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# A BILL FOR AN ACT

RELATING TO CITATIONS.

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

1           SECTION 1. Chapter 291, Hawaii Revised Statutes, is  
2 amended by adding a new section to part I to be appropriately  
3 designated and to read as follows:

4           "§291-    Electronic citation surcharge. (a) In addition  
5 to any other civil penalties ordered by the court, a person who  
6 violates any provision under this part shall be ordered to pay  
7 an electronic citation surcharge of \$2.

8           (b) The person shall pay the surcharge to the clerk of the  
9 court. The surcharge shall be deposited with the director of  
10 finance, who shall credit the surcharge to the electronic  
11 citation special fund established under section 291C-C."

12           SECTION 2. Chapter 291C, Hawaii Revised Statutes, is  
13 amended by adding a new part to be appropriately designated and  
14 to read as follows:

15                       "**PART       .    ELECTRONIC CITATION PROGRAM**

16           **§291C-A Definitions.** As used in this part:



1 "Electronic citation" means the process of transmitting  
2 traffic, misdemeanor, or other citations and law enforcement  
3 data via electronic means to the clerk of the court.

4 **§291C-B Electronic citation surcharge.** (a) In addition  
5 to any other civil penalties ordered by the court, a person who  
6 violates any provision under this chapter shall be ordered to  
7 pay an electronic citation surcharge of \$2.

8 (b) The person shall pay the surcharge to the clerk of the  
9 court, who shall credit the surcharge to the electronic citation  
10 special fund established under section 291C-C.

11 **§291C-C Electronic citation program; electronic citation  
12 special fund; establishment.** (a) There is established, within  
13 the judiciary, an electronic citation program that shall be  
14 funded and sustained through the electronic citation special  
15 fund.

16 (b) There is established in the state treasury the  
17 electronic citation special fund, into which shall be deposited:

18 (1) Electronic citation fees collected pursuant to traffic  
19 misdemeanors or other violations;

20 (2) Appropriations by the legislature to the special fund;

21 and



1 (3) All moneys received from public or private sources for  
2 the purposes of this fund.

3 (c) Moneys in the electronic citation special fund shall  
4 be distributed by the judiciary, in accordance with rules  
5 adopted pursuant to subsection (d), to the respective county  
6 police departments and clerk of the court to defray expenses  
7 related to the establishment and maintenance of the electronic  
8 citation program.

9 (d) The judiciary shall adopt rules to implement this  
10 section. The rules shall establish a formula by which the  
11 moneys in the electronic citation special fund shall be  
12 distributed to the respective law enforcement agencies and to  
13 the administrative director of the courts and provide how each  
14 shall expend the moneys for the purposes of an electronic  
15 citation program."

16 SECTION 3. Section 291D-9, Hawaii Revised Statutes, is  
17 amended by amending subsection (c) to read as follows:

18 "(c) In addition to any monetary assessment imposed for a  
19 traffic infraction[7] and the cost for an electronic citation  
20 surcharge, the court may impose additional assessments for:



- 1 (1) Failure to pay a monetary assessment by the scheduled
- 2 date of payment; or
- 3 (2) The cost of service of a penal summons issued pursuant
- 4 to this chapter."

5 SECTION 4. There is appropriated out of the general  
6 revenues of the State of Hawaii the sum of \$ or so  
7 much thereof as may be necessary for fiscal year 2021-2022 for  
8 start-up costs associated with the electronic citation program.

9 The sum appropriated shall be expended by the judiciary for  
10 the purposes of this Act.

11 SECTION 5. In codifying the new sections added by  
12 section 2 of this Act, the revisor of statutes shall substitute  
13 appropriate section numbers for the letters used in designating  
14 the new sections in this Act.

15 SECTION 6. This Act does not affect rights and duties that  
16 matured, penalties that were incurred, and proceedings that were  
17 begun before its effective date.

18 SECTION 7. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

20 SECTION 8. This Act shall take effect upon its approval;  
21 provided that section 4 shall take effect on July 1, 2021.



**Report Title:**

Electronic Citation Program; Surcharge; Appropriation

**Description:**

Creates an electronic citation program under the judiciary and establishes an electronic citation surcharge. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

