

February 15, 2023

House Committee on Judiciary and Hawaiian Affairs

Hearing Time: 2:00 PM

Location: State Capitol

Re: HB 792 Relating to Minors

Aloha Chair Tarnas and members of the Committee:

We are writing in support of HB792 relating to minors.

This bill will allow discretion in circuit courts to impose a sentence that includes a period of incarceration that is up to fifty percent shorter than any mandatory minimum when sentencing minors for criminal offenses.

This bill aligns with the growing national sentiments regarding the harsh sentencing of minors. We must consider the vulnerabilities of minors when determining appropriate sentencing and acknowledge that uniform mandatory minimums may not properly address all circumstances. Allowing the court discretion to decline to impose mandatory sentences would prevent minors from being subjected to harsher punishments that may not be warranted by the specific circumstances of their case. This approach would ensure that justice is served fairly and proportionately, and efforts are centered around rehabilitation instead of adhering to the conventional standards of punishment.

Granting courts discretion would be a step towards a more equitable justice system here in Hawaii that can acknowledge the intricate challenges minors may face.

The Opportunity Youth Action Hawaii 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.

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