



THE JUDICIARY, STATE OF HAWAII

Testimony to the Twenty-Fifth Legislature, Regular Session of 2009

House Committee on Transportation
The Honorable Joseph M. Souki, Chair
The Honorable Karen Leinani Awana, Vice Chair

Wednesday, February 4, 2009, 8:30 a.m.
State Capitol, Conference Room 309

by
Walter M. Ozawa
Deputy Administrative Director of the Courts

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 1463, Relating to County Highway Patrols

Purpose: Allows counties to establish highway patrols as part of police departments; requires uncontested traffic fines and forfeitures to be transmitted to the counties for highway patrols.

Judiciary's Position:

The Judiciary takes no position on the merits of House Bill No. 1463, however, respectfully wishes to comment on certain operational and technical aspects.

The distribution of collections of *"fifty per cent of all fines and forfeitures collected for uncontested traffic infractions committed in that qualifying county that are in excess of amounts that are required by the State to pay the administrative costs of the traffic violations bureau"* will create an undue burden on Judiciary fiscal departments due to the complexity of the Traffic Violation Bureau (TVB) functions, statewide.

The TVB system is closely integrated with District Court functions and the traffic law enforcement system. The TVBs are the primary source responsible for entering data for traffic offenses into JIMS (Judiciary Information Management System -- the primary computer database for handling traffic offenses), collecting payments from offenders prior to the hearing (payments collected over the counter, by mail, through the internet and through interactive phone



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program), creating the traffic court calendars, handling payments after convictions, managing deferred payments of fines, re-calendaring defendants who have failed to appear, collecting appearance bonds and bails, producing traffic abstracts, researching and giving motor vehicle clearances as well as for driver license clearances and handling phone queries, scheduling hearings, etc.

Unlike the Honolulu TVB, the staff in rural courts and the neighbor island courts have co-mingled duties with their TVB functions. It would be very difficult to determine what proportion of their time is spent on traffic law enforcement, District Court operations, and TVB functions.

In addition to identifying staff time (including that of administrators who oversee operations), operating costs must also be considered as a part of the mix. This entails the inclusion of supplies, equipment, and other support costs, such as JIMS staff and operating costs, as well as other non-District Court costs, such as computer and fiscal operations.

As presently worded in this measure, it would be extremely complex, time consuming, and expensive to determine the exact amount of "administrative costs" associated with running a TVB. The term "administrative costs" requires a more precise definition to enable the Judiciary to provide to the State Director of Finance the exact amount of funds which should be retained by the Judiciary.

Thank you for the opportunity to testify on this measure.

POLICE DEPARTMENT
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PAUL D. PUTZULU
KARLA A. GODSEY
DEPUTY CHIEFS

OUR REFERENCE TTN-LC

February 4, 2009

The Honorable Joseph M. Souki, Chair
and Members
Committee on Transportation
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Souki and Members:

Subject: House Bill No. 1463, Relating to Highway Patrols

I am Major Thomas Nitta of the Traffic Division of the Honolulu Police Department, City and County of Honolulu.

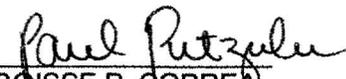
The Honolulu Police Department (HPD) strongly supports House Bill No. 1463, designating uncontested traffic fines to defray the cost of a county highway patrol operated by the separate counties. The HPD is responsible for more than 70 percent of the traffic enforcement in the State of Hawaii, and the designation of the accompanying fines to the HPD will assist in cost of traffic enforcement in the City and County of Honolulu.

Thank you for this opportunity to testify.

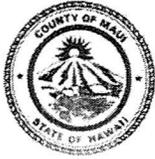
Sincerely,


THOMAS T. NITTA, Major
Traffic Division

APPROVED:

for: 
BOISSE P. CORREA
Chief of Police

Serving and Protecting With Aloha



CHARMAINE TAVARES
MAYOR

OUR REFERENCE
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THOMAS M. PHILLIPS
CHIEF OF POLICE

GARY A. YABUTA
DEPUTY CHIEF OF POLICE

February 2, 2009

The Honorable Joseph Souki, Chair
and members of the Committee on Transportation
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Souki and Members:

SUBJECT: House Bill No. 1463, Relating to County Highway Patrols

The purpose of this bill is to allow each county to establish a highway patrol division within their respective police department and require that uncontested traffic fines and forfeitures to be transmitted to the counties for highway patrols.

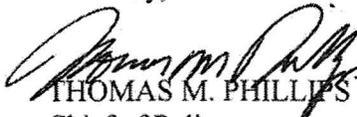
We are open to the concept of revenue from uncontested traffic fines and forfeitures being transmitted to each county police department; however, not the requirement to develop a separate Highway Patrol Division. The Maui County Police Department currently has a Traffic Section that is comprised of a Traffic Investigation Unit (Vehicular Homicide Team) and an OUI Task Force dedicated to the enforcement of State and County traffic laws.

The uncontested fines and forfeitures to the counties should not be restricted to the formulation of a separate traffic enforcement entity, but to the enhancement of their current Traffic sections in staffing, education, training and enforcement programs which will have a greater overall affect.

Therefore, we do not support House Bill No. 1463, Relating to County Highway Patrols.

Thank you for the opportunity to testify.

Sincerely,


THOMAS M. PHILLIPS
Chief of Police

awana3-Elenoa

From: Clamor, Erlinda U CIV PHNSY & IMF, 200/C244.2 [erlinda.clamor@navy.mil]
Sent: Tuesday, February 03, 2009 1:56 PM
To: TRNtestimony; Rep. Karen Awana
Subject: FW: TESTIMONY FOR HOUSE BILL (HB) 1463

Categories: Blue Category

Hello Eleanor and Rep Awana,

Forwarded for testimony to HB 1463.

Aloha & V/R,
Erlinda

-----Original Message-----

From: Clamor, Erlinda U CIV PHNSY & IMF, 200/C244.2
Sent: Tuesday, February 03, 2009 13:31
To: 'TRN_testimony@capitol.hawaii.gov'
Cc: 'retawana@capito.hawaii.gov'
Subject: TESTIMONY FOR HOUSE BILL (HB) 1463

Aloha Eleanor,

My name is Erlinda U. Clamor, Corresponding Secretary for the Hanokai Hale/ Nanakai Gardens Community Association (HH/NG)

I'm sending this e-mail on behalf of HH/NG Community Association President, Lorraine Martinez, the Executive Board Members and community Members.

As a community, we strongly support and endorse this House Bill 1463 for the establishment of highway patrols as part of the police department.

This House Bill is critically needed for Statewide implementation in support of the rapidly increasing population explosion all over the islands for citizen's/motorist's safety and speed monitoring on a daily basis. Excessive and reckless speeding has tremendoully caused unnecessary casualties and deaths statewide. The passing of HB 1463 will serve as great deterrent for highway patrols to save lives as well as to raise a flag of awareness for all motorists and pedestrians to think safety.

Here in our community in the development for the city of Kapolei, there is such a population explosion for residents and employments as well as 24/7 construction. With non-stop building of commercial and residential projects around and traffic congestion, the passing of HB 1463 will be extremely beneficial to the City of Kapolei.

Very respectfully & Aloha,
Erlinda U. Clamor
226-2681 (cel)
HH/NG Corresponding Secretary