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17 March 2022

Senate Judiciary Committee

Hearing Time: 09:35 AM

Location: Virtual

Re: HB 1459, HD1, Relating to Juvenile Restitution

Aloha e Chair Rhoads, Vice-Chair Keohokalole, and members of the Committee:

We are writing in **opposition** to HB 1459, HD1, relating to juvenile restitution. This bill will take away family court judges’ discretion in determining if and how much monetary restitution a juvenile and their ʻohana should pay when convicted of an offense.

In Hawaiʻi, adjudicated youth are predominately from low-income families, often their caregivers are grandparents or aunty and uncle, and about one-third are Native Hawaiian. Currently, when deciding an outcome of a case, family court judges meet with youth, their families, social workers, and prosecutors to view circumstances surrounding a case. If it is determined to be a violent offense, judges may waive the case to adult court and the juvenile will be tried as an adult. Otherwise, a judge has the discretion to sentence youth to restitution or community service.

With discretionary authority, family court judges can support systemic change to reduce recidivism and provide services to families. We are opposed to this measure.

The Opportunity Youth Action Hui is a collaboration of organizations and individuals committed to reducing the harmful effects of a punitive incarceration system for youth; promoting equity in the justice system; and improving and increasing resources to address adolescent and young adult mental health needs.

We seek to improve the continuity of programs and services for youth and young adults transitioning from minor to adult status; eliminate youth houselessness and housing market discrimination against young adults; and promote and fund more holistic and culturally-informed approaches among public/private agencies serving youth.

**Please do not advance HB 1459, HD1.**