



The Judiciary, State of Hawai'i

Testimony to the House Committee on Public Safety

The Hon. Henry J.C. Aquino, Chair

The Hon. Kaniela Ing, Vice Chair

Thursday, February 6, 2014

10:00 a.m.

State Capitol, Conference Room 309

By

R. Mark Browning

Deputy Chief Judge, Senior Family Judge

Family Court of the First Circuit

Bill No. and Title: House Bill No. 2333, Relating to the Statewide Integrated Sex Offender Treatment Program.

Purpose: Amends Chapter 353E, Hawaii Revised Statutes (HRS), to include juveniles, to reflect nationally recognized best practices in the statewide, integrated programming for sex offenders, and to identify the coordinating body for the sex offender treatment program as the "Sex Offender Management Team." Exempts the Program from the requirements of Chapter 92, HRS.

Judiciary's Position:

The Judiciary respectfully submits this testimony in opposition to House Bill No. 2333. Currently, the Judiciary is a party to the Cooperative Agreement ("Agreement") between the Dept. of Public Safety, Dept of Health, Judiciary, Hawaii Paroling Authority, Dept. of Human Services, and Office of Youth Services, executed May, 2008. A characteristic of the Agreement is recognition that there is a significant divide between treatment of juveniles and treatment of adults. This recognition is blurred in this bill; a change that will have unintended negative consequences to the community.

The bill amends a statute that was designed just for adults. By adding the term "juvenile," the bill no longer reflects best practices since best practices recognize the need for particular treatment modalities for juveniles and that failure to do so backfires on the



community--juveniles are not treated adequately or, worse, are treated in a manner that ensures re-offending.

The first circuit of the family court has a dedicated juvenile sex offender court officer unit based on research that show that there are profound differences between adults who are sex offenders and juveniles who are labelled "sex offenders." In previous years, this research data have been compelling enough to thwart efforts to include juveniles in adult sex offender registries (including in this state).

In sum, lumping juveniles and adult sex offenders in a "continuum" is not considered "best practices." This bill, by including juveniles, will not provide greater safety for the community--in fact, it may cause the opposite--needlessly generating more victimization (of both victims and perpetrators).

We respectfully urge deletion of "juvenile" from the bill, page 1, line 5.