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# A BILL FOR AN ACT

RELATING TO THE JUDICIARY.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Seventy per cent of the State of Hawaii's  
2 population resides on Oahu and is served by the first judicial  
3 circuit, which consists of twenty-five circuit court judges.  
4 The remaining thirty per cent of Hawaii's population is served  
5 by the second judicial circuit on Maui with four circuit court  
6 judges; the third judicial circuit on Hawaii with four circuit  
7 court judges; and the fifth judicial circuit on Kauai with two  
8 circuit court judges. The citizens of central and leeward Oahu,  
9 representing twenty-two per cent of the State's population, and  
10 thirty per cent of Oahu's population, have no dedicated circuit  
11 court.

12           The legislature is committed to support the anticipated  
13 continued growth of central and leeward Oahu with the creation  
14 of a "second city" in Kapolei. Consistent with that vision, the  
15 legislature, during the 2005 regular session, supported the  
16 judiciary's request for the construction of a courthouse complex  
17 in Kapolei. The legislature's concern over the most efficient  
18 way to provide equal access to justice, promote the most



1 effective delivery of legal services, and better serve the needs  
2 of the entire population of Oahu leads to the inevitable  
3 conclusion that the creation of an additional circuit, to be  
4 designated the fourth judicial circuit, located in the Kapolei  
5 court complex, will best accomplish those goals.

6 SECTION 2. Section 571-3, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 **"§571-3 Family courts, divisions of circuit courts.** The  
9 family courts shall be divisions of the circuit courts of the  
10 State and shall not be deemed to be other courts as that term is  
11 used in the State Constitution. A family court shall be held at  
12 the courthouse in each circuit, or other duly designated place,  
13 by the judge or judges of the respective family courts as herein  
14 defined. The chief justice of the supreme court may temporarily  
15 assign a family court judge to preside in another circuit when  
16 the urgency of one or more cases requires the chief justice to  
17 do so. The first circuit shall retain all matters in the  
18 present location within the jurisdiction of the family court as  
19 provided in chapters 571, 580, 586, and 587, except proceedings  
20 under section 571-11(1), which may be held exclusively in the  
21 fourth circuit. In any case in which it has jurisdiction the



1 court shall exercise general equity powers as authorized by  
2 law."

3 SECTION 3. Section 571-4, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "**§571-4 Family courts, circuits.** In the first circuit any  
6 judge or judges so designated by the chief justice of the  
7 supreme court shall be the judge or judges of the family court  
8 of the first circuit. The several judges of the second, third,  
9 fourth, and fifth circuits, and of any other circuits hereafter  
10 created by the legislature, [~~shall,~~] when exercising  
11 jurisdiction under this chapter, shall be judges of the family  
12 courts of their respective circuits. In any circuit in which  
13 more than one judge is authorized to exercise jurisdiction as  
14 judge of the family court, the chief justice of the supreme  
15 court shall designate one of the judges as senior judge.

16 Nothing in this chapter shall be construed to limit the  
17 jurisdiction and authority of any circuit judge, designated as  
18 judge of a family court, to matters within the scope of this  
19 chapter."

20 SECTION 4. Section 571-8, Hawaii Revised Statutes, is  
21 amended by amending subsection (a) to read as follows:



1           "(a) In addition to the district courts established under  
2 section 604-1, there may be established in each of the judicial  
3 circuits of the State a district family court with the powers  
4 and under the conditions herein set forth which shall be styled  
5 as follows:

6           (1) For the first judicial circuit: The district family  
7 court of the first circuit.

8           (2) For the second judicial circuit: The district family  
9 court of the second circuit.

10          (3) For the third judicial circuit: The district family  
11 court of the third circuit.

12          (4) For the fourth judicial circuit: The district family  
13 court of the fourth circuit.

14          ~~(4)~~ (5) For the fifth judicial circuit: The district  
15 family court of the fifth circuit."

16          SECTION 5. Section 571-14, Hawaii Revised Statutes, is  
17 amended to read as follows:

18          "**§571-14 Jurisdiction; adults.** (a) Except as provided in  
19 sections 603-21.5 and 604-8, the court shall have exclusive  
20 original jurisdiction:

21          ~~[(1) To try any offense committed against a child by the~~  
22 ~~child's parent or guardian or by any other person~~



1 ~~having the child's legal or physical custody, and any~~  
2 ~~violation of section 707-726, 707-727, 709-902, 709-~~  
3 ~~903, 709-903.5, 709-904, 709-905, 709-906, or 302A-~~  
4 ~~1135, whether or not included in other provisions of~~  
5 ~~this paragraph or paragraph (2);~~

6 ~~(2)]~~ (1) To try any adult charged with:

7 (A) Deserting, abandoning, or failing to provide  
8 support for any person in violation of law; or

9 ~~[(B) An offense, other than a felony, against the~~  
10 ~~person of the defendant's husband or wife;~~

11 ~~(C) Any violation of an order issued pursuant to~~  
12 ~~chapter 586; or~~

13 ~~(D)]~~ (B) Any violation of an order issued by a family  
14 court judge.

15 ~~[In any case within paragraph (1) or (2), the court, in its~~  
16 ~~discretion, may waive its jurisdiction over the offense~~  
17 ~~charged;~~

18 ~~(3)]~~ (2) In all proceedings under chapter 580, and in all  
19 proceedings under chapter 584;

20 ~~[(4)]~~ (3) In proceedings under chapter 575, the Uniform  
21 Desertion and Nonsupport Act, and under chapter 576B,  
22 the Uniform Interstate Family Support Act;



1       ~~[(+5)]~~ (4) For commitment of an adult alleged to be mentally  
2                   defective or mentally ill;

3       ~~[(+6)]~~ (5) In all proceedings for support between parent and  
4                   child or between husband and wife;

5       ~~[(+7)]~~ (6) In all proceedings for pre-trial detention or  
6                   waiver of jurisdiction over an adult who was a child  
7                   at the time of an alleged criminal act as provided in  
8                   section 571-13 or 571-22;

9       ~~[(+8)]~~ (7) In all proceedings under chapter 586, Domestic  
10                  Abuse Protective Orders; and

11       ~~[(+9)]~~ (8) For the protection of dependent adults under  
12                  chapter 346, part X.

13       In any case within paragraph (2), (3), ~~[(+4), or (+6)],~~ or  
14       (5) the attorney general, through the child support  
15       enforcement agency, may exercise concurrent jurisdiction as  
16       provided in chapter 576E.

17       ~~[(b) The court shall have concurrent jurisdiction with the~~  
18       ~~district court over violations of sections 707-712, 707-717,~~  
19       ~~707-722, 708-822, 708-823, 710-1010.5, 711-1106, and 711-1106.5~~  
20       ~~when multiple offenses are charged through complaint or~~  
21       ~~indictment and at least one offense is a violation of an order~~



1 ~~issued pursuant to chapter 586 or a violation of section 709-~~  
2 ~~906.~~

3 ~~(e) The court shall have concurrent jurisdiction with the~~  
4 ~~circuit court over violations of section 711-1106.4.~~

5 ~~[(d)]~~ (b) The court shall have concurrent jurisdiction  
6 with the circuit court in all proceedings to appoint a guardian  
7 of an adult."

8 SECTION 6. Section 603-1, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "**§603-1 Judicial circuits.** The State is divided into  
11 ~~[four]~~ five judicial circuits, as follows:

12 (1) The first judicial circuit is the island of Oahu and  
13 all other islands belonging to the State not  
14 hereinafter mentioned;

15 (2) The second judicial circuit includes the islands of  
16 Maui, Molokai, Lanai, Kahoolawe, and Molokini;

17 (3) The third judicial circuit is the island of Hawaii;

18 (4) The fourth judicial circuit is that area of the island  
19 of Oahu comprising the Ewa, Waianae, Waialua, and  
20 Wahiawa judicial districts as described in section 4-  
21 1; and



1        [~~4~~] (5) The fifth judicial circuit includes the islands  
2                    of Kauai and Niihau."

3            SECTION 7. Section 603-4, Hawaii Revised Statutes, is  
4 amended to read as follows:

5            "**§603-4 Other circuits; judges.** The circuit court of the  
6 fifth circuit shall consist of two judges, who shall be styled  
7 as first and second judge, and each as a judge of the circuit  
8 court of the fifth circuit. The circuit court of the second  
9 circuit shall consist of four judges, who shall be styled as  
10 first, second, third, and fourth judge, and each as a judge of  
11 the circuit court of the second circuit. The circuit court of  
12 the third circuit shall consist of four judges, who shall be  
13 styled as first, second, third, and fourth judge, and each as a  
14 judge of the circuit court of the third circuit. The circuit  
15 court of the fourth circuit shall consist of four judges, who  
16 shall be styled as first, second, third, and fourth judge, and  
17 each as a judge of the circuit court of the fourth circuit."

18            SECTION 8. Section 603-12, Hawaii Revised Statutes, is  
19 amended to read as follows:

20            "**§603-12 Sessions, held where.** Except as otherwise  
21 provided by statute, the sessions of the circuit courts shall be  
22 held as follows: In the first circuit, at Honolulu; in the



1 second circuit, at Wailuku; in the third circuit, at Hilo and  
2 Kona; in the fourth circuit, at Kapolei; in the fifth circuit,  
3 at Lihue."

4 SECTION 9. There is appropriated out of the general  
5 revenues of the State of Hawaii the sum of \$ , or so much  
6 thereof as may be necessary for fiscal year 2007-2008, and the  
7 same sum, or so much thereof as may be necessary for fiscal year  
8 2008-2009, for establishment of the fourth judicial circuit on  
9 the island of Oahu.

10 SECTION 10. The sums appropriated shall be expended by the  
11 judiciary for the purposes of this Act.

12 SECTION 11. This Act shall take effect upon:

- 13 (1) The formal opening of the Kapolei court complex; and
- 14 (2) Publication of a notice statewide as provided by
- 15 section 1-28.5, Hawaii Revised Statutes that Kapolei
- 16 court complex has opened;

17 provided that sections 9 and 10 shall take effect on July 1,  
18 2007.

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INTRODUCED BY:

*Calvin K. King*  
\_\_\_\_\_  
BY REQUEST

JAN 22 2007



**Report Title:**

Judiciary; Fourth Circuit

**Description:**

Establishes a fourth judicial circuit on the island of Oahu. Appropriates funds. Removes family court jurisdiction over various offenses.

