



**Rodney A. Maile**  
ADMINISTRATIVE DIRECTOR

**Brandon M. Kimura**  
DEPUTY ADMINISTRATIVE DIRECTOR

December 20, 2021

**Via electronic submission**

The Honorable Ronald D. Kouchi  
President of the Senate  
State Capitol, Room 409  
Honolulu, HI 96813

The Honorable Scott Saiki  
Speaker of the House of Representatives  
State Capitol, Room 431  
Honolulu, HI 96813

Dear President Kouchi and Speaker Saiki:

Pursuant to Act 159, Session Laws of Hawai‘i and Chapter 37, Hawai‘i Revised Statutes, the Judiciary is transmitting a copy of the *Report on the Judiciary’s Supplemental Budget (2021-2023) and Variance Report (2020-2022)*.

In accordance with Section 93-16, Hawai‘i Revised Statutes, we are also transmitting a copy of this report to the Legislative Reference Bureau Library.

The public may view an electronic copy of this report on the Judiciary’s website at the following link: [https://www.courts.state.hi.us/news\\_and\\_reports/reports/reports](https://www.courts.state.hi.us/news_and_reports/reports/reports).

Should you have any questions regarding this report, please feel free to contact Karen Takahashi of the Judiciary’s Legislative Coordinating Office at 808-539-4896, or via e-mail at [Karen.T.Takahashi@courts.hawaii.gov](mailto:Karen.T.Takahashi@courts.hawaii.gov).

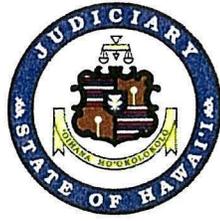
Sincerely,

A handwritten signature in blue ink that reads "Rodney A. Maile".

Rodney A. Maile  
Administrative Director of the Courts

Attachment

- c: Legislative Reference Bureau Library  
Office of the Clerk, Hawai‘i State Senate  
Office of the Clerk, Hawai‘i House of Representatives



**The Judiciary**  
State of Hawai'i

**Supplemental Budget  
(2021-2023)  
and  
Variance Report  
(2020-2022)  
Submitted to the  
Thirty-First State Legislature**



**December 2021**



**To the Thirty-First State Legislature of Hawai‘i  
Regular Session of 2022**

As Chief Justice of the Hawai‘i Supreme Court and Administrative Head of the Judiciary, it is my pleasure to transmit to the Hawai‘i State Legislature the Judiciary’s FB 2021-23 Supplemental Budget and Variance Report. This document was prepared in accordance with the provisions of Act 159, Session Laws of Hawai‘i, 1974, and Chapter 37 of the Hawai‘i Revised Statutes, as amended.

Hawaii’s courts provide an independent and accessible forum to fairly resolve disputes and administer justice according to the law. Consistent with this principle, the courts seek to make justice available without undue cost, inconvenience, or delay.

The Judiciary recognizes that it has been a difficult last few years for the economy in Hawai‘i, although it does appear that the State is now gradually “turning-the-road” and slowly on the way to a measured recovery. This is somewhat confirmed by the latest Hawai‘i Council on Revenues meeting on September 7, 2021 which raised the FY 2022 growth rate from 3% to 6% although the prior meeting on May 25, 2021 had lowered it from 4% to 3%; both meetings had an anticipated growth rate of 4% for FYs 2023 to 2028. But even at that, the Council noted risks that could inhibit any such economic recovery including new virus variants, vaccine reluctance, sustained travel restrictions, restrictions imposed on businesses for public health reasons, significant supply chain interruptions, and the effects of reduced Federal stimulus funding. The Judiciary is also aware of other challenges the State faces including collective bargaining negotiations, health care costs, State mandated commitments, and other post-employment/unfunded liabilities.

The Judiciary further notes that this is a supplemental year where additional budget resources should only be requested to address major unforeseen developments, inadvertent oversights, and special circumstances which could cause hardship to those we serve.

Accordingly, after considering all these matters, the Judiciary’s supplemental operating budget request is very modest and consists of only four separate items totaling just \$961K and no new permanent positions. Specifically, our supplemental budget request includes funding for an Interstate Compact Coordinator, a position previously funded by the Probation Services Special Fund which was eliminated by the Legislature during its special session last June; two Third Circuit judges for which the Legislature deleted funding in FY 2020 but not the positions; and multi-factor authentication, an information technology security enhancement for Judiciary user access and network servers. Our last request is funding for a salary increase for all justices and judges as recommended by the Commission on Salaries but postponed until January 2023 due to the pandemic.

Capital Improvement Project (CIP) requirements remain a major item of concern as the Judiciary’s infrastructure continues to age and deteriorate. CIP funds totaling \$12.1 million are being requested to address certain critical needs, some of which relate to the health and safety of Judiciary employees and the public. Specifically, the Judiciary is requesting funds to replace the fire alarm system at Ka‘ahumanu Hale (First Circuit), work which must be done before replacement of the nine, 35-year old elevators can occur. The current fire alarm system is obsolete,

beyond repair, non-compliant with fire codes, and a serious safety issue for staff and the public. Other requests are for expanding the Ka'ahumanu Hale sheriff station, replacing the roof on the Kapuāiwa Building, continuing air conditioning replacement work at Ali'iolani Hale, constructing a new courtroom at Hoapili Hale on Maui, and designing and constructing a supplemental chiller system to provide emergency air conditioning for the Juvenile Detention Facility in Kapolei.

The Judiciary recognizes that the State has not yet fully recovered from the COVID-19 global pandemic and has difficult choices to make regarding limited available general fund and bond fund resources. We believe that our approach to our supplemental budget request reflects consideration of these concerns yet still provides the necessary court and legal services to the public and to the clients we serve, and respectfully request your support.

I know that the Legislature shares the Judiciary's commitment to preserving a fair and effective judicial system for Hawai'i. On behalf of the Judiciary, I extend my heartfelt appreciation for your continued support and consideration.

Sincerely,

A handwritten signature in black ink, reading "Mark E. Recktenwald". The signature is written in a cursive, flowing style.

MARK E. RECKTENWALD  
Chief Justice  
December 17, 2021

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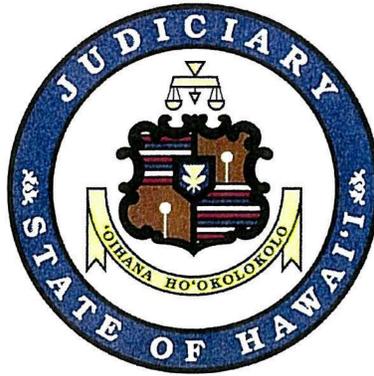
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# PART I



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## Introduction

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# INTRODUCTION

The mission of the Judiciary as an independent branch of government is to administer justice in an impartial, efficient, and accessible manner in accordance with the law.

## Judiciary Programs

The major program categories of the Judiciary are court operations and support services. Programs in the court operations category serve to safeguard the rights and interests of persons by assuring an equitable and expeditious judicial process. Programs in the support services category enhance the effectiveness and efficiency of the judicial system by providing the various courts with administrative services such as fiscal control and direction of operations and personnel.

The following is a display of the program structure of the Judiciary:

<b>Program Structure Number</b>	<b>Program Level I II III</b>	<b>Program I.D.</b>
01	The Judicial System	
01 01	Court Operations	
01 01 01	Courts of Appeal	JUD 101
01 01 02	First Circuit	JUD 310
01 01 03	Second Circuit	JUD 320
01 01 04	Third Circuit	JUD 330
01 01 05	Fifth Circuit	JUD 350
01 02	Support Services	
01 02 01	Judicial Selection Commission	JUD 501
01 02 02	Administration	JUD 601

## Contents of Document

This document contains the Judiciary Supplemental Budget. It has been prepared to supplement the Judiciary Budget Document presented to the Legislature in December 2020, and serves as the basis for amending the Judiciary Appropriations Act (Act 127, SLH 2021) passed by the Thirty-First State Legislature.

The following is an explanation of the sections contained in this document:

## Operating Program Summaries

The summaries in this section present data at the total judicial system level and at the court operations and support services levels.

## Operating Program Plan Details

The Supplemental Budget is presented by major program areas. Each program area includes a financial summary, followed by narratives on the program objectives, and related data. The budget requests are listed and then discussed.

## Capital Improvements Appropriations and Details

This section provides capital improvements cost information by project, cost element, and means of financing over the 6-year planning period.

## Variance Report

This section provides information on the estimated and actual expenditures, positions, measures of effectiveness, and program size indicators for major program areas within the Judiciary.

## The Budget

The recommended levels of operating expenditures for FY 2023 by major programs are as follows:

### Operating Expenditures (in \$)

Major Program	MOF	Current Appropriation	Supplemental Request	Total Request
Courts of Appeal	A	7,679,908	44,088	7,723,996
First Circuit	A	84,083,696	273,979	84,357,675
	B	4,555,232	(508,063) *	4,047,169
Second Circuit	A	17,334,494	41,012	17,375,506
Third Circuit	A	20,759,344	452,456	21,211,800
Fifth Circuit	A	8,103,054	22,777	8,125,831
Judicial Selection Commission	A	101,194	---	101,194
Administration	A	26,829,796	127,000	26,956,796
	B	8,110,454	---	8,110,454
	W	<u>343,261</u>	<u>---</u>	<u>343,261</u>
<b>Total</b>	A	164,891,486	961,312	165,852,798
	B	12,665,686	(508,063) *	12,157,623
	W	<u>343,261</u>	<u>---</u>	<u>343,261</u>

\*Reflects repeal of Probation Services Special Fund per Act 9/2021 Special Session.

## Revenues

The projected revenues (all sources) for FY 2023 by major programs are as follows:

### Revenues (in \$)

Major Program	Amount
Courts of Appeal	49,705
First Circuit	34,630,551
Second Circuit	3,246,570
Third Circuit	4,629,497
Fifth Circuit	1,450,185
Administration	39,380
<b>Total</b>	<u>44,045,888</u>

### Cost Categories, Cost Elements, and Means of Financing

"**Cost categories**" identifies the major types of costs and includes operating and capital investment.

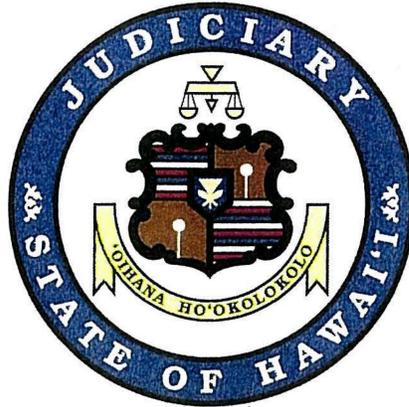
"**Cost elements**" identifies the major subdivisions of a cost category. The category "operating" includes personal services, other current expenses, and equipment. The category "capital investment" includes plans, land acquisition, design, construction, and equipment.

"**Means of financing**" (**MOF**) identifies the various sources from which funds are made available and includes general funds (A), federal funds (N), special funds (B), revolving funds (W), and general obligation bond funds (C).

This document has been prepared by the Office of the Administrative Director with assistance from the Judiciary staff. It is being submitted to the Thirty-First State Legislature in accordance with the provisions of Chapter 37, Hawai'i Revised Statutes.

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# PART II



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## Operating Program Summaries

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POSITION IN PROGRAM STRUCTURE  
Level No. Title

Level I 01 The Judicial System  
Level II  
Level III

PROGRAM EXPENDITURES (in dollars)	FISCAL YEAR 2021-22			FISCAL YEAR 2022-23			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
Operating Costs	2,003.00 *	0.00 *	2,003.00 *	2,003.00 *	(6.00) ^A	1,997.00 ^A	2,003.00 *	1,997.00 ^A
	88.02 #	0.00 #	88.02 #	88.02 #	0.00 #	88.02 #	88.02 #	88.02 #
Personal Services	127,945,925	0	127,945,925	127,945,925	351,810 ^	128,297,735 ^	255,891,850	256,243,660 ^
Other Current Expenses	49,440,020	0	49,440,020	49,440,020	101,439 ^	49,541,459 ^	98,880,040	98,981,479 ^
Equipment	514,488	0	514,488	514,488	0	514,488	1,028,976	1,028,976
Motor Vehicles	0	0	0	0	0	0	0	0
	2,003.00 *	0.00 *	2,003.00 *	2,003.00 *	(6.00) ^A	1,997.00 ^A	2,003.00 *	1,997.00 ^A
	88.02 #	0.00 #	88.02 #	88.02 #	0.00 #	88.02 #	88.02 #	88.02 #
Total Operation Costs	177,900,433	0	177,900,433	177,900,433	453,249 ^	178,353,682 ^	355,800,866	356,254,115 ^
Capital & Investment Costs	11,106,000	0	11,106,000	2,200,000	12,134,000	14,334,000	13,306,000	25,440,000
	2,003.00 *	0.00 *	2,003.00 *	2,003.00 *	(6.00) ^A	1,997.00 ^A	2,003.00 *	1,997.00 ^A
	88.02 #	0.00 #	88.02 #	88.02 #	0.00 #	88.02 #	88.02 #	88.02 #
Total Program Expenditures	189,006,433	0	189,006,433	180,100,433	12,587,249 ^	192,687,682 ^	369,106,866	381,694,115 ^

REQUIREMENTS BY MEANS OF FINANCING	FISCAL YEAR 2021-22			FISCAL YEAR 2022-23			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
	1,961.00 *	0.00 *	1,961.00 *	1,961.00 *	0.00 *	1,961.00 *	1,961.00 *	1,961.00 *
	79.02 #	0.00 #	79.02 #	79.02 #	0.00 #	79.02 #	79.02 #	79.02 #
General Fund	164,891,486	0	164,891,486	164,891,486	961,312	165,852,798	329,782,972	330,744,284
	42.00 *	0.00 *	42.00 *	42.00 *	(6.00) ^A	36.00 ^A	42.00 *	36.00 ^A
	9.00 #	0.00 #	9.00 #	9.00 #	0.00 #	9.00 #	9.00 #	9.00 #
Special Funds	12,665,686	0	12,665,686	12,665,686	(508,063) ^	12,157,623 ^	25,331,372	24,823,309 ^
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Revolving Funds	343,261	0	343,261	343,261	0	343,261	686,522	686,522
G.O. Bond & ARPA Funds	11,106,000	0	11,106,000	2,200,000	12,134,000	14,334,000	13,306,000	25,440,000
	2,003.00 *	0.00 *	2,003.00 *	2,003.00 *	(6.00) ^A	1,997.00 ^A	2,003.00 *	1,997.00 ^A
	88.02 #	0.00 #	88.02 #	88.02 #	0.00 #	88.02 #	88.02 #	88.02 #
Total Financing	189,006,433	0	189,006,433	180,100,433	12,587,249 ^	192,687,682 ^	369,106,866	381,694,115 ^

\* Permanent positions

# Temporary positions

^ Reflects repeal of Probation Services Special Fund per Act 9/2021 Special Session.

POSITION IN PROGRAM STRUCTURE

Level	No.	Title
Level I	01	The Judicial System
Level II	01	Court Operations
Level III		

PROGRAM EXPENDITURES (In dollars)	FISCAL YEAR 2021-22			FISCAL YEAR 2022-23			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
Operating Costs	1,775.00 *	0.00 *	1,775.00 *	1,775.00 *	(6.00) ^A	1,769.00 ^A	1,775.00 *	1,769.00 ^A
	69.54 #	0.00 #	69.54 #	69.54 #	0.00 #	69.54 #	69.54 #	69.54 #
Personal Services	111,008,918	0	111,008,918	111,008,918	351,810 ^	111,360,728 ^	222,017,836	222,369,646 ^
Other Current Expenses	31,506,810	0	31,506,810	31,506,810	(25,561) ^	31,481,249 ^	63,013,620	62,988,059 ^
Equipment	0	0	0	0	0	0	0	0
Motor Vehicles	0	0	0	0	0	0	0	0
	1,775.00 *	0.00 *	1,775.00 *	1,775.00 *	(6.00) ^A	1,769.00 ^A	1,775.00 *	1,769.00 ^A
	69.54 #	0.00 #	69.54 #	69.54 #	0.00 #	69.54 #	69.54 #	69.54 #
Total Operation Costs	142,515,728	0	142,515,728	142,515,728	326,249 ^	142,841,977 ^	285,031,456	285,357,705 ^
Capital & Investment Costs	0	0	0	0	0	0	0	0
	1,775.00 *	0.00 *	1,775.00 *	1,775.00 *	(6.00) ^A	1,769.00 ^A	1,775.00 *	1,769.00 ^A
	69.54 #	0.00 #	69.54 #	69.54 #	0.00 #	69.54 #	69.54 #	69.54 #
Total Program Expenditures	142,515,728	0	142,515,728	142,515,728	326,249 ^	142,841,977 ^	285,031,456	285,357,705 ^

REQUIREMENTS BY MEANS OF FINANCING	FISCAL YEAR 2021-22			FISCAL YEAR 2022-23			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
	1,734.00 *	0.00 *	1,734.00 *	1,734.00 *	0.00 *	1,734.00 *	1,734.00 *	1,734.00 *
	69.54 #	0.00 #	69.54 #	69.54 #	0.00 #	69.54 #	69.54 #	69.54 #
General Fund	137,960,496	0	137,960,496	137,960,496	834,312	138,794,808	275,920,992	276,755,304
	41.00 *	0.00 *	41.00 *	41.00 *	(6.00) ^A	35.00 ^A	41.00 *	35.00 ^A
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Special Funds	4,555,232	0	4,555,232	4,555,232	(508,063) ^	4,047,169 ^	9,110,464	8,602,401 ^
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Revolving Funds	0	0	0	0	0	0	0	0
G.O. Bond & ARPA Funds	0	0	0	0	0	0	0	0
	1,775.00 *	0.00 *	1,775.00 *	1,775.00 *	(6.00) ^A	1,769.00 ^A	1,775.00 *	1,769.00 ^A
	69.54 #	0.00 #	69.54 #	69.54 #	0.00 #	69.54 #	69.54 #	69.54 #
Total Financing	142,515,728	0	142,515,728	142,515,728	326,249 ^	142,841,977 ^	285,031,456	285,357,705 ^

\* Permanent positions  
# Temporary positions  
^ Reflects repeal of Probation Services Special Fund per Act 9/2021 Special Session.

POSITION IN PROGRAM STRUCTURE

Level	No.	Title
Level I	01	The Judicial System
Level II	02	Support Services
Level III		

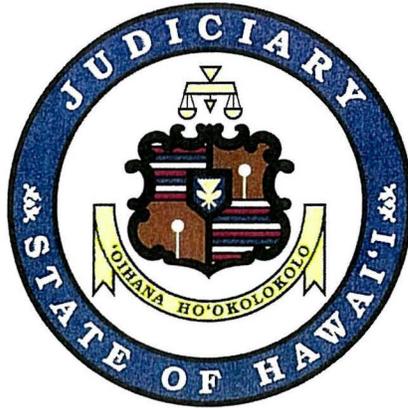
PROGRAM EXPENDITURES (in dollars)	FISCAL YEAR 2021-22			FISCAL YEAR 2022-23			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
Operating Costs								
	228.00 *	0.00 *	228.00 *	228.00 *	0.00 *	228.00 *	228.00 *	228.00 *
	18.48 #	0.00 #	18.48 #	18.48 #	0.00 #	18.48 #	18.48 #	18.48 #
Personal Services	16,937,007	0	16,937,007	16,937,007	0	16,937,007	33,874,014	33,874,014
Other Current Expenses	17,933,210	0	17,933,210	17,933,210	127,000	18,060,210	35,866,420	35,993,420
Equipment	514,488	0	514,488	514,488	0	514,488	1,028,976	1,028,976
Motor Vehicles	0	0	0	0	0	0	0	0
	228.00 *	0.00 *	228.00 *	228.00 *	0.00 *	228.00 *	228.00 *	228.00 *
	18.48 #	0.00 #	18.48 #	18.48 #	0.00 #	18.48 #	18.48 #	18.48 #
Total Operation Costs	35,384,705	0	35,384,705	35,384,705	127,000	35,511,705	70,769,410	70,896,410
Capital & Investment Costs	11,106,000	0	11,106,000	2,200,000	12,134,000	14,334,000	13,306,000	25,440,000
	228.00 *	0.00 *	228.00 *	228.00 *	0.00 *	228.00 *	228.00 *	228.00 *
	18.48 #	0.00 #	18.48 #	18.48 #	0.00 #	18.48 #	18.48 #	18.48 #
Total Program Expenditures	46,490,705	0	46,490,705	37,584,705	12,261,000	49,845,705	84,075,410	96,336,410

REQUIREMENTS BY MEANS OF FINANCING	FISCAL YEAR 2021-22			FISCAL YEAR 2022-23			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
	227.00 *	0.00 *	227.00 *	227.00 *	0.00 *	227.00 *	227.00 *	227.00 *
	9.48 #	0.00 #	9.48 #	9.48 #	0.00 #	9.48 #	9.48 #	9.48 #
General Fund	26,930,990	0	26,930,990	26,930,990	127,000	27,057,990	53,861,980	53,988,980
	1.00 *	0.00 *	1.00 *	1.00 *	0.00 *	1.00 *	1.00 *	2.00 *
	9.00 #	0.00 #	9.00 #	9.00 #	0.00 #	9.00 #	9.00 #	18.00 #
Special Funds	8,110,454	0	8,110,454	8,110,454	0	8,110,454	16,220,908	16,220,908
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Revolving Funds	343,261	0	343,261	343,261	0	343,261	686,522	686,522
G.O. Bond & ARPA Funds	11,106,000	0	11,106,000	2,200,000	12,134,000	14,334,000	13,306,000	25,440,000
	228.00 *	0.00 *	228.00 *	228.00 *	0.00 *	228.00 *	228.00 *	228.00 *
	18.48 #	0.00 #	18.48 #	18.48 #	0.00 #	18.48 #	18.48 #	18.48 #
Total Financing	46,490,705	0	46,490,705	37,584,705	12,261,000	49,845,705	84,075,410	96,336,410

\* Permanent positions  
# Temporary positions

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# PART III



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## Operating Program Plan Details

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POSITION IN PROGRAM STRUCTURE

Level	No.	Title
Level I	01	The Judicial System
Level II	01	Court Operations
Level III	01	Courts of Appeal

PROGRAM EXPENDITURES (in dollars)	FISCAL YEAR 2021-22			FISCAL YEAR 2022-23			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
Operating Costs	78.00 *	0.00 *	78.00 *	78.00 *	0.00 *	78.00 *	78.00 *	78.00 *
	1.48 #	0.00 #	1.48 #	1.48 #	0.00 #	1.48 #	1.48 #	1.48 #
Personal Services	7,428,273	0	7,428,273	7,428,273	44,088	7,472,361	14,856,546	14,900,634
Other Current Expenses	251,635	0	251,635	251,635	0	251,635	503,270	503,270
Equipment	0	0	0	0	0	0	0	0
Motor Vehicles	0	0	0	0	0	0	0	0
	78.00 *	0.00 *	78.00 *	78.00 *	0.00 *	78.00 *	78.00 *	78.00 *
	1.48 #	0.00 #	1.48 #	1.48 #	0.00 #	1.48 #	1.48 #	1.48 #
Total Operation Costs	7,679,908	0	7,679,908	7,679,908	44,088	7,723,996	15,359,816	15,403,904
Capital & Investment Costs	0	0	0	0	0	0	0	0
	78.00 *	0.00 *	78.00 *	78.00 *	0.00 *	78.00 *	78.00 *	78.00 *
	1.48 #	0.00 #	1.48 #	1.48 #	0.00 #	1.48 #	1.48 #	1.48 #
Total Program Expenditures	7,679,908	0	7,679,908	7,679,908	44,088	7,723,996	15,359,816	15,403,904

REQUIREMENTS BY MEANS OF FINANCING	FISCAL YEAR 2021-22			FISCAL YEAR 2022-23			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
	78.00 *	0.00 *	78.00 *	78.00 *	0.00 *	78.00 *	78.00 *	78.00 *
	1.48 #	0.00 #	1.48 #	1.48 #	0.00 #	1.48 #	1.48 #	1.48 #
General Fund	7,679,908	0	7,679,908	7,679,908	44,088	7,723,996	15,359,816	15,403,904
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Special Funds	0	0	0	0	0	0	0	0
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Revolving Funds	0	0	0	0	0	0	0	0
G.O. Bond & ARPA Funds	0	0	0	0	0	0	0	0
	78.00 *	0.00 *	78.00 *	78.00 *	0.00 *	78.00 *	78.00 *	78.00 *
	1.48 #	0.00 #	1.48 #	1.48 #	0.00 #	1.48 #	1.48 #	1.48 #
Total Financing	7,679,908	0	7,679,908	7,679,908	44,088	7,723,996	15,359,816	15,403,904

\* Permanent positions  
# Temporary positions

# **JUD 101 COURTS OF APPEAL**

## **PROGRAM INFORMATION AND BUDGET REQUESTS**

### **Supreme Court**

The mission of the Supreme Court is to provide timely disposition of cases, including resolution of particular disputes and explication of applicable law; to license and discipline attorneys; to discipline judges; and to make rules of practice and procedure for all Hawai'i courts.

### **Intermediate Court of Appeals (ICA)**

The mission of the ICA is to provide timely disposition of appeals from trial courts and state agencies, including the resolution of the particular dispute and explication of the law for the benefit of the litigants, the bar, and the public.

## **A. PROGRAM OBJECTIVES**

### **Supreme Court**

- To hear and determine appeals and original proceedings that are properly brought before the court, including cases heard upon:
  - applications for writs of certiorari;
  - transfers from the ICA;
  - reserved questions of law from the Circuit Courts, the Land Court, and the Tax Appeal Court;
  - certified questions of law from federal courts;
  - applications for writs directed to judges and other public officers;
  - applications for other extraordinary writs;
  - complaints regarding elections.
- To make rules of practice and procedure for all state courts.
- To license, regulate, and discipline attorneys.
- To discipline judges.

### **ICA**

- To promptly hear and determine all appeals from the district, family, and circuit courts and from any agency when appeals are allowed by law.
- To entertain, at its discretion, any case submitted without suit when there is a question of law that could be the subject of a civil action or proceeding in the Circuit Court or Tax Appeal Court, and the parties agree to the facts upon which the controversy depends.

## **B. DESCRIPTION OF BUDGET REQUESTS**

**Justices' and Judges' Salary Differential:** Funding of \$44,088 for FY 2023 is requested to pay justices' and judges' pay increases that were recommended by the Commissions on Salaries and authorized by the 2019 Legislature.

## **C. REASON FOR BUDGET REQUESTS**

**Justices' and Judges' Salary Differential:** The Courts of Appeal are requesting \$44,088 for FY 2023 to fund justices' and judges' salaries at the legislatively mandated pay levels set by the 2019 Commissions on Salaries and authorized by the 2019 Legislature. The requested funding recognizes the salaries adjustments that were deferred, and enables the Judiciary to compensate the Judges and Justices at the current levels recommended in the Commission on Salaries 2019 Report.

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## **JUD 310 FIRST CIRCUIT, JUD 320 SECOND CIRCUIT, JUD 330 THIRD CIRCUIT, AND JUD 350 FIFTH CIRCUIT PROGRAM INFORMATION**

The mission of each of the four circuits is to expeditiously and fairly adjudicate or resolve all matters within its jurisdiction in accordance with law.

### **PROGRAM OBJECTIVES**

- To assure a proper consideration of all competing interests and countervailing considerations intertwined in questions of law arising under the Constitutions of the State and the United States in order to safeguard individual rights and liberties and to protect the legitimate interests of the State and thereby ensure to the people of this State the highest standard of justice attainable under our system of government.
- To develop and maintain a sound management system which incorporates the most modern administrative practices and techniques to assure the uniform delivery of services of the highest possible quality, while providing for and promoting the effective, economical, and efficient utilization of public resources.
- To administer a system for the selection of qualified individuals to serve as jurors so as to ensure fair and impartial trials and thereby effectuate the constitutional guarantee of trial by jury.
- To provide for the fair and prompt resolution of all civil and criminal proceedings and traffic cases so as to ensure public safety and promote the general welfare of the people of the State, but with due consideration for safeguarding the constitutional rights of the accused.
- To conduct presentence and other predispositional investigations in a fair and prompt manner for the purpose of assisting the courts in rendering appropriate sentences and other dispositions with due consideration for all relevant facts and circumstances.
- To maintain accurate and complete court records as required by law and to permit immediate access to such records, where appropriate, by employing a records management system which minimizes storage and meets retention requirements.
- To supervise convicted and deferred law violators who are placed on probation or given deferments of guilty pleas by the courts to assist them toward socially acceptable behavior and thereby promote public safety.
- To safeguard the rights and interests of persons by assuring an effective, equitable, and expeditious resolution of civil and criminal cases properly brought to the courts, and by providing a proper legal remedy for legally recognized wrongs.
- To assist and protect children and families whose rights and well-being are jeopardized by securing such rights through action by the court, thereby promoting

the community's legitimate interest in the unity and welfare of the family and the child.

- To administer, to the fullest extent permitted by law, the orders and decrees pronounced by the Family Courts so as to maintain the integrity of the judicial process.
- To supervise law violators who are placed on probation by the Family Courts and assist them toward socially acceptable behavior, thereby promoting public safety.
- To protect minors whose environment or behavior is injurious to themselves or others and to restore them to society as law-abiding citizens.
- To complement the strictly adjudicatory function of the Family Courts by providing services such as counseling, guidance, mediation, education, and other necessary and proper services for children and adults.
- To coordinate and administer a comprehensive traffic safety education program as a preventive and rehabilitative endeavor directed to both adult and juvenile traffic offenders in order to reduce the number of deaths and injuries resulting from collisions due to unsafe driving decisions and behavior.
- To develop a statewide drug court treatment and supervision model for non-violent adults and juveniles, adapted to meet the needs and resources of the individual jurisdictions they serve.
- To deliver services and attempt to resolve disputes in a balanced manner that provides attention to all participants in the justice system, including parties to a dispute, attorneys, witnesses, jurors, and other community members, embodying the principles of restorative justice.

#### **LAND COURT/TAX APPEAL COURT**

- To provide for an effective, equitable, and expeditious system for the adjudication and registration of title to land and easements and rights to land within the State.
- To assure an effective, efficient, and expeditious adjudication of all appeals between the tax assessor and the taxpayer with respect to all matters of taxation committed to its jurisdiction.
- To provide a guaranteed and absolute register of land titles which simplifies for landowners the method for conveying registered land.

POSITION IN PROGRAM STRUCTURE

Level	No.	Title
Level I	01	The Judicial System
Level II	01	Court Operations
Level III	02	First Circuit

PROGRAM EXPENDITURES (in dollars)	FISCAL YEAR 2021-22			FISCAL YEAR 2022-23			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
Operating Costs								
	1,143.50 *	0.00 *	1,143.50 *	1,143.50 *	(6.00) **	1,137.50 **	1,143.50 *	1,137.50 **
	58.58 #	0.00 #	58.58 #	58.58 #	0.00 #	58.58 #	58.58 #	58.58 #
Personal Services	70,103,960	0	70,103,960	70,103,960	(208,523) ^	69,895,437 ^	140,207,920	139,999,397 ^
Other Current Expenses	18,534,968	0	18,534,968	18,534,968	(25,561) ^	18,509,407 ^	37,069,936	37,044,375 ^
Equipment	0	0	0	0	0	0	0	0
Motor Vehicles	0	0	0	0	0	0	0	0
	1,143.50 *	0.00 *	1,143.50 *	1,143.50 *	(6.00) **	1,137.50 **	1,143.50 *	1,137.50 **
	58.58 #	0.00 #	58.58 #	58.58 #	0.00 #	58.58 #	58.58 #	58.58 #
Total Operation Costs	88,638,928	0	88,638,928	88,638,928	(234,084) ^	88,404,844 ^	177,277,856	177,043,772 ^
Capital & Investment Costs	0	0	0	0	0	0	0	0
	1,143.50 *	0.00 *	1,143.50 *	1,143.50 *	(6.00) **	1,137.50 **	1,143.50 *	1,137.50 **
	58.58 #	0.00 #	58.58 #	58.58 #	0.00 #	58.58 #	58.58 #	58.58 #
Total Program Expenditures	88,638,928	0	88,638,928	88,638,928	(234,084) ^	88,404,844 ^	177,277,856	177,043,772 ^

REQUIREMENTS BY MEANS OF FINANCING	FISCAL YEAR 2021-22			FISCAL YEAR 2022-23			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
	1,102.50 *	0.00 *	1,102.50 *	1,102.50 *	0.00 *	1,102.50 *	1,102.50 *	1,102.50 *
	58.58 #	0.00 #	58.58 #	58.58 #	0.00 #	58.58 #	58.58 #	58.58 #
General Fund	84,083,696	0	84,083,696	84,083,696	273,979	84,357,675	168,167,392	168,441,371
	41.00 *	0.00 *	41.00 *	41.00 *	(6.00) **	35.00 **	41.00 *	35.00 **
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Special Funds	4,555,232	0	4,555,232	4,555,232	(508,063) ^	4,047,169 ^	9,110,464	8,602,401 ^
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Revolving Funds	0	0	0	0	0	0	0	0
G.O. Bond & ARPA Funds	0	0	0	0	0	0	0	0
	1,143.50 *	0.00 *	1,143.50 *	1,143.50 *	(6.00) **	1,137.50 **	1,143.50 *	1,137.50 **
	58.58 #	0.00 #	58.58 #	58.58 #	0.00 #	58.58 #	58.58 #	58.58 #
Total Financing	88,638,928	0	88,638,928	88,638,928	(234,084) ^	88,404,844 ^	177,277,856	177,043,772 ^

\* Permanent positions  
# Temporary positions  
^ Reflects repeal of Probation Services Special Fund per Act 9/2021 Special Session.

## **JUD 310 FIRST CIRCUIT BUDGET REQUESTS**

### **A. DESCRIPTION OF BUDGET REQUESTS**

**Judges' Salary Differential:** Funding of \$218,779 in FY 2023 is requested to fund judges' salaries at the legislatively mandated pay levels set by the 2019 Commission on Salaries and authorized by the 2019 Legislature.

**Funding for a Hawai'i Interstate Compact Coordinator:** Funding of \$55,200 is requested for the Hawai'i Interstate Compact Coordinator (Social Worker IV) position in FY 2023 to oversee the Interstate Compact for Adult Offender Supervision (ICAOS) operations (under congressional consent Article I, § 10 of the United States (U.S.) Constitution and pursuant to Title 4, § 112(a) of the U.S. Code) to regulate the movement of probationers and parolees across state lines. The ICAOS is enacted in all 50 states and three U.S. territories (District of Columbia, U.S. Virgin Islands, and Puerto Rico).

### **B. REASON FOR BUDGET REQUESTS**

**Judges' Salary Differential:** First Circuit is requesting \$218,779 in FY 2023 to fund judges' salaries at the legislatively mandated pay levels set by the 2019 Commission on Salaries and authorized by the 2019 Legislature. The requested funding recognizes the salaries adjustments that were deferred, and enables the Judiciary to compensate the Judges and Justices at the current levels recommended in the Commission on Salaries 2019 Report.

**Funding for a Hawai'i Interstate Compact Coordinator:** The ICAOS was entered and enacted into law by the State of Hawai'i by Act 185/00 of the Session Laws of Hawai'i (SLH), legally joining with all jurisdictions who are part of the interstate compact. Later, Act 172/08 (SLH) was enacted providing for one full-time coordinator position for the supervision of adult offenders with the coordinator being appointed by the Judiciary. However, no funding was provided to the Judiciary for this position so the Probation Services Special Fund was used to fund it as well as five other probation related positions.

In June 2021, subsequent to the passage of the Judiciary Appropriations Act (Act 127/21) in April 2021, the Legislature repealed the Probation Services Special Fund, resulting in all six positions being abolished. This request of \$55,200 to replace the lost Interstate Compact Coordinator position is for funds only as First Circuit will redescribe and use a current vacant position whose funds were removed by the Legislature in 2020 as part of the Judiciary's contribution to help with the State's budget crisis due to the Covid-19 pandemic. The revenues generated by the Probation Services Special Fund, which now go to the State General Fund, averaged \$349,000 per year over the last five fiscal years, well in excess of the cost of this position.

The Hawai'i Interstate Compact Office is responsible for conducting investigations on all incoming and outgoing offenders who request transfer of supervision of their court sentence, monitoring the activities and behavior of the offenders, and providing assistance and services to help bring about positive behavioral changes for ICAOS cases. An essential part of monitoring

and assistance is the enforcement of court ordered requirements. All states that are a part of the ICAOS must abide by the rules of the compact for offender supervision transfers.

The Hawai'i Interstate Compact Office is located in the First Circuit's Administrative Risk Management Section (ARMS) which also monitors approximately 1,500 cases involving moderate to minimum risk adult offenders and intrastate courtesy supervision cases. This office services between 300 and 400 offenders annually, and as of October 2021, was monitoring 374 interstate compact cases (121 incoming to Hawai'i from other jurisdictions and 253 outgoing from Hawai'i to other jurisdictions).

The Hawai'i Interstate Compact Coordinator is responsible for providing supervision to offenders referred by other states, entering all incoming and outgoing cases in the Hawai'i interstate data base and the Interstate Compact Offender Tracking System (ICOTS), and maintaining a working relationship with other interstate compact jurisdictions.

Currently, without anyone in the Hawai'i Interstate Compact Office, all interstate compact duties are being temporarily covered by other employees. These employees already have existing full-time duties and the addition of covering for interstate compact operations is not sustainable without compromising the safety of the community. Not having an Interstate Compact Coordinator position to focus on and handle the interstate compact cases just makes matters worse.

Prior to becoming an interstate compact case, there is extensive preliminary work involved for each request. For offender transfer requests from other states to be supervised in Hawai'i or from Hawai'i to be supervised in other states, the request must contain the following: a narrative description of the offense committed in sufficient detail; photograph of the offender; conditions of supervision; any orders restricting the offender's contact with victims or any other person; any known orders protecting the offender from contact with any other person; information as to whether the offender is subject to sex offender registry requirements; any pre-sentence investigation report(s); information as to whether the offender has a known gang affiliation; supervision history; information relating to any court ordered financial obligations, including but not limited to fines, court costs, restitution, and family support; and a summary of prison discipline and mental health history during last two years. Additional documents or other information necessary for supervision may be requested including verifications of residency (consisting also of home visits), employment or financial support; interviews with requesting offenders and sponsors; risk assessments; and DNA testing.

An essential function of the Hawai'i Interstate Compact Coordinator is tracking the movements of offenders within the State. A critical component to this position is monitoring ICOTS which is a web-based system that facilitates the transfer of supervision for probationers and parolees from one state to another in order to promote public safety. Each year, the 50 states and three territories that comprise ICAOS use ICOTS to process approximately 150,000 transfer requests and more than 1,000,000 compact activities for nearly 102,000 active supervision cases. These activities include notifications of departures, arrivals, progress, violations, and case closures. ICOTS also serves as a conduit for miscellaneous communication exchanges and helps promote effective supervision strategies for offenders under supervision in another state. Each state is responsible for implementing and administering ICOTS in its jurisdiction, and allows unprecedented accountability and oversight by the interstate compact offices and their coordinators.

As mentioned previously, although the coordinator is responsible for the overall supervision of the interstate compact program, other employees who already have their own existing full-time duties and workload will need to assist in covering many of the other day-to-day duties related to this program. In the past, the coordinator and a Social Worker III position (also funded by the former Probation Services Special Fund) were involved with the following such duties:

- Monitoring and training probation and parole officers using ICOTS.
- Daily monitoring of offenders entering and departing from the State of Hawai'i.
- Daily monitoring of response to violation reports.
- Daily monitoring of statewide interstate warrants entered into the National Crime Information Center data base.
- Acting as the liaison between the State of Hawai'i and other compact members.
- Conducting annual training of interstate compact rules.
- Providing supervision of incoming interstate probation cases.
- Mentoring statewide probation/parole officers on ICOTS operations.
- Providing specialized treatment and services for interstate offenders in our community.
- Daily monitoring of ICOTS probation and parole users.
- Field checks for absconders and probable cause hearings.
- Preparing and collecting data for interstate compact reports and annual audits conducted by the ICAOS National Office.

The ICAOS is compulsory and binding once a state legislature enters into the compact agreement. Compliance with compact rules to regulate the movement of probationers and parolees across state lines is mandatory. Noncompliance would put the Hawai'i Interstate Compact Office at risk for compliance sanctioning which includes remedial training, technical assistance, corrective action plans, alternative dispute resolution, suspension/termination of membership in the compact, and monetary penalties (ranging upwards of \$100,000 depending on the number of offenses, other fees/costs, court costs, etc.).

The ICAOS has become a powerful and adaptive tool for promoting and ensuring cooperative action among states and a single standard of supervision for offenders, thereby enhancing public safety and offender accountability.

The Hawai'i Interstate Compact Coordinator plays a vital role in the daily oversight of interstate compact operations. Funding for this position will provide the Hawai'i Interstate Compact Office with the resources in trying to meet all the interstate compact requirements of supervision of adults transferring to and from Hawai'i, and most of all, maintaining the safety of victims and the community.

POSITION IN PROGRAM STRUCTURE

Level	No.	Title
Level I	01	The Judicial System
Level II	01	Court Operations
Level III	03	Second Circuit

PROGRAM EXPENDITURES (in dollars)	FISCAL YEAR 2021-22			FISCAL YEAR 2022-23			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
Operating Costs	210.50 *	0.00 *	210.50 *	210.50 *	0.00 *	210.50 *	210.50 *	210.50 *
	1.68 #	0.00 #	1.68 #	1.68 #	0.00 #	1.68 #	1.68 #	1.68 #
Personal Services	12,667,191	0	12,667,191	12,667,191	41,012	12,708,203	25,334,382	25,375,394
Other Current Expenses	4,667,303	0	4,667,303	4,667,303	0	4,667,303	9,334,606	9,334,606
Equipment	0	0	0	0	0	0	0	0
Motor Vehicles	0	0	0	0	0	0	0	0
	210.50 *	0.00 *	210.50 *	210.50 *	0.00 *	210.50 *	210.50 *	210.50 *
	1.68 #	0.00 #	1.68 #	1.68 #	0.00 #	1.68 #	1.68 #	1.68 #
Total Operation Costs	17,334,494	0	17,334,494	17,334,494	41,012	17,375,506	34,668,988	34,710,000
Capital & Investment Costs	0	0	0	0	0	0	0	0
	210.50 *	0.00 *	210.50 *	210.50 *	0.00 *	210.50 *	210.50 *	210.50 *
	1.68 #	0.00 #	1.68 #	1.68 #	0.00 #	1.68 #	1.68 #	1.68 #
Total Program Expenditures	17,334,494	0	17,334,494	17,334,494	41,012	17,375,506	34,668,988	34,710,000

REQUIREMENTS BY MEANS OF FINANCING	FISCAL YEAR 2021-22			FISCAL YEAR 2022-23			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
	210.50 *	0.00 *	210.50 *	210.50 *	0.00 *	210.50 *	210.50 *	210.50 *
	1.68 #	0.00 #	1.68 #	1.68 #	0.00 #	1.68 #	1.68 #	1.68 #
General Fund	17,334,494	0	17,334,494	17,334,494	41,012	17,375,506	34,668,988	34,710,000
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Special Funds	0	0	0	0	0	0	0	0
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Revolving Funds	0	0	0	0	0	0	0	0
G.O. Bond & ARPA Funds	0	0	0	0	0	0	0	0
	210.50 *	0.00 *	210.50 *	210.50 *	0.00 *	210.50 *	210.50 *	210.50 *
	1.68 #	0.00 #	1.68 #	1.68 #	0.00 #	1.68 #	1.68 #	1.68 #
Total Financing	17,334,494	0	17,334,494	17,334,494	41,012	17,375,506	34,668,988	34,710,000

\* Permanent positions  
# Temporary positions

**JUD 320 SECOND CIRCUIT  
BUDGET REQUESTS**

**A. DESCRIPTION OF BUDGET REQUESTS**

**Judges' Salary Differential:** Funding of \$41,012 in FY 2023 is requested to fund Judges' salaries at the legislatively mandated pay levels set by the 2019 Commission on Salaries and authorized by the 2019 Legislature.

**B. REASON FOR BUDGET REQUESTS**

**Judges' Salary Differential:** Second Circuit is requesting \$41,012 in FY 2023 to fund judges' salaries at the legislatively mandated pay levels set by the 2019 Commission on Salaries and authorized by the 2019 Legislature. The requested funding recognizes the salaries adjustments that were deferred, and enables the Judiciary to compensate the Judges and Justices at the current levels recommended in the Commission on Salaries 2019 Report.

POSITION IN PROGRAM STRUCTURE

Level	No.	Title
Level I	01	The Judicial System
Level II	01	Court Operations
Level III	04	Third Circuit

PROGRAM EXPENDITURES (in dollars)	FISCAL YEAR 2021-22			FISCAL YEAR 2022-23			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
Operating Costs	240.00 *	0.00 *	240.00 *	240.00 *	0.00 *	240.00 *	240.00 *	240.00 *
	5.20 #	0.00 #	5.20 #	5.20 #	0.00 #	5.20 #	5.20 #	5.20 #
Personal Services	14,459,363	0	14,459,363	14,459,363	452,456	14,911,819	28,918,726	29,371,182
Other Current Expenses	6,299,981	0	6,299,981	6,299,981	0	6,299,981	12,599,962	12,599,962
Equipment	0	0	0	0	0	0	0	0
Motor Vehicles	0	0	0	0	0	0	0	0
	240.00 *	0.00 *	240.00 *	240.00 *	0.00 *	240.00 *	240.00 *	240.00 *
	5.20 #	0.00 #	5.20 #	5.20 #	0.00 #	5.20 #	5.20 #	5.20 #
Total Operation Costs	20,759,344	0	20,759,344	20,759,344	452,456	21,211,800	41,518,688	41,971,144
Capital & Investment Costs	0	0	0	0	0	0	0	0
	240.00 *	0.00 *	240.00 *	240.00 *	0.00 *	240.00 *	240.00 *	240.00 *
	5.20 #	0.00 #	5.20 #	5.20 #	0.00 #	5.20 #	5.20 #	5.20 #
Total Program Expenditures	20,759,344	0	20,759,344	20,759,344	452,456	21,211,800	41,518,688	41,971,144

REQUIREMENTS BY MEANS OF FINANCING	FISCAL YEAR 2021-22			FISCAL YEAR 2022-23			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
General Fund	240.00 *	0.00 *	240.00 *	240.00 *	0.00 *	240.00 *	240.00 *	240.00 *
	5.20 #	0.00 #	5.20 #	5.20 #	0.00 #	5.20 #	5.20 #	5.20 #
	20,759,344	0	20,759,344	20,759,344	452,456	21,211,800	41,518,688	41,971,144
Special Funds	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
	0	0	0	0	0	0	0	0
Revolving Funds	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
	0	0	0	0	0	0	0	0
G.O. Bond & ARPA Funds	0	0	0	0	0	0	0	0
	240.00 *	0.00 *	240.00 *	240.00 *	0.00 *	240.00 *	240.00 *	240.00 *
	5.20 #	0.00 #	5.20 #	5.20 #	0.00 #	5.20 #	5.20 #	5.20 #
Total Financing	20,759,344	0	20,759,344	20,759,344	452,456	21,211,800	41,518,688	41,971,144

\* Permanent positions  
# Temporary positions

## JUD 330 THIRD CIRCUIT BUDGET REQUESTS

### A. DESCRIPTION OF BUDGET REQUESTS

**Judges' Salary Differential:** Funding of \$50,096 in FY 2023 is requested to fund Judges' salaries at the legislatively mandated pay levels set by the 2019 Commission on Salaries and authorized by the 2019 Legislature.

**Restore Funding for Two Judge Positions:** The Third Circuit requests \$402,360 to restore funding for two Judge positions that was eliminated during the 2020 Legislative.

### B. REASON FOR BUDGET REQUESTS

**Judges' Salary Differential:** Third Circuit is requesting \$50,096 in FY 2023 to fund judges' salaries at the legislatively mandated pay levels set by the 2019 Commission on Salaries and authorized by the 2019 Legislature. The requested funding recognizes the salaries adjustments that were deferred, and enables the Judiciary to compensate the Judges and Justices at the current levels recommended in the Commission on Salaries 2019 Report.

**Restore Funding for Two Judge Positions:** The Third Circuit requests \$402,360 to restore funding for the salaries of a Circuit Court Judge and a District Family Judge that was eliminated during the 2020 Legislative Session. As the Judge positions are integral to the continued operation of the Courts in the Third Circuit, already taxed and limited resources have been reallocated to enable the filling of these positions. The debilitating consequences of diverting funding for the Judge positions include indefinite deferral of recruitment for various unfunded and funded vacant positions, and further delays for court related services that could lead to public safety issues. It should be noted that the salary funding reduction for the Hilo Circuit Court Judge vacancy was authorized and imposed via Act 9/2020 after the position had already been filled. While the Third Circuit may be able to temporarily support the funding of the two Judge positions, diversion of resources for this purpose has led to deferral of filling other vacancies (including probation officers) important for efficient operations of courts and for public safety. In the event this is not rectified, it may ultimately lead to the deferral of filling other Judicial vacancies, and result in even more significant consequences such as substantive delays in court hearings and jury trials, possible elimination of certain specialty courts, and prioritization of only the most serious criminal matters. The restoration of funding for the two judge positions will help to ensure the continued effective and efficient operation of the courts in the Third Circuit.

POSITION IN PROGRAM STRUCTURE

Level	No.	Title
Level I	01	The Judicial System
Level II	01	Court Operations
Level III	05	Fifth Circuit

PROGRAM EXPENDITURES (in dollars)	FISCAL YEAR 2021-22			FISCAL YEAR 2022-23			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
Operating Costs	103.00 *	0.00 *	103.00 *	103.00 *	0.00 *	103.00 *	103.00 *	103.00 *
	2.60 #	0.00 #	2.60 #	2.60 #	0.00 #	2.60 #	2.60 #	2.60 #
Personal Services	6,350,131	0	6,350,131	6,350,131	22,777	6,372,908	12,700,262	12,723,039
Other Current Expenses	1,752,923	0	1,752,923	1,752,923	0	1,752,923	3,505,846	3,505,846
Equipment	0	0	0	0	0	0	0	0
Motor Vehicles	0	0	0	0	0	0	0	0
	103.00 *	0.00 *	103.00 *	103.00 *	0.00 *	103.00 *	103.00 *	103.00 *
	2.60 #	0.00 #	2.60 #	2.60 #	0.00 #	2.60 #	2.60 #	2.60 #
Total Operation Costs	8,103,054	0	8,103,054	8,103,054	22,777	8,125,831	16,206,108	16,228,885
Capital & Investment Costs	0	0	0	0	0	0	0	0
	103.00 *	0.00 *	103.00 *	103.00 *	0.00 *	103.00 *	103.00 *	103.00 *
	2.60 #	0.00 #	2.60 #	2.60 #	0.00 #	2.60 #	2.60 #	2.60 #
Total Program Expenditures	8,103,054	0	8,103,054	8,103,054	22,777	8,125,831	16,206,108	16,228,885

REQUIREMENTS BY MEANS OF FINANCING	FISCAL YEAR 2021-22			FISCAL YEAR 2022-23			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
	103.00 *	0.00 *	103.00 *	103.00 *	0.00 *	103.00 *	103.00 *	103.00 *
	2.60 #	0.00 #	2.60 #	2.60 #	0.00 #	2.60 #	2.60 #	2.60 #
General Fund	8,103,054	0	8,103,054	8,103,054	22,777	8,125,831	16,206,108	16,228,885
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Special Funds	0	0	0	0	0	0	0	0
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Revolving Funds	0	0	0	0	0	0	0	0
G.O. Bond & ARPA Funds	0	0	0	0	0	0	0	0
	103.00 *	0.00 *	103.00 *	103.00 *	0.00 *	103.00 *	103.00 *	103.00 *
	2.60 #	0.00 #	2.60 #	2.60 #	0.00 #	2.60 #	2.60 #	2.60 #
Total Financing	8,103,054	0	8,103,054	8,103,054	22,777	8,125,831	16,206,108	16,228,885

\* Permanent positions

# Temporary positions

## **JUD350 FIFTH CIRCUIT BUDGET REQUESTS**

### **A. DESCRIPTION OF BUDGET REQUESTS**

**Judges' Salary Differential:** Funding of \$22,777 in FY 2023 is requested to fund Judges' salaries at the legislatively mandated pay levels set by the 2019 Commission on Salaries and authorized by the 2019 Legislature.

### **B. REASON FOR BUDGET REQUESTS**

**Judges' Salary Differential:** Fifth Circuit is requesting \$22,777 in FY 2023 to fund judges' salaries at the legislatively mandated pay levels set by the 2019 Commission on Salaries and authorized by the 2019 Legislature. The requested funding recognizes the salaries adjustments that were deferred, and enables the Judiciary to compensate the Judges and Justices at the current levels recommended in the Commission on Salaries 2019 Report.

POSITION IN PROGRAM STRUCTURE

Level	No.	Title
Level I	01	The Judicial System
Level II	02	Support Services
Level III	01	Judicial Selection Commission

PROGRAM EXPENDITURES (in dollars)	FISCAL YEAR 2021-22			FISCAL YEAR 2022-23			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
Operating Costs	1.00 *	0.00 *	1.00 *	1.00 *	0.00 *	1.00 *	1.00 *	1.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Personal Services	49,719	0	49,719	49,719	0	49,719	99,438	99,438
Other Current Expenses	51,475	0	51,475	51,475	0	51,475	102,950	102,950
Equipment	0	0	0	0	0	0	0	0
Motor Vehicles	0	0	0	0	0	0	0	0
	1.00 *	0.00 *	1.00 *	1.00 *	0.00 *	1.00 *	1.00 *	1.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Total Operation Costs	101,194	0	101,194	101,194	0	101,194	202,388	202,388
Capital & Investment Costs	0	0	0	0	0	0	0	0
	1.00 *	0.00 *	1.00 *	1.00 *	0.00 *	1.00 *	1.00 *	1.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Total Program Expenditures	101,194	0	101,194	101,194	0	101,194	202,388	202,388

REQUIREMENTS BY MEANS OF FINANCING	FISCAL YEAR 2021-22			FISCAL YEAR 2022-23			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
	1.00 *	0.00 *	1.00 *	1.00 *	0.00 *	1.00 *	1.00 *	1.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
General Fund	101,194	0	101,194	101,194	0	101,194	202,388	202,388
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Special Funds	0	0	0	0	0	0	0	0
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Revolving Funds	0	0	0	0	0	0	0	0
G.O. Bond & ARPA Funds	0	0	0	0	0	0	0	0
	1.00 *	0.00 *	1.00 *	1.00 *	0.00 *	1.00 *	1.00 *	1.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Total Financing	101,194	0	101,194	101,194	0	101,194	202,388	202,388

\* Permanent positions  
# Temporary positions

**JUD 501 JUDICIAL SELECTION COMMISSION  
PROGRAM INFORMATION**

**A. PROGRAM OBJECTIVES**

- To screen and submit nominees for judicial vacancies, and to conduct hearings for retention of justices or judges.

**B. DESCRIPTION OF BUDGET REQUESTS**

None.

**C. REASON FOR BUDGET REQUESTS**

N/A

POSITION IN PROGRAM STRUCTURE

Level	No.	Title
Level I	01	The Judicial System
Level II	02	Support Services
Level III	02	Administration

PROGRAM EXPENDITURES (in dollars)	FISCAL YEAR 2021-22			FISCAL YEAR 2022-23			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
Operating Costs	227.00 *	0.00 *	227.00 *	227.00 *	0.00 *	227.00 *	227.00 *	227.00 *
	18.48 #	0.00 #	18.48 #	18.48 #	0.00 #	18.48 #	18.48 #	18.48 #
Personal Services	16,887,288	0	16,887,288	16,887,288	0	16,887,288	33,774,576	33,774,576
Other Current Expenses	17,881,735	0	17,881,735	17,881,735	127,000	18,008,735	35,763,470	35,890,470
Equipment	514,488	0	514,488	514,488	0	514,488	1,028,976	1,028,976
Motor Vehicles	0	0	0	0	0	0	0	0
	227.00 *	0.00 *	227.00 *	227.00 *	0.00 *	227.00 *	227.00 *	227.00 *
	18.48 #	0.00 #	18.48 #	18.48 #	0.00 #	18.48 #	18.48 #	18.48 #
Total Operation Costs	35,283,511	0	35,283,511	35,283,511	127,000	35,410,511	70,567,022	70,694,022
Capital & Investment Costs	11,106,000	0	11,106,000	2,200,000	12,134,000	14,334,000	13,306,000	25,440,000
	227.00 *	0.00 *	227.00 *	227.00 *	0.00 *	227.00 *	227.00 *	227.00 *
	18.48 #	0.00 #	18.48 #	18.48 #	0.00 #	18.48 #	18.48 #	18.48 #
Total Program Expenditures	46,389,511	0	46,389,511	37,483,511	12,261,000	49,744,511	83,873,022	96,134,022

REQUIREMENTS BY MEANS OF FINANCING	FISCAL YEAR 2021-22			FISCAL YEAR 2022-23			BIENNIUM TOTALS	
	Current Appropriation	Supplemental Request	Total Request	Current Appropriation	Supplemental Request	Total Request	Current Biennium	Recommended Biennium
	226.00 *	0.00 *	226.00 *	226.00 *	0.00 *	226.00 *	226.00 *	226.00 *
	9.48 #	0.00 #	9.48 #	9.48 #	0.00 #	9.48 #	9.48 #	9.48 #
General Fund	26,829,796	0	26,829,796	26,829,796	127,000	26,956,796	53,659,592	53,786,592
	1.00 *	0.00 *	1.00 *	1.00 *	0.00 *	1.00 *	1.00 *	1.00 *
	9.00 #	0.00 #	9.00 #	9.00 #	0.00 #	9.00 #	9.00 #	9.00 #
Special Funds	8,110,454	0	8,110,454	8,110,454	0	8,110,454	16,220,908	16,220,908
	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *	0.00 *
	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #	0.00 #
Revolving Funds	343,261	0	343,261	343,261	0	343,261	686,522	686,522
G.O. Bond & ARPA Funds	11,106,000	0	11,106,000	2,200,000	12,134,000	14,334,000	13,306,000	25,440,000
	227.00 *	0.00 *	227.00 *	227.00 *	0.00 *	227.00 *	227.00 *	227.00 *
	18.48 #	0.00 #	18.48 #	18.48 #	0.00 #	18.48 #	18.48 #	18.48 #
Total Financing	46,389,511	0	46,389,511	37,483,511	12,261,000	49,744,511	83,873,022	96,134,022

\* Permanent positions  
# Temporary positions

## **JUD 601 ADMINISTRATION PROGRAM INFORMATION AND BUDGET REQUESTS**

The mission of the Office of the Administrative Director is to promote the administration of justice in Hawai'i by providing professional, responsive administrative support to the Chief Justice, the courts, and Judiciary programs. Support services help to expedite, facilitate and enhance the mission of the Judiciary.

### **A. PROGRAM OBJECTIVES**

#### **Administration**

The Office of the Administrative Director of the Courts is responsible for daily operations of the court system. The Administrative Director is appointed by the Chief Justice with the approval of the Supreme Court, and is assisted by the Deputy Administrative Director.

The Equal Employment Opportunity (EEO) Office and the Judiciary Security Emergency Management Office are attached to the Deputy Administrative Director. The EEO Officer provides advice and technical assistance to the Judiciary to ensure compliance with equal opportunity laws, legislation, and policies. The EEO Officer is responsible for providing training to judges, administrators, and staff on current EEO issues; to develop and review EEO policies and procedures; and to investigate complaints of discrimination.

#### **Policy and Planning**

The Policy and Planning Department includes: Budget and Capital Improvement Program (CIP) Division, Planning and Program Evaluation Division, Internal Audit Office, and the Special Projects/Legislative Coordinating Office.

- To develop and maintain an effective and comprehensive planning capability within the Judiciary to provide the statewide organization with overall guidance and long-range direction in meeting the community's demands for judicial service.
- To establish and maintain a budgeting system that will serve as the mechanism by which the required resources to achieve the objectives of the Judiciary will be identified and articulated to top-level management.
- To develop and maintain a uniform statistical information system for the statewide Judiciary which identifies what data is needed as well as how the data will be collected, tabulated, analyzed, and interpreted so as to permit the periodic reporting of statistics of court cases to the principal decision-makers of the Judiciary and thereby facilitate evaluation of influential factors or variables affecting court workload and efficiency.
- To administer a judiciary-wide audit program to ensure compliance with laws, rules and regulations, and policies of the Judiciary, the State and, where applicable, the federal government.

- To conduct investigations and audits of accounting, reporting, and internal control systems established and maintained in the Judiciary, and to suggest and recommend improvements to accounting methods and procedures.
- To maintain oversight and coordination of the Judiciary's CIP projects to ensure compliance with the Judiciary's policies and applicable State and Federal rules and regulations.
- To coordinate the Judiciary's legislative activities and special projects.

### **Financial Services**

The Financial Services Department includes: Fiscal Services Division, Contracts and Purchasing Division, and the Administrative Drivers' License Revocation Office.

- To provide current, accurate, and complete financial and accounting data in a form useful to decision-makers.
- To ensure adequate and reasonable accounting control over assets, liabilities, revenues, and expenditures in accordance with generally accepted accounting principles, laws, policies, rules, and regulations of the State and the Judiciary.
- To provide a fair and expeditious administrative process for revoking the driver licenses of alcohol or drug impaired offenders who have shown themselves to be safety hazards by driving or boating under the influence of intoxicants or who refused chemical testing.

### **Information Technology and Systems**

The Information Technology and Systems Department includes: Applications Division, Infrastructure Division (1), Infrastructure Division (2), and the Documents Management Division.

- To plan, organize, direct, and coordinate the Judiciary's statewide telecommunications and information processing program, resources, and services by providing advice, guidance, and assistance to all Judiciary courts and administrative units relating to the concepts, methods, and use of telecommunication and information processing technologies and equipment.
- To plan, direct, and manage a centralized court records management system which includes reproduction, retention, control, storage, and destruction.
- To maintain accurate and complete court records, render technical assistance, and provide information and reference services from court records to court personnel, attorneys, and the general public.
- To provide cost effective printing, form development, and related services, statewide.

## **Intergovernmental and Community Relations**

The Intergovernmental and Community Relations Department includes: Staff Attorney's Office, King Kamehameha V Judiciary History Center, Children's Justice Centers, Law Library, Center for Alternative Dispute Resolution, Communications and Community Relations, Equality and Access to the Courts, and Office of the Public Guardian.

- To promote public awareness and understanding of the Judiciary by disseminating information through various print, broadcast, and electronic means; the news media; and direct dealings with the general public and other audiences concerning the role of the Judiciary and the services that it provides.
- To acquaint the Legislature with the program and policies of the Judiciary in order to convey the ongoing needs and importance of its role as an independent branch of government.
- To advise Judiciary officials on public perception of particular issues relating to the Judiciary.
- To design and implement projects that promote access to the courts for all persons, including those with special needs.
- To promote, through research and educational programs, fair treatment in adjudication of cases and provision of services to the public.
- To inform and provide learning opportunities to the public about the judicial process and Hawaii's legal history from precontact to present. The Judiciary History Center generates knowledge by conducting and encouraging research, disseminating information, and collecting, preserving, and displaying materials.
- To provide an impartial professional process for addressing reports of felony child abuse that will facilitate access to the justice system for child victims and witnesses.
- To maintain a continuing liaison with agencies and departments dealing with child abuse to foster cooperation within the legal system to improve and coordinate activities for the effective overall administration of justice.
- To investigate, design, and implement alternative dispute resolution processes for the judicial, legislative, and executive branches of government that will assist these three branches of government in resolving their disputes. Emphasis is on developing systems for use by the Judiciary in the various courts, mediating/facilitating public policy issues, and building skills capacity within all branches of government.
- To provide and coordinate the Judiciary's statewide guardianship services for mentally incapacitated adults.

- To provide information, referral, and technical assistance to guardians and to the courts on the roles and responsibilities of a guardian.
- To effectively utilize volunteer citizen participants from a cross-section of the community in formalized volunteer positions based on the needs of the Judiciary and the skills, talents, and interests of the volunteers.
- To collect, organize, and disseminate information and materials relating to legal research and judicial administration in order to enhance the effectiveness of the judicial process.

### **Human Resources**

The Human Resource Department includes: Administrative Services Division, Compensation Management Division, Employee Services Division, Disability Claims Management Division, Labor Relations Division, Staffing Services Division and the Judicial Education Office.

- To manage a central recruitment and examination system that will attract the most capable persons, provide a selection system that will ensure the highest caliber employee, and exhibit our commitment to celebrate diversity and create an inclusive environment for all employees.
- To develop, enhance, and manage a Judiciary compensation program consistent with merit principles, recognized job evaluation principles and methodologies, and labor market trends, and to attract and retain a competent and skilled workforce.
- To develop and implement an ongoing comprehensive continuing legal education program for judges to support them in their judicial roles and in the performance of their duties and responsibilities and programs of continuing education and development for staff in support of the judges and the mission of the Judiciary.
- To administer a Judiciary-wide workers' compensation program designed to provide claims management, cost containment, and vocational rehabilitation services to all echelons of the Judiciary.

### **Commission on Judicial Conduct**

- To investigate and conduct hearings concerning allegations of misconduct or disability of justices or judges.
- To make recommendations to the Supreme Court concerning the reprimand, discipline, suspension, retirement, or removal of any justice or judge.
- To provide advisory opinions concerning proper interpretations of the Revised Code of Judicial Conduct.

## **B. DESCRIPTION OF BUDGET REQUESTS**

**Multi-Factor Authentication (MFA):** Funding in the amount of \$127,000 is being requested to provide enhanced security measures for the Judiciary's technology systems.

## **C. REASON FOR BUDGET REQUESTS**

**Multi-Factor Authentication:** The Judiciary's Information Technology and Systems Department is requesting \$127,000 to enhance data and system security by implementing a MFA system.

MFA is a security technology system which requires multiple methods of authentication to verify a user's identity for a login or other transaction. With MFA, Judiciary users will be required to provide two or more verification factors to login and gain access to the Judiciary's email system and network servers. Rather than just asking for a username and password, MFA requires one or more additional verification factors, usually through email or text, which decreases the likelihood of a successful cyber attack.

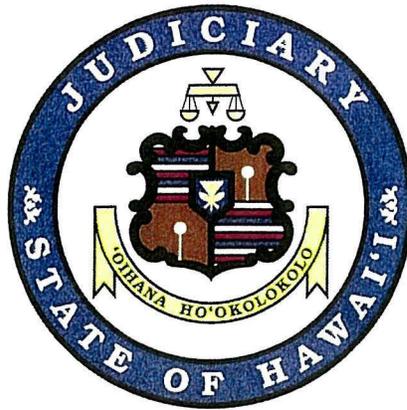
The goal of MFA is to create a layered defense that makes it more difficult for an unauthorized person to access a computing device, network or database, and is extremely important to protect against the growing threats of ransomware and malware in the cloud-based systems and teleworking environment. If one factor is compromised or broken, the attacker still has at least one or more barriers to breach before successfully breaking into the target.

Due to the pandemic, more Judiciary employees have been teleworking. Though Virtual Private Network (VPN) provides key protection against hackers, there are increasing threats to Judiciary information and systems. More laptops, computers, and portable devices are used outside of Judiciary offices and this increases the chances of loss and/or unauthorized access.

With ransomware and hacking incidents on the rise, MFA will provide an essential protection against growing threats to help ensure Judiciary business processes and systems are not interrupted nor burdened with high costs of ransomware. It is also important to note that MFA is generally required for cyber security insurance and is a key factor to pass cyber security assessments.

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# PART IV



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## Capital Improvements Appropriations And Details

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**JUDICIARY**  
STATE OF HAWAII

**REQUIRED CAPITAL APPROPRIATIONS - BY COST ELEMENTS  
BY CAPITAL PROJECT  
IN THOUSANDS OF DOLLARS**

PROGRAM PLAN TITLE: Judiciary  
PROGRAM STRUCTURE NO: 01

DESCRIPTION	Cost Element	Project Total	Prior Years Total	Fiscal Year 2022-23				2023-24	2024-25	2025-26	2026-27
				FY 2021-22	Current Appropriation	Adjustment	Recommended Appropriation				
<b>JUDICIARY TOTAL</b>	Plans	332	332	0	0	0	0	0	0	0	0
	Land	0	0	0	0	0	0	0	0	0	0
	Design	3,413	2,532	0	0	436	436	0	0	445	0
	Constr	67,223	8,000	0	0	11,698	11,698	20,000	0	24,325	3,200
	Equip	2,025	25	0	0	0	0	2,000	0	0	0
	L/S	112,611	85,355	11,106	2,200	0	2,200	7,800	0	6,150	0
	<b>Total</b>	<b>185,604</b>	<b>96,244</b>	<b>11,106</b>	<b>2,200</b>	<b>12,134</b>	<b>14,334</b>	<b>29,800</b>	<b>0</b>	<b>30,920</b>	<b>3,200</b>
	G.O. Bonds	180,384	96,244	5,886	2,200	12,134	14,334	29,800	0	30,920	3,200
	ARPA Funds	5,220	0	5,220	0	0	0	0	0	0	0

REQUIRED CAPITAL APPROPRIATIONS - BY COST ELEMENTS  
BY CAPITAL PROJECT  
IN THOUSANDS OF DOLLARS

PROGRAM PLAN TITLE: Administration  
PROGRAM STRUCTURE NO: 01 02 02

DESCRIPTION	Cost Element	Project Total	Prior Years Total	Fiscal Year 2022-23							
				FY2021-22	Current Appropriation	Adjustment	Recommended Appropriation	2023-24	2024-25	2025-26	2026-27
<b>Wahiawa Civic Center Including New Judiciary Complex, O'ahu</b>	Plans	0					0				
	Land	0					0				
	Design	0					0				
	Constr	0					0				
	Equip	2,000						0	2,000		
	L/S	76,000	76,000					0			
	<b>Total</b>	<b>78,000</b>	<b>76,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2,000</b>	<b>0</b>	<b>0</b>
G.O. Bonds	78,000	76,000	0	0	0	0	0	2,000	0	0	0
<b>Ka'ahumanu Hale Fire Alarm and Elevator Systems Upgrade and Modernization, O'ahu</b>	Plans	282	282				0				
	Land	0					0				
	Design	1,422	1,422				0				
	Constr	27,000					5,000	5,000	10,000		12,000
	Equip	0						0			
	L/S	0						0			
	<b>Total</b>	<b>28,704</b>	<b>1,704</b>	<b>0</b>	<b>0</b>	<b>5,000</b>	<b>5,000</b>	<b>5,000</b>	<b>10,000</b>	<b>0</b>	<b>12,000</b>
G.O. Bonds	28,704	1,704	0	0	5,000	5,000	5,000	10,000	0	12,000	0
<b>Ka'ahumanu Hale Sheriff Station Renovation, O'ahu</b>	Plans	0					0				
	Land	0					0				
	Design	86					86	86			
	Constr	1,458					1,458	1,458			
	Equip	0						0			
	L/S	0						0			
	<b>Total</b>	<b>1,544</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,544</b>	<b>1,544</b>	<b>1,544</b>	<b>0</b>	<b>0</b>	<b>0</b>
G.O. Bonds	1,544	0	0	0	1,544	1,544	1,544	0	0	0	0
<b>Kapu'āiwa Building Roof Replacement and Drainage Upgrades, O'ahu</b>	Plans	0					0				
	Land	0					0				
	Design	0						0			
	Constr	1,750					1,750	1,750			
	Equip	0						0			
	L/S	0						0			
	<b>Total</b>	<b>1,750</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,750</b>	<b>1,750</b>	<b>1,750</b>	<b>0</b>	<b>0</b>	<b>0</b>
G.O. Bonds	1,750	0	0	0	1,750	1,750	1,750	0	0	0	0
<b>Ali'iolani Hale A/C Replacement, O'ahu</b>	Plans	0					0				
	Land	0					0				
	Design	250					250	250			
	Constr	20,750					750	750	10,000		10,000
	Equip	0						0			
	L/S	3,700						0			
	<b>Total</b>	<b>24,700</b>	<b>0</b>	<b>3,700</b>	<b>1</b> <b>2]</b>	<b>0</b>	<b>1,000</b>	<b>1,000</b>	<b>10,000</b>	<b>0</b>	<b>10,000</b>
G.O. Bonds	21,000	0	0	0	0	1,000	1,000	10,000	0	10,000	0
ARPA Funds	3,700	0	3,700	2]	0	0	0	0	0	0	0
<b>Hoapili Hale New Courtroom, Maui</b>	Plans	0					0				
	Land	0					0				
	Design	0						0			
	Constr	1,320					1,320	1,320			
	Equip	0						0			
	L/S	0						0			
	<b>Total</b>	<b>1,320</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,320</b>	<b>1,320</b>	<b>0</b>	<b>0</b>	<b>0</b>
G.O. Bonds	1,320	0	0	0	0	1,320	1,320	0	0	0	0

1] Appropriated as a lumpsum amount as noted in Act 127/21.

2] B & F determined project does not qualify for ARPA funding under the "Guidance for the Coronavirus Capital Projects Fund"

REQUIRED CAPITAL APPROPRIATIONS - BY COST ELEMENTS  
BY CAPITAL PROJECT  
IN THOUSANDS OF DOLLARS

PROGRAM PLAN TITLE: Administration  
PROGRAM STRUCTURE NO: 01 02 02

DESCRIPTION	Cost Element	Project Total	Prior Years Total	Fiscal Year 2022-23								
				FY2021-22	Current Appropriation	Adjustment	Recommended Appropriation	2023-24	2024-25	2025-26	2026-27	
<b>Supplemental Chiller for Juvenile Detention Facility, Ronald T. Y. Moon Judiciary Complex in Kapolei O'ahu</b>	Plans	0										
	Land	0										
	Design	100					100	100				
	Constr	1,420					1,420	1,420				
	Equip	0						0				
	L/S	1,520		1,520	1] 2]			0				
	<b>Total</b>	<b>3,040</b>	<b>0</b>	<b>1,520</b>		<b>0</b>	<b>1,520</b>	<b>1,520</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
G.O. Bonds	1,520	0	0		0	1,520	1,520	0	0	0	0	
ARPA Funds	1,520	0	1,520	2]	0	0	0	0	0	0	0	
<b>Lump Sum CIP for Judiciary Facilities, Statewide (for FB 15-17 through FB 21-23)</b>	Plans	50	50									
	Land	0										
	Design	300	300									
	Constr	2,625	2,625									
	Equip	25	25									
	L/S	12,000	3,000	3,000	1]				3,000		3,000	
	<b>Total</b>	<b>15,000</b>	<b>6,000</b>	<b>3,000</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>3,000</b>	<b>0</b>	<b>3,000</b>	<b>0</b>
G.O. Bonds	15,000	6,000	3,000		0	0	0	3,000	0	3,000	0	
<b>Hoapili Hale Security Improvements, Maui</b>	Plans	0										
	Land	0										
	Design	250	250									
	Constr	2,350	2,350									
	Equip	0										
	L/S	5,710	3,510			2,200	1]	2,200				
	<b>Total</b>	<b>8,310</b>	<b>6,110</b>	<b>0</b>		<b>2,200</b>	<b>0</b>	<b>2,200</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
G.O. Bonds	8,310	6,110	0		2,200	0	2,200	0	0	0	0	
<b>Hoapili Hale Parking Structure Piping Renovations, Maui</b>	Plans	0										
	Land	0										
	Design	0										
	Constr	0										
	Equip	0										
	L/S	9,686	850	2,886	1]				2,800		3,150	
	<b>Total</b>	<b>9,686</b>	<b>850</b>	<b>2,886</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>2,800</b>	<b>0</b>	<b>3,150</b>	<b>0</b>
G.O. Bonds	9,686	850	2,886		0	0	0	2,800	0	3,150	0	
<b>Ka'ahumanu Hale Repair Basement Leaks and Damages, O'ahu</b>	Plans	0										
	Land	0										
	Design	0										
	Constr	0										
	Equip	0										
	L/S	1,995	1,995									
	<b>Total</b>	<b>1,995</b>	<b>1,995</b>	<b>0</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
G.O. Bonds	1,995	1,995	0		0	0	0	0	0	0	0	
<b>Kaua'i Judiciary Complex Reroof Phase 3 Kaua'i</b>	Plans	0										
	Land	0										
	Design	390	390									
	Constr	2,100	2,100									
	Equip	0										
	L/S	2,000							2,000			
	<b>Total</b>	<b>4,490</b>	<b>2,490</b>	<b>0</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>2,000</b>	<b>0</b>	<b>0</b>	<b>0</b>
G.O. Bonds	4,490	2,490	0		0	0	0	2,000	0	0	0	

1] Appropriated as a lumpsum amount as noted in Act 127/21.

2] B & F determined project does not qualify for ARPA funding under the "Guidance for the Coronavirus Capital Projects Fund"

REQUIRED CAPITAL APPROPRIATIONS - BY COST ELEMENTS  
BY CAPITAL PROJECT  
IN THOUSANDS OF DOLLARS

PROGRAM PLAN TITLE: Administration  
PROGRAM STRUCTURE NO: 01 02 02

DESCRIPTION	Cost Element	Project Total	Prior Years Total	Fiscal Year 2022-23				2023-24	2024-25	2025-26	2026-27
				FY2021-22	Current Appropriation	Adjustment	Recommended Appropriation				
<b>'Ewa District Court Mitigate Water Intrusion and Settlement - Phase 2, O'ahu</b>	Plans	0					0				
	Land	0					0				
	Design	20	20				0				
	Constr	200	200				0				
	Equip	0					0				
	L/S	0					0				
	<b>Total</b>	<b>220</b>	<b>220</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
G.O. Bonds	220	220	0	0	0	0	0	0	0	0	0
<b>'Ewa District Court Roof Fall Protection and Re-roofing O'ahu</b>	Plans	0					0				
	Land	0					0				
	Design	25	25				0				
	Constr	175	175				0				
	Equip	0					0				
	L/S	0					0				
	<b>Total</b>	<b>200</b>	<b>200</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
G.O. Bonds	200	200	0	0	0	0	0	0	0	0	0
<b>Kapuāiwa Building Separate Storm Drain and Sanitary Sewer Systems, O'ahu</b>	Plans	0					0				
	Land	0					0				
	Design	125	125				0				
	Constr	550	550				0				
	Equip	0					0				
	L/S	0					0				
	<b>Total</b>	<b>675</b>	<b>675</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
G.O. Bonds	675	675	0	0	0	0	0	0	0	0	0
<b>Kāne'ohe District Court Generator Power Back-up System, O'ahu</b>	Plans	0					0				
	Land	0					0				
	Design	75					0			75	
	Constr	1,325					0			1,325	
	Equip	0					0				
	L/S	0					0				
	<b>Total</b>	<b>1,400</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,400</b>
G.O. Bonds	1,400	0	0	0	0	0	0	0	0	1,400	0
<b>Kauikeaouli Hale Main Data Center Fire Suppression System, O'ahu</b>	Plans	0					0				
	Land	0					0				
	Design	100					0			100	
	Constr	1,000					0			1,000	
	Equip	0					0				
	L/S	0					0				
	<b>Total</b>	<b>1,100</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,100</b>
G.O. Bonds	1,100	0	0	0	0	0	0	0	0	1,100	0
<b>Kauikeaouli Hale Cellblock Upgrades, O'ahu</b>	Plans	0					0				
	Land	0					0				
	Design	270					0			270	
	Constr	3,200					0				3,200
	Equip	0					0				
	L/S	0					0				
	<b>Total</b>	<b>3,470</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>270</b>
G.O. Bonds	3,470	0	0	0	0	0	0	0	0	270	3,200

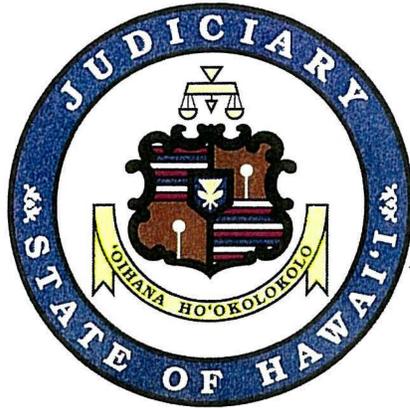
REQUIRED CAPITAL APPROPRIATIONS - BY COST ELEMENTS  
BY CAPITAL PROJECT  
IN THOUSANDS OF DOLLARS

PROGRAM PLAN TITLE: Administration  
PROGRAM STRUCTURE NO: 01 02 02

DESCRIPTION	Cost Element	Project Total	Prior Years Total	Fiscal Year 2022-23								
				FY2021-22	Current Appropriation	Adjustment	Recommended Appropriation	2023-24	2024-25	2025-26	2026-27	
<b>Judiciary</b>	Plans	332	332	0	0	0	0	0	0	0	0	0
<b>Total</b>	Land	0	0	0	0	0	0	0	0	0	0	0
	Design	3,413	2,532	0	0	436	436	0	0	445	0	0
	Constr	67,223	8,000	0	0	11,698	11,698	20,000	0	24,325	3,200	0
	Equip	2,025	25	0	0	0	0	2,000	0	0	0	0
	L/S	112,611	85,355	11,106	2,200	0	2,200	7,800	0	6,150	0	0
	<b>Total</b>	<b>185,604</b>	<b>96,244</b>	<b>11,106</b>	<b>2,200</b>	<b>12,134</b>	<b>14,334</b>	<b>29,800</b>	<b>0</b>	<b>30,920</b>	<b>3,200</b>	<b>0</b>
	<b>G.O. Bonds</b>	<b>180,384</b>	<b>96,244</b>	<b>5,886</b>	<b>2,200</b>	<b>12,134</b>	<b>14,334</b>	<b>29,800</b>	<b>0</b>	<b>30,920</b>	<b>3,200</b>	<b>0</b>
	<b>ARPA Funds</b>	<b>5,220</b>	<b>0</b>	<b>5,220</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

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# PART V



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## Variance Report

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# VARIANCE REPORT

## INTRODUCTION

The Variance Report presents for each program the absolute and percentage differences in expenditures, positions, measures of effectiveness, and program size indicators. Significant differences between the planned and the actual levels for the last completed fiscal year and the current fiscal year are explained in narrative form.

In general, the reasons for the variance tend to fall into one or more of the following areas:

### A. FORECASTING AND DATA COLLECTION METHODS

At present, the forecasting techniques used are largely based on historical data. In order to obtain more accurate projections, sophisticated and expensive modeling techniques would have to be employed to fully take into account the numerous factors that affect the courts. Such techniques are beyond the financial resources of the courts.

As to the variances reported, the initial estimate may have been inaccurate due to difficulties in forecasting. These situations have occurred most notably where data was limited or unavailable. On a more specific empirical level, a change in data collection methods may have caused further difficulties in forecasting estimated levels. However, these are generally temporary conditions which can be overcome as a larger database develops and as clear statistical patterns emerge over time.

### B. EXTERNAL TRENDS AND EVENTS

There are cases where the forecasts, given historical trends, would have been accurate but for unforeseen trends or events, external to the Judiciary, which might have caused the actual magnitude to change. These events or trends include, among others: (1) new laws enacted by the Legislature; (2) social, economic, and technological change on global, national, state, and local levels; (3) fluctuations in public and institutional attitudes toward litigation and crime; and (4) reductions in resources available to the court programs as a result of the current economic conditions of the State.

### C. OTHER FACTORS

In a few cases, it is difficult to ascertain, with any degree of exactitude, the precise cause of the variance. This ambiguity in causality happens as a result of a multitude of contributing factors that may come into play. Such factors as staff shortages, a redirection of court resources, policy changes on the part of other criminal justice agencies, or other factors that are as yet undefined all contribute in differing degrees to a variation between the actual and planned levels.

By comparing the actual and the planned, the analyst, the manager, and the decision-maker are forced to constantly reevaluate the system and thereby gain valuable information as to the activities of the system under study.

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# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE: Courts of Appeal

Program Plan ID: JUD 101

VARIANCE DETAILS

Program Structure No. 01 01 01

## PART I -- VARIANCES IN EXPENDITURES AND POSITIONS

COST (Expenditures in \$1,000's)		Fiscal Year 2021					Fiscal Year 2022				
		A Budgeted	B Actual	Change From A TO B Amount +/- %		A Budgeted	B Estimated	Change From A TO B Amount +/- %			
Research and Development	Positions, Perm										
	Positions, Temp										
	Expenditures										
Operating	Positions, Perm	73.00	71.00	2.00	-	3	78.00	78.00	0.00	+	0
	Positions, Temp	1.00	1.00	0.00	+	0	1.48	1.48	0.00	+	0
	Expenditures	7,086	7,323	237	+	3	5,759	6,021	262	+	5
Totals	Positions, Perm	73.00	71.00	2.00	-	3	78.00	78.00	0.00	+	0
	Positions, Temp	1.00	1.00	0.00	+	0	1.48	1.48	0.00	+	0
	Expenditures	7,086	7,323	237	+	3	5,759	6,021	262	+	5

## PART II VARIANCES IN MEASURES OF EFFECTIVENESS

Item No.	MEASURES OF EFFECTIVENESS	Fiscal Year 2021					Fiscal Year 2022				
		A Estimated	B Actual	Change From A TO B Amount +/- %		A Planned	B Estimated	Change From A TO B Amount +/- %			
1.	Median Time to Decision, Criminal Appeal (Mo)	13	17	4	+	31	13	14	1	+	8
2.	Median Time to Decision, Civil Appeal (Mo)	12	12	0	+	0	12	12	0	+	0
3.	Median Time to Decision, Original Proc. (Mo)	1	1	0	+	0	1	1	0	+	0

## PART III VARIANCES IN PROGRAM SIZE INDICATORS (For Lowest Level Programs Only)

Item No.	PROGRAM SIZE INDICATORS	Fiscal Year 2021					Fiscal Year 2022				
		A Estimated	B Actual	Change From A TO B Amount +/- %		A Planned	B Estimated	Change From A TO B Amount +/- %			
1.	A01 Criminal Appeals Filed	240	147	93	-	39	243	209	34	-	14
2.	A02 Civil Appeals Filed	440	364	76	-	17	445	438	7	-	2
3.	A03 Original Proceedings Filed	102	114	12	+	12	102	102	0	+	0
4.	A04 Appeals Disposed	660	499	161	-	24	665	620	45	-	7
5.	A05 Motions Filed	2,552	2,324	228	-	9	2,571	2,521	50	-	2
6.	A06 Motions Terminated	2,550	2,320	230	-	9	2,572	2,520	52	-	2

# **JUD 101 COURTS OF APPEAL**

## **PART I. VARIANCES IN EXPENDITURES AND POSITIONS**

In FY 2021, the permanent position variance was the result of normal employee turnover and related recruitment time factors. FY 2021 expenditures were higher than budgeted due to large vacation payouts associated with employee retirements, collective bargaining augmentation, and operating expenses relating to the Criminal Justice Research Institute which was established per Act 179/2019.

In the first quarter of FY 2022, the number of filled authorized positions remains reflective of normal employee turnover and recruitment time factors. The position variance for the following nine months signifies the Courts of Appeal's efforts toward the timely filling of position vacancies as they arise. Expenditure variances for FY 2022 are the result of normal procurement and operational practices.

## **PART II. VARIANCES IN MEASURES OF EFFECTIVENESS**

The Median Time to Decision, Criminal Appeals (Item 1) variance of 31% is higher than previous years due to the impact of the COVID-19 pandemic on court operations, as well as Judicial vacancies in the ICA which affected the ability to resolve appeals throughout FY 2021.

## **PART III. VARIANCES IN PROGRAM SIZE INDICATORS**

Item 1, Criminal Appeals Filed, was 39% lower than the estimated level in FY 2021 because the estimate was based on actual filings that were much higher in prior years (i.e., 255 in FY 2017, 248 in FY 2018, 286 in FY 2019, and 209 in FY 2020). This variance is likely attributed to the overall impact of the COVID-19 pandemic on filings.

Item 4, Appeals Disposed, was 24% under the planned level due to an overestimation based on the actual number of appeals disposed over the past years, (i.e., 760 in FY 2017, 668 in FY 2018, 713 in FY 2019, and 653 in FY 2020). As with the Median Time to Decision, Criminal Appeals variance, the COVID-19 pandemic, as well as Judicial vacancies, significantly affected the disposition of appeals during FY 2021.

**JUDICIARY**

STATE OF HAWAII  
PROGRAM TITLE: First Circuit

Program Plan ID: JUD 310

VARIANCE DETAILS  
Program Structure No. 01 01 02

**PART I -- VARIANCES IN EXPENDITURES AND POSITIONS**

		Fiscal Year 2021						Fiscal Year 2022					
COST (Expenditures in \$1,000's)		A Budgeted	B Actual	Change From A TO B		A Budgeted		B Estimated		Change From A TO B			
				Amount	+/-	%			Amount	+/-	%		
Research and Development	Positions, Perm												
	Positions, Temp												
	Expenditures												
Operating	Positions, Perm	1,144.50	939.00	205.50	-	18	1,143.50 *	960.00	183.50	-	16		
	Positions, Temp	58.58	30.23	28.35	-	48	58.58	30.00	28.58	-	49		
	Expenditures	86,099	87,421	1,322	+	2	66,479	71,073	4,594	+	7		
Totals	Positions, Perm	1,144.50	939.00	205.50	-	18	1,143.50 *	960.00	183.50	-	16		
	Positions, Temp	58.58	30.23	28.35	-	48	58.58	30.00	28.58	-	49		
	Expenditures	86,099	87,421	1,322	+	2	66,479	71,073	4,594	+	7		

**PART II VARIANCES IN MEASURES OF EFFECTIVENESS**

		Fiscal Year 2021						Fiscal Year 2022					
Item No.	MEASURES OF EFFECTIVENESS	A Estimated	B Actual	Change From A TO B		A Planned	B Estimated	Change From A TO B					
				Amount	+/-	%			Amount	+/-	%		
1.	Med. Time to Dispo., Cirt. Ct. Crim. Act. (Days)	500	653	153	+	31	400	600	200	+	50		
2.	Med. Time to Dispo., Cirt. Ct. Civil Act. (Days)	700	935	235	+	34	600	800	200	+	33		

**PART III VARIANCES IN PROGRAM SIZE INDICATORS (For Lowest Level Programs Only)**

		Fiscal Year 2021						Fiscal Year 2022					
Item No.	PROGRAM SIZE INDICATORS	A Estimated	B Actual	Change From A TO B		A Planned	B Estimated	Change From A TO B					
				Amount	+/-	%			Amount	+/-	%		
1.	T01 Civil Actions, Circuit Court	8,522	8,604	82	+	1	8,616	8,609	7	-	0		
2.	T02 Marital Actions	8,339	8,434	95	+	1	8,345	8,437	92	+	1		
3.	T03 Adoption Proceedings	402	401	1	-	0	421	408	13	-	3		
4.	T04 Parental Proceedings	1,606	1,722	116	+	7	1,668	1,730	62	+	4		
5.	A01 Civil Actions Filed, Circuit Court	2,005	1,655	350	-	17	2,014	1,665	349	-	17		
6.	A02 Criminal Actions Filed, Circuit Court	1,824	1,580	244	-	13	1,853	1,594	259	-	14		
7.	A03 Marital Actions Filed	3,139	3,138	1	-	0	3,169	3,148	21	-	1		
8.	A04 Traffic - Filed (thousands)	253	273	20	+	8	268	276	8	+	3		
9.	A05 Traffic - Terminated (thousands)	269	318	49	+	18	275	277	2	+	1		

# **JUD 310 FIRST CIRCUIT**

## **PART I. VARIANCES IN EXPENDITURES AND POSITIONS**

In FY 2021, in addition to position variances being affected by normal employee turnover and recruitment time factors, the COVID-19 pandemic continued to have a negative impact on filling positions as funding for over 100 permanent and temporary positions was removed in 2020 by the Legislature from the First Circuit's allocations to help with the State's economic downturn, plus hiring for new vacancies was kept at a minimum due to budget concerns.

In FY 2021, First Circuit expenditures were higher than budgeted largely due to collective bargaining increases and Community Outreach Court funds appropriated by the Legislature to the Judiciary through the Budget and Finance Department.

In the first quarter of FY 2022, the variance in the number of filled authorized positions was primarily the result of an uncertain work force environment and impacts resulting from the COVID-19 pandemic. The effects of the FY2021 reduction in funding for First Circuit's permanent and temporary positions, continue to be felt in FY 2022. Expenditure variances in the first quarter are mainly due to the timing of actual payroll disbursements and normal procurement and operational practices.

For the balance of FY 2022, action to fill vacancies and recruitment will continue to be impacted by allocation reductions and the evolving effects of the Covid-19 situation on the entire State. Estimated expenditures are expected to reflect the payments for court operational costs and funds appropriated through the Budget and Finance Department for the Community Outreach Court.

## **PART II. VARIANCES IN MEASURES OF EFFECTIVENESS**

Item 1, Medium Time to Disposition, Circuit Court Criminal Actions (Days) was 31% over the estimated level to due to an under projection of the estimated level which was based on actual numbers from prior years (i.e., 377 in FY 2018, 366 in FY 2019, and 607 in FY 2020). The increase in disposition time for FY 2021 appears to be largely attributed to the Covid-19 pandemic situation as court operations continued to be disrupted for public health and safety reasons.

Item 2, Medium Time to Disposition, Circuit Court Civil Actions (Days) was 34% over the estimated level to due to an under projection of the estimated level which was based on actual numbers from prior years (i.e., 604 in FY 2018, 601 in FY 2019, and 840 in FY 2020). The increase in disposition time for FY 2021 appears to be largely attributed to the Covid-19 pandemic situation as court operations continued to be disrupted for public health and safety reasons.

## **PART III. VARIANCES IN PROGRAM SIZE INDICATORS**

There are no significant variances to report.

# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE: Second Circuit

Program Plan ID: JUD 320

Program Structure No. 01 01 03

## VARIANCE DETAILS

### PART I -- VARIANCES IN EXPENDITURES AND POSITIONS

COST (Expenditures in \$1,000's)		Fiscal Year 2021					Fiscal Year 2022				
		A Budgeted	B Actual	Change From A TO B Amount +/- %		A Budgeted	B Estimated	Change From A TO B Amount +/- %			
Research and Development	Positions, Perm										
	Positions, Temp										
	Expenditures										
Operating	Positions, Perm	210.50	181.50	29.00	- 14	210.50	197.50	13.00	- 6		
	Positions, Temp	1.68	1.20	0.48	- 29	1.68	1.40	0.28	- 17		
	Expenditures	16,937	17,754	817	+ 5	13,001	13,556	555	+ 4		
Totals	Positions, Perm	210.50	181.50	29.00	- 14	210.50	197.50	13.00	- 6		
	Positions, Temp	1.68	1.20	0.48	- 29	1.68	1.40	0.28	- 17		
	Expenditures	16,937	17,754	817	+ 5	13,001	13,556	555	+ 4		

### PART II VARIANCES IN MEASURES OF EFFECTIVENESS

Item No.	MEASURES OF EFFECTIVENESS	Fiscal Year 2021					Fiscal Year 2022				
		A Estimated	B Actual	Change From A TO B Amount +/- %		A Planned	B Estimated	Change From A TO B Amount +/- %			
1.	Med. Time to Dispo., Circ. Ct. Crim. Act. (Days)	500	921	421	+ 84	450	600	150	+ 33		
2.	Med. Time to Dispo., Circ. Ct. Civil Act. (Days)	600	1,064	464	+ 77	550	700	150	+ 27		

### PART III VARIANCES IN PROGRAM SIZE INDICATORS (For Lowest Level Programs Only)

Item No.	PROGRAM SIZE INDICATORS	Fiscal Year 2021					Fiscal Year 2022				
		A Estimated	B Actual	Change From A TO B Amount +/- %		A Planned	B Estimated	Change From A TO B Amount +/- %			
1.	T01 Civil Actions, Circuit Court	1,628	1,692	64	+ 4	1,647	1,669	22	+ 1		
2.	T02 Marital Actions	821	770	51	- 6	840	797	43	- 5		
3.	T03 Adoption Proceedings	53	69	16	+ 30	59	60	1	+ 2		
4.	T04 Parental Proceedings	352	345	7	- 2	367	355	12	- 3		
5.	A01 Civil Actions Filed, Circuit Court	421	381	40	- 10	443	381	62	- 14		
6.	A02 Criminal Actions Filed, Circuit Court	779	810	31	+ 4	807	814	7	+ 1		
7.	A03 Marital Actions Filed	465	446	19	- 4	481	453	28	- 6		
8.	A04 Traffic - Filed (thousands)	33	25	8	- 24	33	32	1	- 3		
9.	A05 Traffic - Terminated (thousands)	36	31	5	- 14	36	36	0	+ 0		

## **JUD 320 SECOND CIRCUIT**

### **PART I. VARIANCES IN EXPENDITURES AND POSITIONS**

In FY 2021, the position variances were the result of normal employee turnover and related recruitment time factors, and a limited hiring freeze imposed by the Judiciary due to the 2020 Legislature eliminating funding for vacant positions. In FY 2021, expenditures were higher than budgeted due to collective bargaining increases which were inclusive of salary adjustments retroactive to July 2019.

In the first quarter of FY 2022, the number of filled positions reflects the continuing consequences of the COVID-19 pandemic on funding and recruitment practices, as well as the ongoing effects of normal employee turnover and recruitment time factors. Expenditures are less than budgeted due to the continued position vacancies and conservative spending practices. For the remainder of the fiscal year, expenditures should increase as vacancies are filled and operations slowly return to normal.

### **PART II. VARIANCES IN MEASURES OF EFFECTIVENESS**

The estimated Median Time to Disposition, Circuit Court Criminal Actions (Item 1) was based on the actual median times in previous fiscal years, and therefore, did not factor in the impact of the COVID-19 pandemic on case disposition rates. The variance of 84% for Item 1 can thereby be attributed largely to the effects of the COVID-19 pandemic as well as ongoing efforts to address pending older cases which also contributed significantly to the increased median time.

The reasons for the variance of 77% for Item 2, Median Time to Disposition, Circuit Court Civil Actions, are the same as those described for Item 1, Median Time to Disposition, Circuit Court Criminal Cases.

### **PART III. VARIANCES IN PROGRAM SIZE INDICATORS**

The higher than expected number of actual adoption proceedings relating to Item 3 in FY 2021 resulted in a variance of 30% when compared to the estimated number of proceedings which was based on declining numbers over the last several years. For example, there were only 33 such proceedings in FY 2019 and 36 in FY 2020.

It appears the State's COVID-19 related policies may also have affected Item 8, Traffic Filed, which shows a variance of 24% less actual traffic cases filed when compared to pre-pandemic estimated levels. With the implementation of COVID-19 restrictions, less traffic activity likely led to a corresponding decreased level of traffic cases filed.

**JUDICIARY**

STATE OF HAWAII

PROGRAM TITLE: Third Circuit

Program Plan ID: JUD 330

VARIANCE DETAILS

Program Structure No. 01 01 04

**PART I -- VARIANCES IN EXPENDITURES AND POSITIONS**

COST (Expenditures in \$1,000's)		Fiscal Year 2021					Fiscal Year 2022				
		A Budgeted	B Actual	Change From A TO B Amount +/- %		A Budgeted	B Estimated	Change From A TO B Amount +/- %			
Research and Development	Positions, Perm										
	Positions, Temp										
	Expenditures										
Operating	Positions, Perm	240.00	209.00	31.00	- 13	240.00	224.00	16.00	- 7		
	Positions, Temp	5.68	2.08	3.60	- 63	5.20	2.80	2.40	- 46		
	Expenditures	20,470	21,098	628	+ 3	15,569	15,615	46	+ 0		
Totals	Positions, Perm	240.00	209.00	31.00	- 13	240.00	224.00	16.00	- 7		
	Positions, Temp	5.68	2.08	3.60	- 63	5.20	2.80	2.40	- 46		
	Expenditures	20,470	21,098	628	+ 3	15,569	15,615	46	+ 0		

**PART II VARIANCES IN MEASURES OF EFFECTIVENESS**

Item No.	MEASURES OF EFFECTIVENESS	Fiscal Year 2021					Fiscal Year 2022				
		A Estimated	B Actual	Change From A TO B Amount +/- %		A Planned	B Estimated	Change From A TO B Amount +/- %			
1.	Med. Time to Dispo., Circ. Ct. Crim. Act. (Days)	200	269	69	+ 35	195	200	5	+ 3		
2.	Med. Time to Dispo., Circ. Ct. Civil Act. (Days)	700	762	62	+ 9	600	600	0	+ 0		

**PART III VARIANCES IN PROGRAM SIZE INDICATORS (For Lowest Level Programs Only)**

Item No.	PROGRAM SIZE INDICATORS	Fiscal Year 2021					Fiscal Year 2022				
		A Estimated	B Actual	Change From A TO B Amount +/- %		A Planned	B Estimated	Change From A TO B Amount +/- %			
1.	T01 Civil Actions, Circuit Court	2,598	2,787	189	+ 7	2,633	2,802	169	+ 6		
2.	T02 Marital Actions	1,326	1,305	21	- 2	1,350	1,325	25	- 2		
3.	T03 Adoption Proceedings	183	195	12	+ 7	187	190	3	+ 2		
4.	T04 Parental Proceedings	1,785	1,909	124	+ 7	1,789	1,881	92	+ 5		
5.	A01 Civil Actions Filed, Circuit Court	595	419	176	- 30	615	523	92	- 15		
6.	A02 Criminal Actions Filed, Circuit Court	1,204	1,138	66	- 5	1,213	1,164	49	- 4		
7.	A03 Marital Actions Filed	544	512	32	- 6	554	526	28	- 5		
8.	A04 Traffic - Filed (thousands)	37	37	0	+ 0	37	38	1	+ 3		
9.	A05 Traffic - Terminated (thousands)	38	36	2	- 5	38	38	0	+ 0		

## **JUD 330 THIRD CIRCUIT**

### **PART I. VARIANCES IN EXPENDITURES AND POSITIONS**

In FY 2021, the position variances were the result of Legislative reductions in personal services funding due to vacant positions, combined with normal employee turnover and related recruitment time factors. In FY 2021, expenditures were higher than budgeted due to collective bargaining increases which were inclusive of salary adjustments retroactive to July 2019.

In the first quarter of FY 2022, the number of filled positions reflects the continuing consequences of the Legislative reductions, funding and recruitment practices, as well as the ongoing effects of normal employee turnover and recruitment time factors. Expenditures are less than budgeted due to the continued position vacancies and conservative spending practices. For the remainder of the fiscal year, expenditures should increase as more of the vacant positions are filled.

### **PART II. VARIANCES IN MEASURES OF EFFECTIVENESS**

The estimated Median Time to Disposition, Circuit Court Criminal Actions (Item 1) was based on the actual median times in previous fiscal years, and therefore, did not factor in the impact of the COVID-19 pandemic on case disposition rates. The variance of 35% for Item 1 can thereby be attributed largely to the effects of the COVID-19 pandemic which curtailed normal court operations in light of State policies relating to health and safety concerns.

### **PART III. VARIANCES IN PROGRAM SIZE INDICATORS**

The actual number civil actions filed in FY 2021, Item 5, was 30% lower than the estimated level in FY 2021 due primarily to a continued decline in foreclosure filings. For example, new foreclosure cases filed in FY 2021 were 83, as compared to 298 in FY 2019 and 218 in FY 2020.

**JUDICIARY**

STATE OF HAWAII  
PROGRAM TITLE: Fifth Circuit

Program Plan ID: JUD 350

VARIANCE DETAILS  
Program Structure No. 01 01 05

**PART I -- VARIANCES IN EXPENDITURES AND POSITIONS**

COST (Expenditures in \$1,000's)		Fiscal Year 2021					Fiscal Year 2022				
		A Budgeted	B Actual	Change From A TO B Amount +/- %		A Budgeted	B Estimated	Change From A TO B Amount +/- %			
Research and Development	Positions, Perm										
	Positions, Temp										
	Expenditures										
Operating	Positions, Perm	103.00	86.00	17.00	- 17	103.00	95.00	8.00	- 8		
	Positions, Temp	2.60	1.60	1.00	- 38	2.60	2.60	0.00	+ 0		
	Expenditures	7,893	8,751	858	+ 11	6,077	6,174	97	+ 2		
Totals	Positions, Perm	103.00	86.00	17.00	- 17	103.00	95.00	8.00	- 8		
	Positions, Temp	2.60	1.60	1.00	- 38	2.60	2.60	0.00	+ 0		
	Expenditures	7,893	8,751	858	+ 11	6,077	6,174	97	+ 2		

**PART II VARIANCES IN MEASURES OF EFFECTIVENESS**

Item No.	MEASURES OF EFFECTIVENESS	Fiscal Year 2021					Fiscal Year 2022				
		A Estimated	B Actual	Change From A TO B Amount +/- %		A Planned	B Estimated	Change From A TO B Amount +/- %			
1.	Med. Time to Dispo., Circt. Ct. Crim. Act. (Days)	440	561	121	+ 28	420	500	80	+ 19		
2.	Med. Time to Dispo., Circt. Ct. Civil Act. (Days)	1,100	730	370	- 34	1,000	700	300	- 30		

**PART III VARIANCES IN PROGRAM SIZE INDICATORS (For Lowest Level Programs Only)**

Item No.	PROGRAM SIZE INDICATORS	Fiscal Year 2021					Fiscal Year 2022				
		A Estimated	B Actual	Change From A TO B Amount +/- %		A Planned	B Estimated	Change From A TO B Amount +/- %			
1.	TO1 Civil Actions, Circuit Court	718	585	133	- 19	744	628	116	- 16		
2.	TO2 Marital Actions	652	803	151	+ 23	669	699	30	+ 4		
3.	TO3 Adoption Proceedings	89	103	14	+ 16	92	93	1	+ 1		
4.	TO4 Parental Proceedings	572	618	46	+ 8	575	596	21	+ 4		
5.	A01 Civil Actions Filed, Circuit Court	172	134	38	- 22	191	155	36	- 19		
6.	A02 Criminal Actions Filed, Circuit Court	349	292	57	- 16	371	324	47	- 13		
7.	A03 Marital Actions Filed	186	207	21	+ 11	191	207	16	+ 8		
8.	A04 Traffic - Filed (thousands)	11	8	3	- 27	11	10	1	- 9		
9.	A05 Traffic - Terminated (thousands)	11	13	2	+ 18	12	11	1	- 8		

## **JUD 350 FIFTH CIRCUIT**

### **PART I. VARIANCES IN EXPENDITURES AND POSITIONS**

In FY 2021, position variances were the result of a reduction in personal services funding during the 2020 legislative session, normal employee turnover, and related recruitment time factors. FY 2021 actual expenditures were higher than budgeted appropriations primarily due to collective bargaining augmentation which also provided funding for retroactive salary adjustments and payouts.

In the first quarter of FY 2022, the position variance reflects the continuing impact of COVID-19 pandemic related funding reductions as well as the normal employee turnover, and recruitment time factors. The unfunded vacant positions remain a part of the vacancy counts for the entirety of FY 2022. The corresponding expenditure variances for FY 2022 are attributed to the timing of actual payment disbursements, and normal procurement and operational practices.

### **PART II. VARIANCES IN MEASURES OF EFFECTIVENESS**

The estimated Median Time to Disposition, Circuit Court Criminal Actions (Item 1) was based on the actual median times in previous fiscal years, and therefore, did not factor in the impact of the COVID-19 pandemic on case disposition rates. The variance of 28% for Item 1 can thereby be attributed largely to the effects of the COVID-19 pandemic which curtailed normal court operations in light of State policies relating to health and safety concerns.

The estimate of 1,100 days for Item 2, Median Time to Disposition, Circuit Court Civil Action (Days) is reflective of Fifth Circuit's previous efforts to address older pending cases. Therefore, comparing the estimated amount against the actual median time to disposition of 730 days, which focused on more current cases, resulted in the variance of 34%.

### **PART III. VARIANCES IN PROGRAM SIZE INDICATORS**

The higher than expected number of actual marital actions relating to Item 2 in FY 2021 resulted in a variance of 23% when compared to the estimated number of actions which was based on significantly lower levels of actions over the last several years. For example, new marital actions in FY 2021 were 803, as compared to 619 in FY 2019, and 636 in FY 2020.

Item 5, Civil Actions Filed, Circuit Court was 22% lower than the estimated level primarily due to the decreasing trend in foreclosure filings. For example, foreclosure filings went from 54 in FY 2019 to 43 in FY 2020 to 26 in FY 2021

It appears the State's COVID-19 related policies may also have affected Item 8, Traffic Filed, which shows a variance of 27% less actual traffic cases filed when compared to pre-pandemic estimated levels. With the implementation of COVID-19 restrictions, less traffic activity likely led to a corresponding decreased level of traffic cases filed.

# JUDICIARY

STATE OF HAWAII

PROGRAM TITLE: Judicial Selection Commission

Program Plan ID: JUD 501

## VARIANCE DETAILS

Program Structure No. 01 02 01

### PART I -- VARIANCES IN EXPENDITURES AND POSITIONS

COST (Expenditures in \$1,000's)		Fiscal Year 2021					Fiscal Year 2022				
		A Budgeted	B Actual	Change From A TO B Amount +/- %		A Budgeted	B Estimated	Change From A TO B Amount +/- %			
Research and Development	Positions, Perm										
	Positions, Temp										
	Expenditures										
Operating	Positions, Perm	1.00	0.00	1.00	- 100	1.00	1.00	0.00	+ 0		
	Positions, Temp	0.00	0.00	0.00	+ 0	0.00	0.00	0.00	+ 0		
	Expenditures	103	47	56	- 54	76	94	18	+ 24		
Totals	Positions, Perm	1.00	0.00	1.00	- 100	1.00	1.00	0.00	+ 0		
	Positions, Temp	0.00	0.00	0.00	+ 0	0.00	0.00	0.00	+ 0		
	Expenditures	103	47	56	- 54	76	94	18	+ 24		

### PART II VARIANCES IN MEASURES OF EFFECTIVENESS

MEASURES OF EFFECTIVENESS		Fiscal Year 2021					Fiscal Year 2022				
		A Estimated	B Actual	Change From A TO B Amount +/- %		A Planned	B Estimated	Change From A TO B Amount +/- %			
N/A											

### PART III VARIANCES IN PROGRAM SIZE INDICATORS (For Lowest Level Programs Only)

PROGRAM SIZE INDICATORS		Fiscal Year 2021					Fiscal Year 2022				
		A Estimated	B Actual	Change From A TO B Amount +/- %		A Planned	B Estimated	Change From A TO B Amount +/- %			
N/A											

## **JUD 501 JUDICIAL SELECTION COMMISSION**

### **PART I. VARIANCES IN EXPENDITURES AND POSITIONS**

In FY 2021, the position variance was due to the continuing vacancy of the Administrative Assistant position. Actual expenditures for FY 2021 were much lower than budgeted due to the vacant position.

FY 2022 first quarter expenditures are less than budgeted due to the continued position vacancy and fewer judicial vacancies. For the remainder of the fiscal year, expenditures should increase as the vacancy is filled and additional judicial vacancies occur.

### **PART II. VARIANCES IN MEASURES OF EFFECTIVENESS**

N/A.

### **PART III. VARIANCES IN PROGRAM SIZE INDICATORS**

N/A.

**JUDICIARY**

STATE OF HAWAII  
PROGRAM TITLE: Administration

Program Plan ID: JUD 601

**VARIANCE DETAILS**

Program Structure No. 01 02 02

**PART I -- VARIANCES IN EXPENDITURES AND POSITIONS**

		Fiscal Year 2021					Fiscal Year 2022				
COST (Expenditures in \$1,000's)		A Budgeted	B Actual	Change From A TO B Amount +/- %		A Budgeted	B Estimated	Change From A TO B Amount +/- %			
Research and Development	Positions, Perm										
	Positions, Temp										
	Expenditures										
Operating	Positions, Perm	227.00	203.00	24.00	- 11	227.00	209.00	18.00	- 8		
	Positions, Temp	18.48	14.48	4.00	- 22	18.48	16.48	2.00	- 11		
	Expenditures	31,004	31,981	977	+ 3	26,463	26,100	363	- 1		
Totals	Positions, Perm	227.00	203.00	24.00	- 11	227.00	209.00	18.00	- 8		
	Positions, Temp	18.48	14.48	4.00	- 22	18.48	16.48	2.00	- 11		
	Expenditures	31,004	31,981	977	+ 3	26,463	26,100	363	- 1		

**PART II VARIANCES IN MEASURES OF EFFECTIVENESS**

		Fiscal Year 2021					Fiscal Year 2022				
Item No.	MEASURES OF EFFECTIVENESS	A Estimated	B Actual	Change From A TO B Amount +/- %		A Planned	B Estimated	Change From A TO B Amount +/- %			
1.	Average Time to Process JUDHR001 Form (days)	5	5	0	+ 0	5	5	0	+ 0		
2.	Average Time to Process Payment Document (days)	5	5	0	+ 0	5	5	0	+ 0		

**PART III VARIANCES IN PROGRAM SIZE INDICATORS (For Lowest Level Programs Only)**

		Fiscal Year 2021					Fiscal Year 2022				
Item No.	PROGRAM SIZE INDICATORS	A Estimated	B Actual	Change From A TO B Amount +/- %		A Planned	B Estimated	Change From A TO B Amount +/- %			
1.	A01 Number of Payment Documents Processed	32,000	26,146	5,854	- 18	27,000	27,000	0	+ 0		
2.	A02 Number of Recruitment Announcements	100	612	512	+ 512	1,200	1,200	0	+ 0		
3.	A03 Number of JUDHR001 Forms Processed	6,700	8,984	2,284	+ 34	3,000	3,000	0	+ 0		
4.	A04 Library - Size of Collections (000's)	285	295	10	+ 4	295	295	0	+ 0		
5.	A05 Library - Circulation, Trans & Ref Use (000's)	30	88	58	+ 193	50	50	0	+ 0		
6.	A06 Library - Patrons Served (000's)	9	3	6	- 67	4	4	0	+ 0		

## **JUD 601 ADMINISTRATION**

### **PART I. VARIANCES IN EXPENDITURES AND POSITIONS**

In FY 2021, position variances were the result of normal employee turnover, recruitment time factors, and a carryover of the 2020 Legislature elimination of funding for vacant positions. The expenditure variance for the fiscal year is greater than budgeted due to collective bargaining related increases which include salary adjustments and payouts retroactive to July 2019 that were appropriated through different bills, and therefore not reflected in the budgeted amounts.

In the first quarter of FY 2022, the variance in the number of filled authorized positions is again a carryover from the previous year and the inability to fill positions due to the removal of funding for vacant positions. Expenditure variances are a result of contractual and other significant operational obligations that are incurred early in the fiscal year. The payment of these financial requirements in the first quarter results in the proportionately lower level of operating expenses projected for the remainder of the fiscal year.

### **PART II. VARIANCES IN MEASURES OF EFFECTIVENESS**

None.

### **PART III. VARIANCES IN PROGRAM SIZE INDICATORS**

Item 2, Number of Recruitment Announcements, was 512 percent higher than estimated due to a much greater level of recruitment activity than originally anticipated for FY 2021. The estimate for the number of recruitment announcements was made in the early stages of the COVID-19 pandemic and therefore reflected the full impact of the Judiciary's hiring freeze and the uncertainty of future recruitment practices. The variance noted in Item 2, signifies recruitment transitioning back to more normal levels as restrictions were eased and funding became available.

Item 3, Number of JUDHR001 Forms Processed, was 34% higher than estimated levels due to Legislative funding that was received in September 2020 for negotiated pay increases that were retroactive to July 1, 2019. Estimated number of forms processed was based on new actions to effectuate these retroactive pay increases.

Item 5, Library Circulation, Transactions and Reference Use, was 193% more than estimated due to the increase in digital transactions in terms of accessing library resources via the website, online FAQs, and virtual reference desk, due to the pandemic.

Item 6, Library Patrons Served, was 67% lower than estimated levels because of the closure of the law library initially and then limited accessibility via appointments due to the pandemic.

