

Honolulu, Hawaii

April 25, 2014

RE: H.B. No. 2490
H.D. 2
S.D. 2
C.D. 1

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

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Sir and Madam:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 2490, H.D. 2, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO JUVENILE JUSTICE,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to enhance the existing juvenile justice system by instituting the Hawaii Juvenile Justice Working Group's recommendations for juvenile justice reform, including, among other things:

- (1) Requiring the Director of the Office of Youth Services or the Director's designee to develop a comprehensive reentry plan for certain persons committed to the Hawaii Youth Correctional Facility;
- (2) Specifying supervision requirements for children placed on probation pursuant to section 571-48(1)(A), Hawaii Revised



Statutes, and requiring that probation officers create a case plan in consultation with the child and the child's parent, legal guardian, or custodian;

- (3) Requiring the Judiciary to adopt guidelines and procedures for the development and application of graduated sanctions, including presumptive sanctions for common violations and incentives for compliance with probation requirements;
- (4) Permitting a child to earn discharge credits to reduce the length of the child's probation term;
- (5) Establishing a statewide juvenile justice interdepartmental cluster to provide coordinated services to certain children under the jurisdiction of the Family Court;
- (6) Specifying factors that the Director of the Office of Youth Services must consider when granting parole;
- (7) Requiring the Executive Director of the Office of Youth Services to submit an annual report to the Board of Family Court Judges and the Hawaii Juvenile Justice State Advisory Council including the number of persons committed to the Executive Director's custody;
- (8) Requiring the Board of Family Court Judges to provide guidelines and procedures necessary to implement a single statewide standardized tool to conduct risk and needs assessments and validation of the tool every five years;
- (9) Requiring probation officers to complete annual training on juvenile justice or probation supervision best practices;
- (10) Requiring intake officers to compile monthly reports indicating the number of cases diverted and the types of alleged offenses precipitating the referral of the child to court;
- (11) Requiring the directors of the family courts of each circuit to establish a framework that includes criteria that probation officers shall use to guide their discretion in providing informal adjustment;



- (12) Requiring the family court to conduct a risk and needs assessment prior to disposition, and authorizing the family court to suspend delinquency proceedings to obtain substance abuse or mental health treatment;
- (13) Requiring a probation officer to refer the child to the Department of Health for a determination of eligibility for services if a risk and needs assessment indicates substance abuse or mental health need;
- (14) Establishing a Juvenile Justice Oversight Advisory Council to oversee implementation of the juvenile justice reforms in this measure and issue reports necessary to evaluate its effectiveness; and
- (15) Making a blank appropriation for juvenile justice system services.

Your Committee on Conference finds that there is a need to improve and enhance the existing juvenile justice system as recommended by the Hawaii Juvenile Justice Working Group. Over the last decade, the number of juvenile offenders in the State confined for nonviolent offenses has risen. When juvenile offenders are confined for nonviolent offenses and placed in secure facilities, the risk of repeat offenses upon their release increases. Furthermore, critical services to reduce delinquency, including mental health and substance abuse treatment, are not sufficiently accessible to the State's youth.

This measure will reform the State's juvenile justice system and protect public safety through targeted juvenile justice reforms, including concentrating secure bed space on serious juvenile offenders; strengthening disposition, adjustment, and the array of services available for juvenile offenders; and establishing the Juvenile Justice Oversight Advisory Council.

Your Committee on Conference also finds that this measure will provide for systematic coordination between the appropriate service providers and government entities, ensuring that evidence-based practices and effective mental health and substance abuse treatments are being tailored to each child's specific needs. Your Committee on Conference further finds that reentry planning would allow youth to safely and effectively transition back into the community.



Your Committee on Conference has amended this measure by:

- (1) Clarifying that the Executive Director of the Office of Youth Services is responsible for developing reentry plans for youth serving concurrent terms of probation;
- (2) Requiring each Deputy Chief Administrator to:
 - (A) Adopt policies or procedures for implementation of the adopted graduated sanctions and incentives system;
 - (B) Submit an annual report to the Board of Family Court Judges and Hawaii Juvenile Justice State Advisory Council; and
 - (C) Require each probation officer to complete annual training on juvenile justice or probation supervision best practices;
- (3) Amending the membership of the Juvenile Justice Oversight Advisory Council to include two members of the Department of Education, appointed by the Superintendent of Education;
- (4) Appropriating \$1,260,500 for fiscal year 2014-2015 for juvenile justice system services; provided that funds not expended and encumbered by the Hawaii Youth Correctional Facility due to savings from updated services and programs implemented by this measure will not lapse at the end of the fiscal year;
- (6) Amending the effective date to take effect upon July 1, 2014, provided that Section 15 takes effect on October 1, 2014, and Sections 3 and 14 take effect on November 1, 2014, and all apply to delinquent behavior on or after the specified date; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 2490, H.D. 2, S.D. 2, as amended herein, and recommends



that it pass Final Reading in the form attached hereto as H.B. No. 2490, H.D. 2, S.D. 2, C.D. 1.

Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE

Suzanne Chun Oakland
SUZANNE CHUN OAKLAND, Chair

Will Espero
WILL ESPERO, Co-Chair

Clayton Hee
CLAYTON HEE, Co-Chair

David Y. Gee
DAVID Y. GEE, Co-Chair

Mele Carroll
MELE CARROLL, Co-Chair

Richard Creagan
RICHARD CREAGAN, Co-Chair

Kaniela Ing
KANIELA ING, Co-Chair



Hawaii State Legislature

Record of Votes of a
Conference Committee

CCR 115-14

Bill / Concurrent Resolution No.: HB 2490, HD 2, SD 2	Date/Time: 4/25/14 1:16pm
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
CHUN OAKLAND, Suzanne, Chr.	✓				CARROLL, Mele, Co-Chr.	✓			
ESPERO, Will, Co-Chr.				✓	CREAGAN, Richard, Co-Chr.	✓			
HEE, Clayton, Co-Chr.	✓				ING, Kaniela, Co-Chr.	✓			
IGE, David Y., Co-Chr.	✓				AWANA, Karen				✓
SLOM, Sam				✓	THIELEN, Cynthia				✓
TOTAL	3	0	0	2	TOTAL	3	0	0	2

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature:
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