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February 3, 2025

Committee on Judiciary & Hawaiian Affairs
Rep. David A. Tarnas, Chair
Rep. Mahina Poepoe, Vice Chair
415 South Beretania Street, Conf. Rm. 325
State Capital
Honolulu, HI 96813

Re: Testimony in Support of H.B. 280
Hearing: February 5, 2025, 2:00 PM

Dear Chair Tarnas, Vice Chair Poepoe and Committee Members:

This letter is in support of H.B. 280 which would permanently establish and appropriate moneys for the Community Outreach Court ("COC") as a division of the District Court of the First Circuit.

Since 2017, the Office of the Public Defender ("OPD"), the Department of the Prosecuting Attorney and the Judiciary have worked in concert to assist nonviolent offenders resolve pending and adjudicated offenses through alternative sentencing, including community service. COC has been instrumental in recalling and reducing the amount of outstanding and stagnant bench warrants and resolving thousands of pending cases with positive outcomes for both the offender and the community. The burden on law enforcement has been reduced through recalled bench warrants and penal summons that previously languished unserved. Participants who were previously unable to attend court due to financial and/or the inability to travel have attended court to address their cases. And both the community and offender benefitted greatly from completed community service.

COC provides a vital service to the community. Not only is the court able to clear thousands of unresolved cases that would have otherwise remained pending, but social service providers also assist COC participants at no cost to the taxpayer. By the time the participants graduate from COC, the graduates are entrenched in or one step closer to stable housing, employment and have had their legal matters resolved. These milestones are necessary to end the cycle of homelessness which COC is tackling, one participant at a time. The permanent establishment of COC is integral and necessary for our community.

Thank you for taking these comments into consideration.

Sincerely,
/s/ Taryn Tomasa
Deputy Public Defender



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2025**

ON THE FOLLOWING MEASURE:

H.B. NO. 280, H.D. 1, RELATING TO THE COMMUNITY OUTREACH COURT.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

DATE: Wednesday, February 5, 2025 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Mark S. Tom, Deputy Attorney General

Chair Tarnas and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments.

The purpose of this bill is to permanently establish, and appropriate funds for, the Community Outreach Court as a division of the District Court of the First Circuit.

The Community Outreach Court is a specialty court created through the collaboration of the Judiciary, Office of the Public Defender, and the Department of the Prosecuting Attorney of the City and County of Honolulu. This court began as an independent and unfunded pilot project among the three agencies and later received legislative support through Act 55, Session Laws of Hawaii 2017 (Act 55). The unique aspect of this court is its streamlined process, involving limited stakeholders to effectively assist its target population.

The Department recognizes the positive impact this court has on the target population and supports the continued collaboration among the three agencies currently involved. Since late 2023, the Department has undertaken the prosecution of all state-initiated cases. Although the Department was not initially included in Act 55, it has worked closely with the existing stakeholders to ensure all state-initiated cases are considered for the Community Outreach Court.

In light of the concerns raised by the Department of the Prosecuting Attorney of the City and County of Honolulu in testimony on the companion bill, Senate Bill No. 361,

to the Senate Committee on Judiciary on January 30, 2025, regarding "instances where both agencies have different cases involving the same defendant," the Department recommends removing "the attorney general and any deputy attorney general of the department of the attorney general" from the definition of "prosecuting attorney" (page 4, lines 4-6). In practice, it is unlikely that a potential participant with a Department state-initiated case in the Community Outreach Court would not also have a case shared with Department of the Prosecuting Attorney of the City and County of Honolulu. Therefore, the Department's current process in the district court of the First Circuit to address state-initiated cases for individuals interested in the Community Outreach Court remains the most effective and efficient means of assisting these individuals. Including the Attorney General and any deputy attorneys general in the definition would unnecessarily complicate the existing processes of the Community Outreach Court.

If the Committee decides to proceed with the bill, the Department recommends that the proposed codification of the Community Outreach Court mirror previous legislation establishing other specialty courts. For instance, the enabling legislation for the pilot Women's Court (Act 243, Session Laws of Hawaii 2022) and the Environmental Court (Act 218, Session Laws of Hawaii 2014, codified in chapter 604A, Hawaii Revised Statutes) provides only broad frameworks and procedures. In contrast, this bill imposes procedures that may limit the flexibility and efficiency of the court.

To provide the court flexibility, the Department recommends removing the following sections in the proposed new chapter: "**§ -1 Definitions**" (page 3, line 11, to page 4, line 11), "**§ -4 Principles and components of the court**" (page 5 line 10, to page 6, line 8), "**§ -5 Court process**" (page 6, line 9, to page 7, line 20), and add a rule section similar to section 604A-3, Hawaii Revised Statutes, for Environmental Court, which would read as follows:

§ -3 Policies and procedures. The agencies involved shall jointly adopt policies and procedures regarding the administration, operation, and procedures of the Community Outreach Court.

All agencies involved have shown a willingness to continue working collaboratively to expand and strengthen this successful program. These amendments to the bill would allow for greater flexibility in adjusting policies and procedures as

agreed upon by the current agencies involved and allow for participation by other agencies in the future.

Thank you for the opportunity to provide comments on this bill.



The Judiciary, State of Hawai‘i

Testimony to the Thirty-Third Legislature, 2025 Regular Session

House Committee on Judiciary & Hawaiian Affairs

Representative David A. Tarnas, Chair

Representative Mahina Poepoe, Vice Chair

Wednesday, February 5, 2025 at 2:00 p.m.

State Capitol, Conference Room 325

by

Thomas A. K. Haia

District Family Judge

Bill No. and Title: House Bill No. 280, H.D. 1, Relating to Community Outreach Court.

Purpose: Permanently establishes and appropriates funds for the Community Outreach Court as a division of the District Court of the First Circuit.

Judiciary's Position:

The Judiciary offers its unconditional support for and urges the passage of House Bill No. 280, H.D. 1. Since 2017, with the passage of Act 55, Community Outreach Court has reached and helped to improve the lives of hundreds of our most vulnerable population, those dealing with poverty and homelessness.

House Bill No. 280, H.D. 1 is an opportunity for Community Outreach Court to become a permanent court in the First Circuit. Community Outreach Court has been instrumental in helping its participants address legal matters through alternative sentences like community service work hours and has provided participants a warm handoff to social service providers in order to help them get back on their feet, while also helping to lift driver's license stoppers in order to allow participants obtain Hawai'i driver's permits and licenses. These seemingly insignificant achievements, which most take for granted, can mean the difference between being unsheltered and unemployed to being on a pathway to a better life for the participants, as well as their families and loved ones.



House Bill No. 280, H.D.1, Relating to Community Outreach Court
House Committee on Judiciary & Hawaiian Affairs
Wednesday, February 5, 2025
Page 2

In addition to the existing role of the Office of the Prosecuting Attorney representing the State of Hawai'i in cases initiated by the Honolulu Police Department, House Bill No. 280, H.D. 1 allows expansion to potential participants by including the newly created Department of Law Enforcement's cases in its calendars, which cases are handled by the Department of the Attorney General.

Passage of House Bill No. 280, H.D. 1 also offers an opportunity to expand the court's reach by adding additional sites to its existing ones, which include the Hawai'i Health Harm and Reduction Center in Kakaako, Lili'uokalani Trust kipuka in Kaneohe and Waimanalo, Waianae Public Library, and a newly added site, the Moiliili-McCully Public Library near Waikiki where the first court session will be held on February 21, 2025.

As Chief Justice Recktenwald highlighted in his State of the Judiciary Address, there is a continuing need for the Judiciary to evolve as our society does. In this regard, the chief justice spoke of Community Outreach Court's meeting people in the communities where they live, from Waianae to Waimanalo. With the passage of House Bill No. 280, H.D. 1, Community Outreach Court will become permanent and its efforts can be built upon and expanded. Imagine holding court in our community parks, at beach parks, in areas where many unsheltered communities exist.

Since its inception under the late Judge Darolyn Lendio, Community Outreach Court has helped more than 600 participants, cleared nearly 11,000 cases, lifted more than 7,000 license stoppers and recalled more than 900 bench warrants. And, with the passage of House Bill No. 280, H.D. 1 the court looks forward to doing much more.

The Judiciary looks forward to the passage of House Bill No. 280, H.D. 1 in order to further its goal of providing equal access to justice for those vulnerable members of our community. Along with our partners, including Legal Aid Society of Hawai'i, America Job Center, Lifeline Cell Service, the Department of Human Services and others, we look forward to the passage of this legislation in order to continue this essential work.

The Judiciary understands the Legislature's difficult job of finding funding to address the myriad matters facing our communities across the state; however, the need to address and assist O'ahu's homeless communities is more urgent than ever. We appreciate this committee's consideration of this measure, which represents a step towards greater compassion to prioritize vulnerable individuals who have accepted responsibility for legal missteps and wish to help themselves.

Thank you for the opportunity to offer testimony in support of House Bill No. 280, H.D. 1.

**DEPARTMENT OF THE PROSECUTING ATTORNEY
KA 'OIHANA O KA LOIO HO'OPI'I
CITY AND COUNTY OF HONOLULU**

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**THE HONORABLE DAVID A. TARNAS, CHAIR
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
Thirty-Third State Legislature
Regular Session of 2025
State of Hawai'i**

February 4, 2025

RE: H.B. 280, H.D. 1; RELATING TO THE COUMMUNITY OUTREACH COURT.

Chair Tarnas, Vice-Chair Poepoe and members of the House Committee on Judiciary & Hawaiian Affairs, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony **with the following amendments** to H.B. 280 H.D.1

The Department would like to suggest the following amendments to Section " -5 Court Process. Subsection (b)" of this bill:

(b) The Court may only hear and dispose of cases involving non-violent, non-felony offenses under laws of the State of Hawai'i and the Revised Ordinances of the City and County of Honolulu determined to be appropriate by the Department of the Prosecuting Attorney and/or Department of the Attorney General.

The purpose for this suggested amendment is so the Department can maintain control over the cases that fall under its jurisdiction and conferred to the Department by the Honolulu Police Department. Also, this amendment allows the Department of the Attorney General to maintain its own cases that are conferred to their department by the Department of Law Enforcement.

In Subsection (d) of the same section, the Department suggests the following amendment to that section as well as adding Subsections (e) and (f) as follows:

(d) Defendants on the potential participant list charged by the Department of the Prosecuting Attorney shall be reviewed by the prosecuting attorney, who will decide whether they should participate in the court proceedings. The prosecuting attorney may enter into plea agreement negotiations with the public defender for disposition of those defendants' accepted into the Community Outreach Court.

(e) Defendants on the potential participant list charged by the Department of the Attorney General shall be reviewed by the Attorney General, who will decide whether they should participate in the court proceedings. The Attorney General may enter into plea agreement negotiations with the public defender for disposition of those defendants' accepted into the Community Outreach Court.

(f) Whenever a Defendant on the potential participant list has cases charged by both the Department of the Prosecuting Attorney and the Department of the Attorney General, the two agencies shall confer to determine if the Defendant should participate in the court proceedings. The Prosecuting Attorney and the Attorney General may enter into plea agreement negotiations with the public defender for disposition of these defendants' accepted into the Community Outreach Court by both agencies.

Again, the reason for these amendments is so the Department and the Department of the Attorney General can maintain their separate cases as conferred to each department by their respective law enforcement agency.

Finally, we would like to suggest the following language to replace the language on lines 7-8 on page 11 which currently reads:

"The sum appropriated shall be expended by the judiciary for the purposes of this Act."

We would like to suggest the following:

"The Judiciary may enter into an intergovernmental agreement or memorandum of understanding with the Office of the Public Defender, Department of the Prosecuting Attorney, Department of the Attorney General or any other agency of the State of Hawai'i or the City and County of Honolulu for the purpose of collaboration, cooperation, coordination, combination of resources, funding distribution or the administration of Community Outreach Court." Some version of this might be useful to determine future allocation of funds."

This language allows the Judiciary greater flexibility on expending the funds to ensure the success of the Community Outreach Court.

Thank you for the opportunity to testify on this matter.



To: Committee on Judiciary and Hawaiian Affairs

Hearing Date/Time: Wednesday February 5, 2025 2:00 PM

Re: Testimony in Strong Support of HB 280 HD1

Dear Chair Tarnas, Vice Chair Poepoe and Members of the Committee:

The Hawaii Health & Harm Reduction Center (HHHRC) **strongly supports HB 280 HD1** which would appropriate funds and make permanent the Community Outreach Court (COC) as part of the District Court of the First Circuit. The Community Outreach Court has been a successful collaboration between the Judiciary, the Public Defender and the Honolulu Prosecutor's office along with support from community-based agencies such as HHHRC.

HHHRC's mission is to *reduce harm, promote health, create wellness and fight stigma in Hawaii and the Pacific*. We focus our efforts on those disproportionately affected by social determinants of health, including but not limited to: people living with and/or affected by HIV, hepatitis, substance use, and the transgender, LGBTQ and the Native Hawaiian communities.

HHHRC is proud to have supported the COC from the beginning by providing on-site case management to the participants, and for the past year has hosted the COC in HHHRC's offices in Kakaako to make the court accessible to those needing its services in town. HHHRC has seen first hand how participants of the COC thrive once their cases are resolved, and is also a site for the community-based hours that are needed from participants in order to satisfy their requirements. HHHRC has found it easier to house COC participants, and has seen the collaboration thrive to ensure some of our most vulnerable get the support they need. We need this court to be permanent.

Thank you for the opportunity to testify.

Heather Lusk, Executive Director, Hawaii Health and Harm Reduction Center

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HB280 HD1 Outreach Court

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair

Rep. Mahina Poepoe, Vice Chair

Wednesday, Feb 5, 2025: 2:00: Room 325 Videoconference

Hawaii Substance Abuse Coalition Supports HB280 HD1:

ALOHA CHAIR, VICE CHAIR, AND DISTINGUISHED COMMITTEE MEMBERS. My name is Alan Johnson. I am the current chair of the Hawaii Substance Abuse Coalition (HSAC), a statewide organization for substance use disorder and co-occurring mental health disorder treatment and prevention agencies and recovery-oriented services.

HSAC supports Alternative sentencing of offenders for established needs for substance abuse treatment and mental health services following shelter or other social services.

Formal substance abuse treatment such as residential and intensive outpatient is still the most effective approach to achieve functionality and lasting recovery for offenders and community people.

Substance use disorder treatment coupled with mental health services is essential for offenders because it addresses the underlying issues that often contribute to criminal behavior and helps break the cycle of addiction and recidivism. Here's why this is important:

1. **High Rates of Substance Abuse Among Offenders:** Many offenders struggle with substance use disorders. Studies show that a significant proportion of crimes, including theft, assault, and drug-related offenses, are committed under the influence of drugs or alcohol.
2. **Reduces Recidivism:** Treating substance abuse can lower the likelihood of reoffending. Offenders who receive effective treatment are more likely to develop coping skills and lead crime-free lives after release.
3. **Addresses Root Causes of Criminal Behavior:** Substance abuse often coexists with mental health issues, trauma, or socioeconomic challenges.

Treatment programs can provide a comprehensive approach to addressing these interconnected factors.

4. **Improves Public Safety:** By helping offenders overcome addiction, substance abuse treatment reduces the risk of substance-fueled criminal activity, thereby improving community safety.

5. **Economic Benefits:** Providing treatment is often less expensive than incarceration. It also reduces the costs associated with repeated arrests, court proceedings, and imprisonment.

6. **Promotes Rehabilitation:** Substance abuse treatment supports offenders in reintegrating into society, securing employment, and rebuilding relationships, which are crucial for long-term success.

7. **Legal Mandates and Support:** Courts increasingly mandate substance abuse treatment as part of sentencing or probation, recognizing its importance in addressing criminal behavior effectively.

By addressing addiction, offenders are given an opportunity to rebuild their lives, contributing positively to society rather than being trapped in cycles of crime and incarceration.

We appreciate the opportunity to provide testimony and are available for questions.