

MAR 10 2023

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## SENATE RESOLUTION

REQUESTING THE OFFICE OF THE ADMINISTRATIVE DIRECTOR OF THE  
COURTS OF THE HAWAII STATE JUDICIARY TO COLLECT, COMPILE,  
AND SHARE DATA ON THE ASSESSMENT OF FEES, COURT COSTS,  
FINES, AND RESTITUTION IN CASES AGAINST MINORS.

1           WHEREAS, research shows that charging fees, fines, costs,  
2 and restitution to youth is harmful to young people and their  
3 families; and

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5           WHEREAS, in Hawaii, the consequences of such costs fall  
6 disproportionately on Native Hawaiian, Pacific Islander, and  
7 Black youth, who are more likely to be arrested, detained, and  
8 unable to afford fees, fines, costs, and restitution; and

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10           WHEREAS, although state law authorizes courts to charge  
11 youth and their families a range of fees and fines, judges  
12 across the State rarely impose such costs in practice; and

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14           WHEREAS, research shows that fees and fines serve no public  
15 safety function and may instead undermine public safety by  
16 increasing the likelihood of youth recidivism; and

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18           WHEREAS, because youth cannot afford to pay restitution,  
19 crime survivors rarely see any compensation for harm they may  
20 have experienced; and

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22           WHEREAS, jurisdictions in the majority of states that  
23 assess fees, costs, fines, and restitution to youth spend more  
24 money trying to collect those outstanding debts than they  
25 receive in revenue; and

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27           WHEREAS, there is a growing consensus that fees and fines  
28 should not be assessed for mistakes made in a person's youth,  
29 regardless of the age or jurisdiction in which the person is  
30 adjudicated or sentenced; and

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1 WHEREAS, several states throughout the country have  
2 prohibited the imposition of fees and fines and limited the  
3 impact of restitution on young people and their families; now,  
4 therefore,

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6 BE IT RESOLVED by the Senate of the Thirty-second  
7 Legislature of the State of Hawaii, Regular Session of 2023,  
8 that the Office of the Administrative Director of the Courts of  
9 the Hawaii State Judiciary is requested to collect, compile, and  
10 share data on the assessment of fees, court costs, fines, and  
11 restitution in cases against minors; and

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13 BE IT FURTHER RESOLVED that this data is requested to  
14 include:

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16 (1) The total and annual average amount of fees, court  
17 costs, fines, and restitution that are assessed,  
18 collected, waived, and outstanding in cases against  
19 minors for each of the last five years; and

20  
21 (2) For the circuit, family, and district courts in each  
22 judicial district, a description of each fee, court  
23 cost, or fine that can be assessed in cases against  
24 minors, and their respective amounts; and

25  
26 BE IT FURTHER RESOLVED that the Office of the  
27 Administrative Director of the Courts is requested to submit a  
28 report of findings and recommendations to the Legislature no  
29 later than twenty days prior to the convening of the Regular  
30 Session of 2024; and

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32 BE IT FURTHER RESOLVED that certified copies of this  
33 Resolution be transmitted to the Chief Justice of the Hawaii  
34 Supreme Court and Administrative Director of the Courts.

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37 OFFERED BY:  \_\_\_\_\_

