

STAND. COM. REP. NO. **722**

Honolulu, Hawaii

**MAR 03 2017**

RE: S.B. No. 718  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2017  
State of Hawaii

Sir:

Your Committees on Judiciary and Labor and Ways and Means, to which was referred S.B. No. 718 entitled:

"A BILL FOR AN ACT RELATING TO THE COMMUNITY COURT OUTREACH PROJECT,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish a community court outreach project until June 30, 2020, in the City and County of Honolulu under the Judiciary to operate a mobile court that travels to community sites where defendants cited or arrested for nonviolent offenses live or congregate and dispose of these cases after plea agreements are reached by the City and County of Honolulu Prosecutor and Public Defender;
- (2) Require the Chief Justice to determine whether funds are sufficient to administer and operate the community court outreach program and enter into memoranda of agreement with the City and County of Honolulu Prosecutor and Public Defender;
- (3) Require the Chief Justice to submit annual reports to the Legislature and Governor regarding the program



measures and outcomes, and any comments and recommendations;

- (4) Appropriate funds to the Judiciary for the establishment, administration, and operation of the community court outreach project; and require the Chief Justice to transfer specific amounts to the City and County of Honolulu Prosecutor and Public Defender for project participation; and
- (5) Appropriate funds to the Department of Public Safety to provide security for the community court outreach project and authorize the Department of Public Safety to establish 2.0 full-time equivalent deputy sheriff positions for the community court outreach project or assign 2.0 full-time equivalent deputy sheriff positions to establish 2.0 new or fill 2.0 vacant full-time equivalent deputy sheriff positions to replace those assigned to the community court outreach project.

Your Committees received testimony in support of this measure from the Governor's Coordinator on Homelessness; Judiciary; Office of the Public Defender; Department of the Prosecuting Attorney, City and County of Honolulu; Community Alliance on Prisons; The Drug Policy Forum of Hawai'i; The CHOW Project; and one individual. Your Committees received comments on this measure from the Department of Public Safety.

Your Committees find that hundreds of Honolulu residents are cited or arrested for nonviolent offenses that do not pose a threat to the public. Once these minor, nonviolent offenders are brought into court, the sentences imposed are often monetary fines because these offenses are not serious enough to warrant incarceration. However, most of the offenders who are fined are unable to pay the fines and remain in the system without a meaningful resolution that will prevent recurrence of the offenses or provide rehabilitative services. By establishing a community court outreach project within the City and County of Honolulu, this measure presents a combination of accountability and treatment options to offenders to reduce crime and recidivism.

Your Committees have amended this measure by:



- (1) Clarifying that the Chief Justice is required to transfer the entire amount of funds for a fiscal year specified in the memoranda of agreement with the Prosecuting Attorney and the Public Defender to each of them within thirty days of entering into the latter dated memorandum of agreement with each of them or by September 1 of that fiscal year, whichever occurs first;
- (2) Deleting the appropriation amount to the Judiciary to administer the community court outreach project and the amounts to be transferred to the City and County of Honolulu Prosecutor and Public Defender for project participation;
- (3) Deleting the appropriation amount to the Department of Public Safety to provide security for the community outreach project;
- (4) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Labor and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 718, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 718, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committees on Judiciary and  
Labor and Ways and Means,



JILL N. TOKUDA, Chair



GILBERT S.C. KEITH-AGARAN, Chair



The Senate  
 Twenty-Ninth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <b>SB 718</b>	Committee Referral: <b>JDL/WAM</b>	Date: <b>2/28/17</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike				✓
KIM, Donna Mercado				✓
THIELEN, Laura H.	✓			
<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes

