship.").

<sup>5</sup> Alex Piquero, *Justice System—Imposed Financial Penalties Increase the Likelihood of Recidivism in a Sample of Adolescent Offenders*, YOUTH VIOLENCE AND JUVENILE JUSTICE, 15(3), 325 (2017); Alex Piquero, Michael Baglivio, Kevin Wolff, *A Statewide Analysis of the Impact of Restitution and Fees on Juvenile Recidivism in Florida Across Race & Ethnicity*, YOUTH VIOLENCE AND JUVENILE JUSTICE, 21(4), 279 (2022).

<sup>6</sup> HAW. DEP'T HUM. SERVS., OFF. YOUTH SERVS., HAWAII JUVENILE JUSTICE SYSTEM CRIME ANALYSIS, STATE FISCAL YEAR 2021–2023 246–263 (2025), [https://drive.google.com/file/d/1BqiWJszmxWvd17MxxcWK9c9u-tY3ZoWu/view?usp=share\\_link](https://drive.google.com/file/d/1BqiWJszmxWvd17MxxcWK9c9u-tY3ZoWu/view?usp=share_link).

<sup>7</sup> *Income Inequality and Native Hawaiian Communities in the Wake of the Great Recession: 2005 to 2013*. Office of Hawaiian Affairs Research Division 2 (2014), <https://19of32x2yl33s8o4xza0gf14-wpengine.netdna-ssl.com/wp-content/uploads/2014/05/Income-Inequality-and-Native-Hawaiian-Communities-in-the-Wake-of-the-Great-Recession-2005-2013.pdf>.

<sup>8</sup> Nat'l Council of Juv. And Fam. Ct. Judges, *Resolution Addressing Fines, Fees, and Costs in Juvenile Courts* (Mar. 2018), [https://www.ncjfcj.org/wp-content/uploads/2019/10/ExXIII\\_FinesFeesCosts\\_Resolution.pdf](https://www.ncjfcj.org/wp-content/uploads/2019/10/ExXIII_FinesFeesCosts_Resolution.pdf).

<sup>9</sup> Fair And Just Prosecution, *Fines, Fees, and the Poverty Penalty* (2017), [https://fairandjustprosecution.org/wp-content/uploads/2017/11/FJPBrief\\_Fines.Fees\\_.pdf](https://fairandjustprosecution.org/wp-content/uploads/2017/11/FJPBrief_Fines.Fees_.pdf).

<sup>10</sup> Youth Corr. Leaders for Just., *Statement on Abolishing Youth Fines and Fees* (May 2021), <https://yclj.org/fines-and-fees>.

<sup>11</sup> L. Enf't Leaders To Reduce Crime & Incarceration, *Ensuring Justice and Public Safety: Federal Criminal Justice Priorities for 2020 and Beyond* (Apr. 2020), [https://lawenforcementleaders.org/wp-content/uploads/2020/04/2020\\_04\\_LEL\\_Policy\\_Report\\_Final.pdf](https://lawenforcementleaders.org/wp-content/uploads/2020/04/2020_04_LEL_Policy_Report_Final.pdf).

<sup>12</sup> COMM. ON JUD. & HAW. AFFS., HAW. ST. LEG., TESTIMONY ON HOUSE BILL 2722 (2024), [https://www.capitol.hawaii.gov/sessions/Session2024/Testimony/HB2722\\_HD1\\_TESTIMONY\\_JHA\\_02-08-24\\_.PDF](https://www.capitol.hawaii.gov/sessions/Session2024/Testimony/HB2722_HD1_TESTIMONY_JHA_02-08-24_.PDF).

<sup>13</sup> OFF. OF THE PROSECUTING ATT'Y, CNTY. OF KAUA'I, ST. OF HAW., MEMORANDUM 4 (2021), <https://www.law.berkeley.edu/wp-content/uploads/2021/07/FINAL-Fines-Fees-Kauai-DA-Policy.pdf>.

**LATE**

## COMMUNITY ALLIANCE ON PRISONS

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*Today's Inmate; Tomorrow's Neighbor*



### COMMITTEE ON HUMAN SERVICES AND HOMELESSNESS

Representative Lisa Marten, Chair

Representative Ikaika Olds, Vice Chair

Tuesday, January 28, 2025

Room 329 & VIDEOCONFERENCE

3:00 PM

### STRONG SUPPORT FOR HB 129 - YOUTH FEES AND FINES

Aloha Chair Marten, Vice Chair Olds and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for more than two decades. This testimony is respectfully offered on behalf of the 3,717 Hawai'i individuals living behind bars<sup>1</sup> and under the "care and custody" of the Department of Corrections and Rehabilitation on any given day. We are always mindful that 928 - 25% - of Hawai'i's imprisoned male population are serving their sentences abroad -- thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

Community Alliance on Prisons appreciates the opportunity to testify in strong support of HB 129 that prohibits the assessment of any fees, fines, or court costs against a person who was adjudicated for an offense committed during the person's minority, or against the person's parent or guardian, and discharges all related debt obligations assessed before the effective date of the Act. It limits court-ordered community service for a minor to no more than seventy-two hours and repeals certain penalties imposed on parents, guardians, or other persons

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<sup>1</sup> DCR Weekly Population Report, January 20, 2025

<https://dcr.hawaii.gov/wp-content/uploads/2025/01/Pop-Reports-Weekly-2025-01-20.pdf>

associated with unaccompanied children in streets and unmarried minors in dance halls.

There is broad support the elimination of fees and fines for young people from diverse sectors of the criminal legal system including, The National Council of Juvenile and Family Court Judges, Fair and Just Prosecution, Youth Correctional Leaders for Justice, and Law Enforcement Leaders to Reduce Crime & Incarceration. Moving away from monetary sanctions, like fees and fines, is particularly important in Hawai'i to account for the unique cultural needs of Native Hawaiian youth. Hawai'i has gained national recognition as a trailblazer for racial equity, trauma-informed care, and dismantling punitive systems for our youth. Eliminating outdated systems will free up resources and make space for more creative and restorative solutions.

This bill is important because most [youth have little to no income](#), assets, or money of their own and are not old enough to work, or at least cannot work full time under federal law. Since the vast majority of youth in the system cannot work and come from low-income families, there is no guarantee youth will be able to pay fees and fines.

Community Alliance on Prisons respectfully asks the committee to consider the dire straits that many families face daily in Hawai'i. The establishment of programs for youth and treatment centers to address behavioral health issues such as substance misuse, mental health, and the educational challenges of many of our youth would be a better alternative. We appreciate the committee's commitment to our next generations by hearing (and hopefully passing) this measure. Mahalo nui to Chair Marten and we hope the committee supports this measure to help our youth!

Mahalo for the chance to share our thoughts!



**HB-129**

Submitted on: 1/28/2025 8:57:26 AM

Testimony for HSH on 1/28/2025 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Angela Young	Roar cares	Support	In Person

Comments:

We support unburdensome fines & fees legislative policies for youth & teen incarceration populations to assist low income families and the most vulnerable population plagued by cycles of abuse, crime & poor mental health.

**HB-129**

Submitted on: 1/26/2025 2:11:54 PM

Testimony for HSH on 1/28/2025 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Isis Usborne	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Marten, Vice Chair Olds, and Members of the Committee,

Please support this common sense bill to prohibit fines and fees in juvenile criminal cases - such monetary punishments, while often converted to community service, are a burden that children should not have to face. Fines and fees are not effective in reducing recidivism and unjustly impact the most vulnerable in our communities.

Mahalo,

Isis “Izzy” Usborne (they/them)

Kapahulu Ave resident (96815)

2026 JD Candidate at William S. Richardson School of Law

Advocacy Co-Chair of Lambda Law Hawai‘i, a law student organization at UH Mānoa

**LATE**

**HB-129**

Submitted on: 1/27/2025 9:02:07 AM

Testimony for HSH on 1/28/2025 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Naomi Manuel	Individual	Support	Written Testimony Only

Comments:

I am in full support of House Bill 129 and urge all committee members to do the same. Mahalo

**LATE**

**HB-129**

Submitted on: 1/27/2025 11:57:43 AM

Testimony for HSH on 1/28/2025 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Carla Allison	Individual	Support	Written Testimony Only

Comments:

My name is Carla Allison, a 28 year resident of Honolulu, and I strongly support HB129.

**HB-129**

Submitted on: 1/27/2025 10:12:53 PM

Testimony for HSH on 1/28/2025 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Raelyn Reyno Yeomans	Individual	Support	Written Testimony Only

Comments:

I am in strong support of HB129.

Thank you

**HB-129**

Submitted on: 1/28/2025 8:00:03 AM

Testimony for HSH on 1/28/2025 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Carolyn Eaton	Individual	Support	Written Testimony Only

Comments:

Aloha, Chair Marten, Vice Chair Olds, and Members of the Committee,

My name is Carolyn Eaton and I am a resident of Makiki in Honolulu. I strongly support this important measure designed to untangle youth and their families from onerous, outdated financial strictures. I want to quote testimony by Community Alliance on Prisons, "Hawai'i has gained national recognition as a trailblazer for racial equity, trauma-informed care, and dismantling punitive systems for our youth."

Mahalo for allowing us all to look toward formulating new, supportive programs for our youth, by ending the punitive programs of fees and fines, in respect to some of our families least able to afford them.

I deeply appreciate your consideration of this bill and my strong position in support.