

STAND. COM. REP. NO.

1090

Honolulu, Hawaii

, 2021

MAR 19

RE: S.B. No. 386  
S.D. 1  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committees on Health, Human Services, & Homelessness and Corrections, Military, & Veterans, to which was referred S.B. No. 386, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE DETENTION OF A MINOR IN AN ADULT JAIL OR LOCKUP,"

beg leave to report as follows:

The purpose of this measure is to require a family court to make findings, after a hearing and in writing, before a minor can be transferred to an adult jail or lockup or be permitted sight or sound contact with adult offenders, subject to certain circumstances.

Your Committees received testimony in support of this measure from the Judiciary, Office of Hawaiian Affairs, Office of the Public Defender, Office of Youth Services, Rainbow Family 808, and three individuals. Your Committees received comments on this measure from the Department of Public Safety.

Your Committees find that the lifelong consequences on a minor after being transferred to the adult criminal justice system has a profoundly negative effect on the minor and the community. Your Committees further find that, because full brain development and maturity does not typically occur until after the age of

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twenty-five, adult facilities do not provide minors with developmentally appropriate rehabilitative services.

Your Committees have amended this measure by:

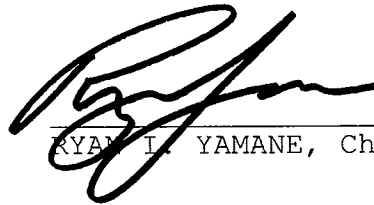
- (1) Changing the effective date to July 1, 2060, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Health, Human Services, & Homelessness and Corrections, Military, & Veterans that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 386, S.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 386, S.D. 1, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on  
behalf of the members of the  
Committees on Health, Human  
Services, & Homelessness and  
Corrections, Military, &  
Veterans,



TAKASHI OHNO, Chair



RYAN I. YAMANE, Chair



State of Hawaii  
 House of Representatives  
 The Thirty-first Legislature

HSCR 1090

**Record of Votes of the Committee on Corrections, Military, & Veterans**

| Bill/Resolution No.:<br><b>SB 386, SDI</b>   | Committee Referral:<br><b>HHH/CMV, JHA, FIN</b> | Date:<br><b>3/18/2021</b> |      |         |
|--|---|---------------------------|------|---------|
| <input type="checkbox"/> The committee is reconsidering its previous decision on the measure.  |   |                           |      |         |
| <b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold<br><input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit) |   |                           |      |         |
| CMV Members  | Ayes  | Ayes (WR)                 | Nays | Excused |
| 1. OHNO, Takashi (C)   | ✓   |                           |      |         |
| 2. GANADEN, Sonny (VC)   |   |                           |      | ✓       |
| 3. BRANCO, Patrick Pihana  |   |                           |      | ✓       |
| 4. KOBAYASHI, Bertrand   | ✓   |                           |      |         |
| 5. KONG, Sam Satoru  | ✓   |                           |      |         |
| 6. MORIKAWA, Dee   | ✓   |                           |      |         |
| 7. TARNAS, David A.  | ✓   |                           |      |         |
| 8. McDERMOTT, Bob  | ✓   |                           |      |         |
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| <b>TOTAL (8)</b>   |   |                           |      |         |
| <b>6                  0                  0                  2</b>  |   |                           |      |         |
| <b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted<br>If joint referral, _____ did not support recommendation.<br><div style="text-align: center; font-size: 0.8em;">committee acronym(s)</div>                              |   |                           |      |         |
| <b>Vice Chair's or designee's signature:</b> _____ <i>Takashi Ohno</i>   |   |                           |      |         |
| <b>Distribution:</b> Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO  |   |                           |      |         |

Record of Votes of the Committee on Health, Human Services, & Homelessness


|                                    |  |                    |
|------------------------------------|--|--------------------|
| Bill/Resolution No.:<br>SB386, SD1 | Committee Referral:<br>HHH / CMW, SHA, FIN | Date:<br>3/18/2021 |
|------------------------------------|--|--------------------|

The committee is reconsidering its previous decision on the measure.

The recommendation is to:  Pass, unamended (as is)  Pass, with amendments (HD)  Hold  
 Pass short form bill with HD to recommit for future public hearing (recommit)

| HHH Members             | Ayes | Ayes (WR) | Nays | Excused |
|-------------------------|------|-----------|------|---------|
| 1. YAMANE, Ryan I. (C)  | ✓    |           |      |         |
| 2. TAM, Adrian K. (VC)  | ✓    |           |      |         |
| 3. GATES, Cedric Asuega | ✓    |           |      |         |
| 4. HAR, Sharon E.       | ✓    |           |      |         |
| 5. KAPELA, Jeanne       | ✓    |           |      |         |
| 6. LoPRESTI, Matthew S. |      |           |      | ✓       |
| 7. NISHIMOTO, Scott Y.  | ✓    |           |      |         |
| 8. WARD, Gene           | ✓    |           |      |         |
| TOTAL (8)               | 7    |           |      | 1       |

The recommendation is:  Adopted  Not Adopted  
If joint referral, \_\_\_\_\_ did not support recommendation.  
\_\_\_\_\_ committee acronym(s)

Vice Chair's or designee's signature: 

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