
A BILL FOR AN ACT

RELATING TO THE COMMUNITY COURT OUTREACH PROJECT.

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

1 SECTION 1. The legislature finds that hundreds of Honolulu
2 residents are cited or arrested for offenses such as drinking
3 liquor in public, being in public parks after hours of closure,
4 and camping on sidewalks, beaches, and other restricted public
5 places. Many of those cited do not come to court, which leads
6 to the issuance of bench warrants for their arrest. Time and
7 resources are then expended to bring these individuals to court.

8 The legislature also finds that once these offenders are
9 brought into court, the sentences imposed are often monetary
10 fines, as the offenses are not usually serious enough to warrant
11 incarceration. However, most offenders have little or no income
12 and are unable to pay the fines. This noncompliance leads to
13 another bench warrant, which repeats the cycle and keeps the
14 offenders in the system without offering any rehabilitative
15 measures. In addition, the prosecution of these cases burdens
16 and congests the court system without producing a meaningful
17 resolution that will prevent recurrence of the offenses.



1 The legislature further finds that the prosecuting attorney
2 of the city and county of Honolulu has worked with the judiciary
3 and the public defender on a community court outreach project.
4 The project is described as the criminal justice system's
5 response to the many nonviolent offenses that overburden the
6 courts and law enforcement. The goal of the project is to help
7 nonviolent offenders who face problems such as drug abuse and
8 mental health challenges obtain basic services and necessities,
9 like food and shelter.

10 The community court is intended to function as a mobile
11 justice system that travels to neighborhoods and resolves cases
12 against offenders who may suffer psychological conditions that
13 make it difficult for them to attend a traditional court setting
14 or pay fines imposed. The community court is also intended to
15 impose alternative sentences such as community service and
16 mandatory participation in programs deemed appropriate for
17 individual offenders based on their need for specific mental
18 health services, substance abuse treatment, sustenance, and
19 shelter.

20 The purpose of this Act is to establish a community court
21 outreach project in the city and county of Honolulu to offer



1 combined accountability and treatment options to offenders that
2 will reduce crime and recidivism. The legislature intends to
3 evaluate the community court outreach project during its
4 operational period and determine whether the project should be
5 expanded to other counties of the State.

6 SECTION 2. Community court outreach project;
7 establishment; purpose. (a) There is established the community
8 court outreach project to be administered and operated by the
9 judiciary in the city and county of Honolulu from July 1, 2016,
10 until June 30, 2020, subject to section 5 of this Act.

11 (b) The purpose of the community court outreach project
12 shall be to operate a mobile court that:

13 (1) Travels to communities where defendants live or
14 congregate, and who:

15 (A) Have been cited or arrested for certain
16 nonviolent offenses; and

17 (B) Do not pose a threat to the public; and

18 (2) Disposes of the cases of defendants who enter plea
19 agreements after negotiations between the prosecuting
20 attorney and public defender.

21 SECTION 3. Definitions. For the purposes of this Act:



1 "Community court outreach project" or "project" means the
2 community court outreach project established by this Act.

3 "Prosecuting attorney" means the prosecuting attorney of
4 the city and county of Honolulu.

5 "Public defender" means the public defender of the State.

6 SECTION 4. Community court outreach project process. (a)

7 Under the community court outreach project, the court shall hold
8 hearings at community sites to dispose of cases for which the
9 prosecuting attorney and public defender have negotiated and
10 reached plea agreements on the disposition of the defendants.

11 (b) Only cases involving nonviolent, nonfelony offenses
12 under state law and city ordinance may be heard and disposed of
13 under the community court outreach project.

14 (c) The public defender shall engage a social service or
15 health care professional to provide outreach services to
16 defendants charged with the identified offenses who:

- 17 (1) Are willing to participate in the community court
18 outreach project;
- 19 (2) Are willing to be represented by the public defender;
20 and
- 21 (3) May benefit from participation in the project.



1 After consulting with the social service or health care
2 professional, the public defender shall develop a list of the
3 defendants who are potential participants in the project and
4 transmit the list to the prosecuting attorney.

5 (d) The prosecuting attorney shall review the list and may
6 select from the list those defendants who the prosecuting
7 attorney determines may be appropriate for participation in the
8 project. The prosecuting attorney shall enter into plea
9 agreement negotiations with the public defender for disposition
10 of those defendants.

11 (e) The plea agreement for a defendant may include a
12 proposed fine, community service, court-ordered treatment, other
13 court-ordered condition, or any other action that the court has
14 the authority to take.

15 (f) At the hearing, the court may finalize the plea
16 agreement by court order or judgment; provided that the court
17 shall not be bound by the proposed disposition in the plea
18 agreement.

19 SECTION 5. Community court outreach project; subject to
20 the availability of funds and memoranda of agreement with the
21 prosecuting attorney and public defender. (a) The judiciary



1 shall administer and operate the community court outreach
2 project during a fiscal year if:

3 (1) The chief justice determines that sufficient funds are
4 available to administer and operate the project,
5 either through a specific appropriation for the
6 project, another appropriation in the judiciary budget
7 act, or a federal or other grant;

8 (2) The chief justice and prosecuting attorney enter into
9 a memorandum of agreement specifying the terms and
10 conditions of the prosecuting attorney's participation
11 in the project and the funding to be provided by the
12 judiciary to the prosecuting attorney for the project;
13 and

14 (3) The chief justice and public defender enter into a
15 memorandum of agreement specifying the terms and
16 conditions of the public defender's participation in
17 the project and the funding to be provided by the
18 judiciary to the public defender for the project.

19 If all of the conditions under paragraphs (1) to (3) are
20 not met for a fiscal year, the chief justice shall not
21 administer or operate the project during that fiscal year.



1 (b) The chief justice shall transfer the entire amount of
2 funds for a fiscal year specified in the memoranda of agreement
3 with the prosecuting attorney and the public defender to each of
4 them by September 1 of that fiscal year.

5 If the entire amount of funds for a fiscal year is not
6 transferred to the prosecuting attorney or public defender by
7 the deadline set under this subsection, the prosecuting attorney
8 or public defender, as applicable, may choose to decline
9 participation in the project.

10 If, despite not receiving the entire amount of funds by the
11 deadline, the prosecuting attorney or public defender
12 participates or continues to participate in the project, the
13 prosecuting attorney or public defender may collect the amount
14 in accordance with any remedies set forth in the applicable
15 memorandum of agreement.

16 (c) If the project is not operated during a fiscal year,
17 any specific appropriation to the judiciary for the project for
18 that fiscal year shall not be expended, and the entirety of the
19 specific appropriation shall lapse on June 30 of that fiscal
20 year.



1 SECTION 6. Annual report. The chief justice shall submit
2 a report on the community court outreach project to the
3 legislature and the governor at least twenty days prior to the
4 convening of the regular sessions of 2017, 2018, 2019, and 2020.
5 The report shall include a quantification and discussion of
6 program measures and outcomes. In any report, the chief justice
7 may recommend that this Act be amended, expanded to other
8 counties through June 30, 2020, or made permanent with expansion
9 to other counties. The report shall also include separate
10 chapters or sections containing the comments and recommendations
11 of the prosecuting attorney and public defender.

12 SECTION 7. There is appropriated out of the general
13 revenues of the State of Hawaii the sum of \$ or so much
14 thereof as may be necessary for fiscal year 2016-2017 for the
15 establishment, administration, and operation of the community
16 court outreach project.

17 The sum appropriated shall be expended by the judiciary for
18 the purposes of this Act; provided that the chief justice shall
19 transfer:

- 1 (1) \$ to the prosecuting attorney for the
- 2 participation of the prosecuting attorney in the
- 3 project during fiscal year 2016-2017; and
- 4 (2) \$ to the public defender for the participation
- 5 of the public defender in the project during fiscal
- 6 year 2016-2017.

7 Notwithstanding section 5(b) of this Act, for fiscal year
8 2016-2017, the chief justice shall transfer the funds to the
9 prosecuting attorney and public defender within thirty days of
10 entering into the latter dated of the memoranda of agreement
11 with each of them.

12 SECTION 8. This Act shall take effect on January 7, 2059,
13 and shall be repealed on June 30, 2020.

Report Title:

Community Court Outreach Project; Appropriation

Description:

Establishes a community court outreach project in the city and county of Honolulu, subject to the availability of funds and memoranda of agreements from the judiciary, prosecuting attorney of the city and county of Honolulu, and the public defender. Appropriates funds. (SB2569 HD1)

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