

Honolulu, Hawaii
February 28, 2014

RE: H.B. No. 2116
H.D. 2

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2116, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SENTENCING FOR JUVENILE OFFENDERS,"

begs leave to report as follows:

The purpose of this measure is to account for the developmental differences between juvenile and adult offenders in sentencing juveniles by:

- (1) Establishing sentence modification procedures and sentencing considerations for offenses committed by individuals prior to their turning age 18;
- (2) Abolishing life imprisonment without the possibility of parole as a sentencing option for those convicted for offenses committed while under the age of 18; and
- (3) Limiting the minimum term of incarceration required before a person sentenced for an offense committed while under 18 years of age may be eligible for parole.

The Office of Hawaiian Affairs, Community Alliance on Prisons, Campaign for the Fair Sentencing of Youth, Hawaii Appleseed Center for Law and Economic Justice, Drug Policy Action Group, and several concerned individuals supported this bill. The Hawaii Paroling Authority and Department of the Prosecuting



Attorney of the City and County of Honolulu opposed this measure. The Office of the Public Defender, Office of the Prosecuting Attorney of the County of Kauai, Richardson Students for the Rights of Children, and a concerned individual submitted comments.

Your Committee has amended this bill by:

- (1) Deleting the provisions regarding:
 - (A) The establishment of sentence modification procedures and sentencing considerations for offenses committed by individuals prior to their turning age 18; and
 - (B) The minimum term of incarceration required before a person sentenced for an offense committed while under 18 years of age may be eligible for parole;
- (2) Applying its provisions to proceedings that were begun but not concluded before its effective date; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

Your Committee hopes the Governor will consider commuting the sentence of any currently incarcerated individual who was sentenced to life imprisonment without the possibility of parole, because of a crime committed as a juvenile, to a sentence of life imprisonment with the possibility of parole.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2116, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2116, H.D. 2.

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



KARL RHOADS, Chair



