

February 22, 2024

House Committee on Judiciary and Hawaiian Affairs

Hearing Time: 2:00 PM

Location: State Capitol Conference Room 325

Re: HB1603, Relating to Criminal Justice Reform

Aloha e Chair Tarnas, Vice Chair Takayama, and members of the Committee,

On behalf of the Opportunity Youth Action Hawaiʻi hui, we are writing in **strong support** of HB1603, relating to criminal justice reform. This bill amends various provisions relating to pretrial releases.

In consideration of the values of equal protection and due process rights, courts should presume that defendants in criminal cases who have not yet been found guilty of a crime should be entitled to release, unless that release would be inappropriate for the particular defendant. Pretrial incarceration is the primary cause of overcrowding in community correctional facilities, which becomes a health and safety issue for both defendants in custody as well as staff who work in those correctional facilities. This current system perpetuates systemic inequalities and imposes unnecessary hardships on individuals who have not yet been convicted of a crime.

Further, prolonged pretrial detention gives the illusion that justice is being serviced by keeping an alleged offender behind bars. However, this often unjustly results in a defendant pleading guilty, even if they may have prevailed at trial, in order to hasten their release from custody and return to a normal life.

A key provision of HB1603 is the implementation of risk assessment tools to guide pretrial release decisions. These tools provide judges with objective data to assess the likelihood of a defendant’s appearance in court and the risk of re-offending while awaiting trial. By incorporating risk assessment tools into the pretrial release process, HB1603 ensures that decisions regarding bail and release are based on evidence rather than arbitrary factors such as wealth or social status.

Opportunity Youth Action Hawaiʻi 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 support HB1603.**

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