

Honolulu, Hawaii

MAR 21 2014

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

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

Madam:

Your Committees on Public Safety, Intergovernmental and Military Affairs and Judiciary and Labor, to which was referred H.B. No. 2490, H.D. 2, entitled:

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

beg leave to report as follows:

The purpose and intent 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:

- (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 and specifying notice requirements related to the reentry plan;
- (2) Standardizing probation supervision requirements, including requiring probation officers to create an individualized case plan for each child placed on probation;
- (3) Authorizing probation officers to impose graduated sanctions for violations of the rules and terms of probation or award incentives to reward compliance with rules and terms of probation;



- (4) Establishing an earned discharge from probation program to incentivize compliance with rules and terms of probation;
- (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 for the Executive Director of the Office of Youth Services to consider when granting parole;
- (7) 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 to help reduce the likelihood of recidivism;
- (8) Requiring the Director of the Family Court of each circuit to establish a framework to guide probation officers in exercising discretion in providing informal adjustment;
- (9) Requiring the Family Court to conduct a risk assessment for each child before disposition to assist the Family Court in making an appropriate disposition, and to inform reentry and case plans;
- (10) Authorizing the court to suspend proceedings when the risk and needs assessment indicates substance abuse or mental health needs, to allow for earlier treatment; and
- (11) Establishing a temporary Juvenile Justice Oversight Advisory Council to monitor and oversee the implementation of this measure.

Your Committees received testimony in support of this measure from the Office of the Governor; Department of the Attorney General; Judiciary, State of Hawaii; Department of Health; Department of Human Services; State Council on Mental Health; Department of Human Services, Office of Youth Services; Crime Victims Compensation Commission; Office of the Prosecuting Attorney of the County of Hawaii; Office of the Prosecuting Attorney of the County of Kauai; Community Alliance on Prisons;



Hawaii Youth Services Network; Mental Health America of Hawaii; Hawaii Substance Abuse Coalition; The Salvation Army; Hawaii Friends of Justice and Civic Education; Hale Kipa, Inc.; and four individuals. Your Committees received testimony in opposition to this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu.

Your Committees find 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 that are confined for nonviolent offenses has risen. When juvenile offenders are confined for nonviolent offenses and are 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 through targeted juvenile justice reforms, including concentrating secure bed space on serious juvenile offenders; strengthening disposition, adjustment, diversion, and services available for juvenile offenders; and establishing the Juvenile Justice Oversight Advisory Council.

Your Committees recognizes the issue of juvenile justice restitution and hopes this topic will be further discussed as this measure moves forward.

Your Committees have amended this measure by:

- (1) Clarifying that reentry plans are for persons committed to Hawaii Youth Correctional Facilities who are serving a concurrent or non-concurrent term of probation;
- (2) Deleting section 15, thereby retaining the existing statewide interdepartmental cluster that coordinates services for children with severe emotional and developmental problems; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental and Military Affairs and Judiciary and Labor that are attached to this report,

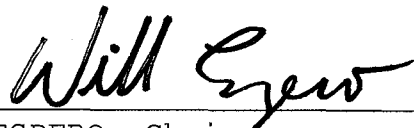


your Committees are in accord with the intent and purpose of H.B. No. 2490, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2490, H.D. 2, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on behalf of the members of the Committees on Public Safety, Intergovernmental and Military Affairs and Judiciary and Labor,



CLAYTON HEE, Chair



WILL ESPERO, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Public Safety and Military Affairs
PSM

Bill / Resolution No.:*	Committee Referral:	Date:
HB 2490 HD2	PSM/JDL, WAM	3-17-2014

The committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)	X			
BAKER, Rosalyn H. (VC)				X
GALUTERIA, Brickwood	X			
GREEN, M.D., Josh				X
SLOM, Sam		X		
TOTAL	2	1	0	2

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:


Distribution: Original Yellow Pink Goldenrod
 File with Committee Report Clerk's Office Drafting Agency Committee File Copy

*Only one measure per Record of Votes

