

Honolulu, Hawaii

February 14, 2014

RE: H.B. No. 2490

H.D. 1

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. 2490 entitled:

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

begs leave to report as follows:

The purpose of this measure is to enhance the existing juvenile justice system by, among other things:

- (1) Requiring the Executive Director of the Office of Youth Services to create a personalized reentry plan for all persons committed to the Hawaii Youth Correctional Facilities;
- (2) Clarifying the criteria upon which the Executive Director may release committed persons;
- (3) Increasing the likelihood for positive outcomes from juvenile probation by:
  - (A) Standardizing supervision requirements, including mandating probation officers to create an individualized case plan for each child placed on probation;
  - (B) Authoring probation officers to impose informal graduated sanctions for violations of, or award



incentives to reward compliance with, rules and terms of probation; and

- (C) Establishing an earned discharge program for early release from probation to incentivize compliance with rules and terms of probation;
- (4) Enhancing interdepartmental collaboration by establishing a Statewide Juvenile Justice Interdepartmental Cluster to provide coordinated services to certain children under the jurisdictions of the family court;
- (5) Strengthening noncommitment options by standardizing criteria for informal adjustment, creating informal diversion mechanisms for children who do not need justice system intervention, and codifying an administrative monitoring process;
- (6) Requiring the family courts to conduct a risk assessment for each child before disposition to assist the family courts in making appropriate disposition, and to inform reentry and case plans;
- (7) Authorizing the court to suspend proceedings when the risk assessment indicates substance or mental health issues to allow for earlier treatment; and
- (8) Establishing a temporary Juvenile Justice Oversight Advisory Council to monitor and oversee the implementation of this measure.

The Office of the Governor, Judiciary, Office of Youth Services, Office of the Public Defender, Mayor of the County of Hawaii, Office of the Prosecuting Attorney of the County of Kauai, Department of the Prosecuting Attorney of the County of Maui, Hawaii Youth Services Network, Hale Kipa, Epic Ohana, Community Alliance on Prisons, and several concerned individuals testified in support of this measure. The Department of the Prosecuting Attorney of the City and County of Honolulu testified in opposition to this bill. The Department of Health, Crime Victim Compensation Commission, and one concerned individual provided comments.



Your Committee has amended this measure by:

- (1) Repealing Chapter 321D, Hawaii Revised Statutes, relating to an interdepartmental cluster for services to children; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

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. 2490, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2490, H.D. 1, and be referred to the Committee on Finance.

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



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KARL RHOADS, Chair



