
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 which is described as the criminal justice system's response to
5 the many nonviolent offenses that overburden the courts and law
6 enforcement. The goal of the project is to help nonviolent
7 offenders who face problems such as drug abuse and mental health
8 challenges to obtain basic services and necessities, like food
9 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 support these efforts by
21 establishing a community court outreach project in the city and



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

7 SECTION 2. **Definitions.** For the purposes of this Act:

8 "Community court outreach project" or "project" means the
9 community court outreach project established by this Act.

10 "Prosecuting attorney" means the prosecuting attorney of
11 the city and county of Honolulu.

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

13 SECTION 3. **Community court outreach project;**

14 **establishment; purpose.** (a) There is established the community
15 court outreach project to help nonviolent offenders who face
16 problems such as drug abuse and mental health challenges to
17 obtain basic services and necessities, like food and shelter.
18 The program shall be administered and operated by the judiciary
19 in the city and county of Honolulu from July 1, 2017, until June
20 30, 2020, subject to section 5 of this Act.



1 (b) The purpose of the project shall be to operate a
2 mobile court that:

3 (1) Travels to communities where defendants who:

4 (A) Have been cited or arrested for certain
5 nonviolent offenses; and

6 (B) Do not pose a threat to the public,
7 live and congregate; and

8 (2) Disposes of the cases of defendants who enter plea
9 agreements after negotiations between the prosecuting
10 attorney and public defender.

11 SECTION 4. **Project process.** (a) Under the project, the
12 court shall hold hearings at community sites to dispose of cases
13 for which the prosecuting attorney and public defender have
14 negotiated and reached plea agreements on the disposition of the
15 defendants.

16 (b) Only cases involving nonviolent, nonfelony offenses
17 under state law and city ordinance may be heard and disposed of
18 under the project.

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



- 1 (1) Are willing to participate in the project;
- 2 (2) Are willing to be represented by the public defender;
- 3 and
- 4 (3) May benefit from participation in the project.

5 After consulting with the social service or health care
6 professional, the public defender shall develop a list of the
7 defendants who are potential participants in the project and
8 transmit the list to the prosecuting attorney.

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

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

19 (f) At the hearing, the court may finalize the plea
20 agreement by court order or judgment; provided that the court



1 shall not be bound by the proposed disposition in the plea
2 agreement.

3 SECTION 5. Project; subject to the availability of funds
4 and memoranda of agreement with the prosecuting attorney and
5 public defender. (a) The judiciary shall administer and
6 operate the project; provided that:

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

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

18 (3) The chief justice and public defender enter into a
19 memorandum of agreement specifying the terms and
20 conditions of the public defender's participation in



1 the project and the funding to be provided by the
2 judiciary to the public defender for the project.

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

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

10 If the entire amount of funds for a fiscal year is not
11 transferred to the prosecuting attorney or public defender by
12 the deadline set under this subsection, the prosecuting attorney
13 or public defender, as applicable, may choose to decline
14 participation in the project.

15 If, despite not receiving the entire amount of funds by the
16 deadline, the prosecuting attorney or public defender
17 participates or continues to participate in the project, the
18 prosecuting attorney or public defender may collect the amount
19 in accordance with any remedies set forth in the applicable
20 memorandum of agreement.



1 (c) If the project is not operated during a fiscal year,
2 any specific appropriation to the judiciary for the project for
3 that fiscal year shall not be expended, and the entirety of the
4 specific appropriation shall lapse on June 30 of that fiscal
5 year.

6 (d) Notwithstanding section 5(b) of this Act, for fiscal
7 year 2017-2018, the chief justice shall transfer the funds to
8 the prosecuting attorney and public defender within thirty days
9 of entering into the latter dated of the memoranda of agreement
10 with each of them.

11 SECTION 6. **Annual report.** The chief justice shall submit
12 a report on the project to the legislature and the governor at
13 least twenty days prior to the convening of the regular sessions
14 of 2018, 2019, and 2020. The report shall include a
15 quantification and discussion of program measures and outcomes.
16 In any report, the chief justice may recommend that this Act be
17 amended, expanded to other counties or made permanent with
18 expansion to other counties. The report shall also include the
19 comments and recommendations of the prosecuting attorney and
20 public defender.



1 SECTION 7. There is appropriated out of the general
 2 revenues of the State of Hawaii the sum of \$ or so much
 3 thereof as may be necessary for fiscal year 2017-2018 for the
 4 establishment, administration, and operation of the community
 5 court outreach project; provided that the chief justice shall
 6 transfer:

7 (1) \$ to the prosecuting attorney for
 8 participation in the project during fiscal year 2017-
 9 2018; and

10 (2) \$ to the public defender for participation in
 11 the project during fiscal year 2017-2018.

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

14 SECTION 8. This Act shall take effect on July 1, 2017, and
 15 shall be repealed on June 30, 2020.

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H.B. NO. 457

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, and the Public Defender. Appropriates funds.

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