



The Judiciary, State of Hawai‘i

Testimony to the Thirty-Third Legislature, 2025 Regular Session

Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

Friday, February 7, 2025, 9:25 a.m.
State Capitol, Conference Room 016

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

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 1028, Relating to Youth Fees and Fines.

Purpose: Allows community service in place of the assessment of any fines, fees, or court costs against a person who was adjudicated for a traffic-related offense committed while the person was a minor under the age of 18 years, or against the person’s parent or guardian.

Judiciary's Position:

The Judiciary takes no specific position on Senate Bill 1028 which allows community service in place of the assessment of fines, fees, or court costs against adjudicated minors in traffic-related offenses. We note, as indicated in the preamble, that the intent and purpose of this bill are admirable and evidence-based. At present, Hawai‘i family courts rarely impose fines, fees, or court costs against minors or their parents.

The House of Representatives currently has pending before it House Bill 129 [HD1/HD2]. This house bill provides for the prohibition of financial assessments against minors and their parents and the option for community service in lieu of those fines; it has recently passed out of the second of the three committees it was referred to. We request the committee



Senate Bill No. 1028, Relating to Youth Fees and Fines
Senate Committee on Judiciary
Friday, February 7, 2025 at 9:25a.m.
Page 2

consider holding this bill and await the crossover of House Bill 129, which would modify the penalty sections of various Hawaii Revised Statute sections in addition to traffic-related offenses.

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**

ON THE FOLLOWING MEASURE:

S.B. NO. 1028, RELATING TO YOUTH FEES AND FINES.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Friday, February 7, 2025

TIME: 9:25 a.m.

LOCATION: State Capitol, Room 016

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

Chair Rhoads and Members of the Committee:

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

The purpose of the bill is to allow a court to order community service in place of the assessment of any fines and fees against a person who is adjudicated for a traffic offense committed while the person was a minor under the age of eighteen years, or against the person's parent or guardian.

The Department takes no position on whether courts should order community service in place of the assessment of any fines and fees against a minor under the age of eighteen years but notes that there may be a potential constitutional issue 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." The title of the bill, "Relating to Youth Fees **and** Fines," could be construed by a court as embracing two subjects. Additionally, the bill itself addresses "fees, fines, or financial penalties," three subjects, the last of which may not be encompassed within the title of the bill. While all these concepts are related and can be included in a single bill, we suggest that the contents of this bill be placed into another bill with a title that clearly embraces one subject, such as "Relating to Penalties" or "Relating to the Judiciary."

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

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

February 7, 2025

S.B. 1028: RELATING TO YOUTH FEES AND FINES.

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

The Office of the Public Defender **strongly supports S.B. 1028:**

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 this measure 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.

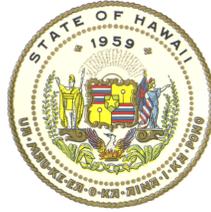
This chapter created within the State a system of family courts and *it shall be a policy and purpose of said courts to promote the reconciliation of distressed juveniles with their families, foster the rehabilitation of juveniles in difficulty, render appropriate punishment to offenders, and reduce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

This measure 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.

JOSH GREEN, M.D.
GOVERNOR OF HAWAII
KE KIA' ĀINA O KA
MOKU' ĀINA 'O HAWAII'



RICK COLLINS
COUNCIL CHAIRPERSON
LUNA HO'OMALU O KA PAPA

**STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
OFFICE OF YOUTH SERVICES
JUVENILE JUSTICE STATE ADVISORY COUNCIL**
1010 Richards Street, Suite 314
Honolulu, Hawaii 96813

February 4, 2025

TO: The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Mike Gabbard, Vice Chair,
and Members of the Senate Judiciary Committee

FROM: Rick Collins, Chairperson, Juvenile Justice State Advisory Council

SUBJECT: SB1028- Relating to Youth Fees and Fines
Hearing: Friday, February 7th, 2025, at 9:25 A.M.
Conference Room 016, State Capitol

Council Position: Strong Support

Aloha, my name is Rick Collins, and I'm the Chairperson 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 SB1028. SB1028 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, SB1028 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

Chairperson
Hawai'i Juvenile Justice State Advisory Council

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

¹ 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>.

¹ HOUSE COMM. ON HUM. SERVS. & HOMELESSNESS, HAW. ST. LEG., TESTIMONY ON HOUSE BILL 129 (2025), https://www.capitol.hawaii.gov/sessions/session2025/Testimony/HB129_TESTIMONY_HSH_01-28-25_.PDF.

¹ 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).

¹ BRENNAN CTR. FOR JUST., 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>.

¹ *Our Impact*, DEBT FREE JUSTICE, <https://debtfreejustice.org/our-impact>.

¹ U.S. Dep't of Just., *Dear Colleague* (Apr. 20, 2023), <https://www.justice.gov/archives/opa/press-release/file/1580546/dl>.

¹ 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.

¹ FAIR AND JUST PROSECUTION, FINES, FEES, AND THE POVERTY PENALTY (2017), https://fairandjustprosecution.org/wp-content/uploads/2017/11/FJPBrief_Fines.Fees_.pdf.

¹ Youth Corr. Leaders for Just., *Statement on Abolishing Youth Fines and Fees* (May 2021), <https://yclj.org/fines-and-fees>.

¹ 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.

¹ OFF. OF THE PROSECUTING ATT'Y, CNTY. OF KAUAI, ST. OF HAW., MEMORANDUM 4 (2021), <https://www.law.berkeley.edu/wp-content/uploads/2021/07/FINAL-Fines-Fees-Kauai-DA-Policy.pdf>.

COMMUNITY ALLIANCE ON PRISONS

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Today's Inmate; Tomorrow's Neighbor



COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Friday, February 7, 2025

Room 016 & VIDEOCONFERENCE

9:25 AM

SUPPORT FOR HB 1028 - YOUTH FEES AND FINES

Aloha Chair Rhoads, Vice Chair Gabbard 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 3,697 Hawai`i individuals living behind bars¹ and under the "care and custody" of the Department of Corrections and Rehabilitation on any given day. We are always mindful that 937 - 49% - 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 this opportunity to **support SB 1028** that allows community service in place of the assessment of any fines, fees, or court costs against a person who was adjudicated for a traffic-related offense committed while the person was a minor under the age of 18 years, or against the person's parent or guardian.

¹ DCR Weekly Population Report, January 20, 2025

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

Brain development in mirrors happens in the mid-twenties and we support community services for those whose offenses happened when they were still minors under the law, which is why we believe that youthful indiscretions should not negatively impact their futures.

Community Alliance on Prisons hopes the committee supports this measure to help our youth realize a successful future.

Mahalo nui.



Berkeley Law

Policy Advocacy Clinic

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

February 7, 2025

RE: S.B. No. 1028: RELATING TO YOUTH FEES AND FINES

Dear Chair Rhoads, Vice-Chair Gabbard, 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 S.B. No. 1028, 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 25 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.¹ These costs can accumulate, quickly becoming an insurmountable debt that imposes long-lasting financial and emotional harm on youth and their families.² 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.³

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.⁴ 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.⁵ 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.⁶ Hawaiians face the lowest median income of all major ethnic groups throughout the state.⁷ 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,⁸ prosecutors,⁹ correctional leaders,¹⁰ and law enforcement professionals¹¹ all support the elimination of fees and fines for young people.

Hawai'i is an outlier in continuing to authorize monetary sanctions under state law. By removing court-assessed fees and fines against system-involved youth, S.B. No. 1028 would bring Hawai'i in-step with the national movement to abolish youth fees and fines. Advocates from across the state of Hawai'i, from juvenile system attorneys to community-led restorative justice organizations, have already joined the call to end youth fees and fines.¹² 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

¹ 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).

² 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>.

³ 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>.

⁴ 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 (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.").

⁵ 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).

⁶ 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.

⁷ *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>.

⁸ 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.

⁹ Fair And Just Prosecution, *Fines, Fees, and the Poverty Penalty* (2017), https://fairandjustprosecution.org/wp-content/uploads/2017/11/FJPBrief_Fines.Fees_.pdf.

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

¹¹ 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.

¹² COMM. ON JUD. & HAW. AFFAIRS, HAW. ST. LEG., TESTIMONY ON HOUSE BILL 129 (2025), https://www.capitol.hawaii.gov/sessions/session2025/Testimony/HB129_HD1_TESTIMONY_JHA_02-05-25_.PDF (testifying on SB 1028's House companion bill).



Committee: Judiciary

Hearing Date/Time: Friday, February 7, 2025 at 9:25am

Place: Conference Room 016, 415 South Beretania Street

Re: Testimony of the ACLU of Hawai'i in SUPPORT of S.B. 1028 Relating to Youth Fees and Fines

Dear Chair Rhoads, Vice Chair Gabbard, and Committee Members:

The American Civil Liberties Union of Hawai'i **SUPPORTS S.B. 1028**, 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.”¹ 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.²

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. As fees and fines increased, so did the youth's chances of recidivism.**

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

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

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. 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 S.B. 1028, 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.³ Research on these localities suggest that eliminating fees for youth reduces financial burdens for families of justice-involved youth.⁴ Many more are following their lead. We urge you to pass S.B. 1028 and implement debt-free justice for youth, which aligns with Hawaii’s commitment to reform its juvenile justice system.⁵

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.

³ <https://imprintnews.org/justice/juvenile-justice-2/doj-fines-and-fees/247097>

⁴ <https://www.capolicylab.org/wp-content/uploads/2021/11/Eliminating-fees-in-the-Alameda-County-Juvenile-Justice-System.pdf>

⁵ <https://www.washingtonpost.com/nation/2022/07/25/hawaii-zero-girls-youth-correctional-facility/>

KAWAIILOA

Opportunity for Youth Action Hawai'i

February 7, 2025

Senate Committee on Judiciary

Hearing Time: 9:25 AM

Location: State Capitol Conference Room 16

Re: SB 1028, Relating to Youth Fees and Fines

Aloha e Chair Rhoads, Vice Chair Gabbard, and members of the committee:

On behalf of the Opportunity for Youth Action Hawai'i hui, we are writing in **support of SB 1028, relating to youth fees and fines**. This bill allows community service in place of the assessment of any fines, fees, or court costs against a person who was adjudicated for a traffic-related offense committed while the person was a minor under the age of 18 years, or against the person's parent or guardian.

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. This measure is will help ensure that persons who committed a traffic-related offense when they were a minor -- and their families -- are not saddled with long-term financial burdens that impede their ability to move forward and thrive.

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 SB 1028.



February 5, 2025

Testimony in Support of SB 1028 Relating to Youth Fees & Fines

Aloha Chair Rhoads, Vice-Chair Gabbard
and Members of the Committee on Judiciary,

My name is Jamee Māhealani Miller, and I am the Co-Executive Director of 'Ekolu Mea Nui, a Native Hawaiian-led nonprofit organization committed to transforming Hawai'i's justice system through reinvestment in Native Hawaiian cultural practices and values. At 'Ekolu Mea Nui, we refuse to accept the criminal and juvenile legal systems as they are. We believe that alternatives to incarceration and punitive sanctions not only exist but are essential to creating a justice system that truly serves the people.

Our vision is a pono justice system—one that heals and empowers individuals, 'ohana, and communities. To make this vision a reality, we advocate for innovative laws and policies that move away from punishment and instead focus on restoring the human spirit and strengthening resilient 'ohana. SB 1028 aligns with this mission, and we strongly support its efforts to eliminate fees, fines, and court costs for youth involved in the justice system, as well as related penalties for their families.

By eliminating juvenile fees and fines, Hawai'i has the opportunity to align itself with national trends and reaffirm its own values of justice and equity. Across the country, jurisdictions are recognizing the harm caused by imposing financial penalties on youth and their families. For Native Hawaiian youth—who are already overrepresented in the justice system—these fees only deepen existing inequities. Shifting away from monetary sanctions reflects a commitment to fostering rehabilitation and healing rather than perpetuating cycles of harm.

These financial penalties place unnecessary burdens on families, forcing many to make impossible choices between paying court obligations or meeting basic needs such as housing, food, and education. This strain disrupts family relationships and creates barriers to rehabilitation for youth. Studies confirm that financial penalties increase the likelihood of recidivism, especially for youth of color, making these sanctions counterproductive to the goal of reducing repeat offenses. SB 1028 offers a pathway to accountability that strengthens family bonds and builds a foundation for growth and restoration.

Hawai'i has already begun to embrace culturally informed practices in its approach to justice, and this bill is an opportunity to expand those efforts. Financial penalties do not align with the

values of restorative justice that Hawai‘i is striving to uphold. Alternatives such as community service, when thoughtfully implemented, allow youth to take responsibility for their actions while reconnecting with their culture and community. However, care must be taken to ensure that these programs are accessible, reasonable in scope, and avoid becoming exploitative. With intentionality, culturally sensitive community service programs can provide youth with the chance to heal, grow, and contribute meaningfully to their communities.

Furthermore, eliminating fees and fines will not result in any financial loss to the court system. The Judiciary has confirmed that these penalties are not a significant source of revenue and are not actively tracked or relied upon for funding. In fact, pursuing these fees often incurs greater costs than the revenue they generate, particularly from low-income families who are unable to pay. By removing these penalties, Hawai‘i can redirect resources toward more effective and impactful approaches to youth accountability.

SB 1028 embodies the values of aloha, kuleana, and mālama ‘ohana by prioritizing healing over punishment and financial strain. As Native Hawaiians, we understand that true accountability comes from repairing relationships and restoring balance, not by deepening divides. This bill represents a critical step toward building a justice system that uplifts and supports youth, rather than compounding the challenges they already face.

At ‘Ekolu Mea Nui, we are dedicated to advancing culturally grounded solutions to address intergenerational incarceration and support justice-involved youth and their families. We believe that SB 1028 is essential to ensuring that Hawai‘i’s youth are given the opportunity to heal, grow, and thrive within their families and communities.

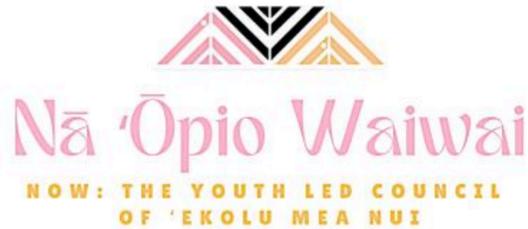
Mahalo nui loa for considering this measure and for your dedication to the well-being of Hawai‘i’s youth and families. We strongly urge the Committee to pass SB 1028.

Me ke aloha,

A handwritten signature in black ink, appearing to read "Jamee Māhealani Miller". The signature is fluid and cursive, written in a professional style.

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

jamee@ekolumeanui.org



Testimony in Support of SB1028

Submitted by Nā 'Ōpio Waiwai, Youth Council of 'Ekolu Mea Nui

Committee on Judiciary

February 4, 2025

Aloha Chair Rhoads, Vice Chair Gabbards and Committee on Judiciary,

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. SB 1028 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 SB 1028.

Our WHY:

1. SB 1028 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. SB 1028 lifts this unfair weight off the shoulders of families and opens the door to real accountability and growth.

3. SB 1028 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. SB 1028 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). SB 1028 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

We ask you to support SB 1028 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 ‘Ekolu Mea Nui now@ekolumeanui.org

LATE

SB-1028

Submitted on: 2/7/2025 2:15:46 AM

Testimony for JDC on 2/7/2025 9:25:00 AM

Submitted By	Organization	Testifier Position	Testify
Angela Young	Testifying for CARES Community Advocacy Research Education Services	Support	Remotely Via Zoom

Comments:

Supporting reducing youth incarceration rates & redicism for juvenile justice because low income teens & families should not be punished excessively extent for unjust policymaking that did not provide resources for education & adequate healthcare, the underlying root causes of youth behavioral offenders