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COMMITTEE ON JUDICIARY
Rep. Tommy Waters, Chair
Rep. Blake Oshiro, Vice Chair
HB354 RELATING TO SENTENCING

Thursday, February 8, 2007
2:00 PM, Room 325

Position – Strong Support

As a therapeutic foster parent, I had the opportunity to provide care and support to youth who came directly from Hawaii Youth Correctional Facility or the Family Court's Detention Home. These young people had been adjudicated of crimes that would have qualified as "violent crimes" under Hawaii's current three strikes law. I opened my home and my heart to these "habitual violent offenders" because I strongly believe that people can change when they see others believing in their higher potential.

This does not mean that all their pain and wayward survival instincts would automatically disappear. These very behaviors, that we deem "criminal", may have saved their lives and protected or fed a younger sibling. So as it turned out, I pulled these same young people out of incarceration more than once. However, today one is in college and the other looks forward to graduating from high school.

If we lived in a perfect world, where every child was cherished, nurtured, fed, loved, protected – we would not be having this particular discussion. But the fact is that this world has not treated all of our children respectfully. Just as it takes years to develop the tools to survive abuse and neglect, rehabilitation also takes time.

One of my girls, I will call her Malia, discovered that it was less painful for her to take her chances in a fight and take some blows than to stand by and watch her younger sibling get beaten up. Although Malia has more hope and aspirations today, she still has certain values that could get her locked up for 30 years under our current three strikes law. Given Malia's own traumatic history, she may always feel the need to be protective. While she can walk away when others are trying to hurt her, it is not so easy for her to walk away when someone weaker or smaller is being harmed. Just the act of shoving someone off another person could constitute "assault".

All it takes is two counts of burglary and a single count of assault and an 18 year-old could be put away for 30 years as a "habitual violent offender". Supporting the repeal of Hawaii's three strikes law is a very personal matter for me. Given our state's inclination to ship inmates out of state, the chances of maintaining a rehabilitative relationship would be slim. And what hope and aspirations could an 18 year-old hold on to if she were to face a sentence that was almost double her short lifetime.

Please repeal Act 81 and allow the courts to maintain discretion in determining appropriate sentencing. Allow them to consider mitigating factors and community support available to an individual convicted of crimes such as burglary or assault. Please redirect the State's \$1.2 million dollars per inmate for rehabilitation, counseling, and education. Invest in hope, not fear.