

JAN 26 2022

A BILL FOR AN ACT

RELATING TO ELECTRONIC CITATIONS.

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

1 SECTION 1. The legislature finds that paper citations are
2 plagued by numerous deficiencies, such as untimely delivery of
3 citations from law enforcement agencies to the judiciary, and
4 difficulty in deciphering handwritten notes. In many instances,
5 these deficiencies lead to the dismissal of traffic citations or
6 delays in access to citations by the person who was cited.

7 The legislature further finds that electronic citation
8 technology provides numerous benefits to law enforcement, the
9 judiciary, and to the general public. These benefits include:

10 (1) Improved efficiency and accuracy in the issuance of
11 citations, which contributes to officer and motorist
12 safety by reducing the time spent on the ticketing
13 process, which often occurs in precarious roadside
14 locations;

15 (2) Easier-to-read citations;

16 (3) Improved efficiency and accuracy in citation data
17 entry into law enforcement and the judiciary's record



1 management systems, since electronic citations can
2 reduce redundant data entries;

3 (4) Elimination of in-person deliveries or mailing of
4 paper citations from police districts to the courts,
5 leading to faster access to citations for violators to
6 pay fines online or in person; and

7 (5) Improved traffic safety due to the availability of
8 electronic citation data analyses, such as types of
9 violations, geolocations, times of issuance, and other
10 related data points.

11 The legislature recognizes that a statewide electronic
12 citation system will streamline processes and that the time
13 savings will allow law enforcement to spend less time on
14 paperwork and data entry and more time on responding to calls
15 and community concerns.

16 The legislature further recognizes that an electronic
17 citation system will assist the judiciary in reducing clerical
18 issues, processing delays, and citation dismissals.

19 The purpose of this Act is to:



- (1) Establish an electronic citation special fund to support a statewide electronic citation program under the judiciary;
- (2) Establish an electronic citation surcharge to be assessed to various traffic violations;
- (3) Require that the fees from the electronic citation surcharge be deposited into the electronic citation special fund;
- (4) Require the judiciary to adopt procedures to distribute moneys from the electronic citation special fund to the respective law enforcement agencies and the administrative director of the courts to defray expenses related to the establishment, implementation, operation, oversight, repair and maintenance of an electronic citation program; and
- (5) Authorize the judiciary to distribute moneys in the electronic citation special fund in accordance with the adopted procedures.

SECTION 2. Chapter 249, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:



1 "§249- Electronic citation surcharge. In addition to
2 any other penalties ordered by the court, a person who violates
3 any provision under this chapter shall be ordered to pay an
4 electronic citation surcharge of \$5 per violation. Any person
5 so ordered shall pay the surcharge to the clerk of the court.
6 The surcharge shall be deposited with the director of finance,
7 who shall credit the surcharge to the electronic citation
8 special fund established under section 291C-C."

9 SECTION 3. Chapter 286, Hawaii Revised Statutes, is
10 amended by adding a new section to be appropriately designated
11 and to read as follows:

12 "§286- Electronic citation surcharge. In addition to
13 any other penalties ordered by the court, a person who violates
14 any provision under this chapter shall be ordered to pay an
15 electronic citation surcharge of \$5 per violation. Any person
16 so ordered shall pay the surcharge to the clerk of the court.
17 The surcharge shall be deposited with the director of finance,
18 who shall credit the surcharge to the electronic citation
19 special fund established under section 291C-C."



1 SECTION 4. Chapter 290, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§290- Electronic citation surcharge. In addition to
5 any other penalties ordered by the court, a person who violates
6 any provision under this chapter shall be ordered to pay an
7 electronic citation surcharge of \$5 per violation. Any person
8 so ordered shall pay the surcharge to the clerk of the court.
9 The surcharge shall be deposited with the director of finance,
10 who shall credit the surcharge to the electronic citation
11 special fund established under section 291C-C."

12 SECTION 5. Chapter 291, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§291- Electronic citation surcharge. In addition to
16 any other penalties ordered by the court, a person who violates
17 any provision under this chapter shall be ordered to pay an
18 electronic citation surcharge of \$5 per violation. Any person
19 so ordered shall pay the surcharge to the clerk of the court.
20 The surcharge shall be deposited with the director of finance,



1 who shall credit the surcharge to the electronic citation
2 special fund established under section 291C-C."

3 SECTION 6. Chapter 291C, Hawaii Revised Statutes, is
4 amended by adding a new part to be appropriately designated and
5 to read as follows:

6 "PART . ELECTRONIC CITATION PROGRAM

7 §291C-A Definition. As used in this part, "electronic
8 citation" means the process of transmitting traffic,
9 misdemeanor, or other citations and law enforcement data via
10 electronic means to the clerk of the court.

11 §291C-B Electronic citation surcharge. (a) In addition
12 to any other penalties ordered by the court, a person who
13 violates any provision under this chapter shall be ordered to
14 pay an electronic citation surcharge of \$5 per violation.

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

18 §291C-C Electronic citation program; electronic citation
19 special fund; established. (a) There is established within the
20 judiciary an electronic citation program that shall be funded
21 and sustained through the electronic citation special fund.



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

3 (1) Electronic citation surcharges collected pursuant to
4 traffic violations, infractions and crimes;

5 (2) Appropriations by the legislature to the electronic
6 citation special fund; and

7 (3) All moneys received from public or private sources for
8 the purposes of the electronic citation special fund.

9 (c) Moneys in the electronic citation special fund shall
10 be distributed by the judiciary, in accordance with procedures
11 adopted pursuant to subsection (d), to the respective law
12 enforcement agencies and the administrative director of the
13 courts to defray expenses related to the establishment,
14 implementation, operation, oversight, repair and maintenance of
15 an electronic citation program.

16 (d) The judiciary shall adopt procedures to implement this
17 section. These procedures shall establish a formula by which
18 the moneys in the electronic citation special fund shall be
19 distributed to the respective law enforcement agencies and the
20 administrative director of the courts, and provide how each



1 recipient of the funds shall expend the moneys for the purposes
2 of the electronic citation program."

3 SECTION 7. Chapter 291E, Hawaii Revised Statutes, is
4 amended by adding a new section to be appropriately designated
5 and to read as follows:

6 "§291E- Electronic citation surcharge. In addition to
7 any other penalties ordered by the court, a person who violates
8 any provision under this chapter shall be ordered to pay an
9 electronic citation surcharge of \$5 per violation. Any person
10 so ordered shall pay the surcharge to the clerk of the court.
11 The surcharge shall be deposited with the director of finance,
12 who shall credit the surcharge to the electronic citation
13 special fund established under section 291C-C."

14 SECTION 8. Chapter 431:10C, Hawaii Revised Statutes, is
15 amended by adding a new section to be appropriately designated
16 and to read as follows:

17 "§431:10C- Electronic citation surcharge. In addition
18 to any other penalties ordered by the court, a person who
19 violates any provision under this chapter shall be ordered to
20 pay an electronic citation surcharge of \$5 per violation. Any
21 person so ordered shall pay the surcharge to the clerk of the



1 court. The surcharge shall be deposited with the director of
2 finance, who shall credit the surcharge to the electronic
3 citation special fund established under section 291C-C."

4 SECTION 9. Chapter 431:10G, Hawaii Revised Statutes, is
5 amended by adding a new section to be appropriately designated
6 and to read as follows:

7 "§431:10G- Electronic citation surcharge. In addition
8 to any other penalties ordered by the court, a person who
9 violates any provision under this chapter shall be ordered to
10 pay an electronic citation surcharge of \$5 per violation. Any
11 person so ordered shall pay the surcharge to the clerk of the
12 court. The surcharge shall be deposited with the director of
13 finance, who shall credit the surcharge to the electronic
14 citation special fund established under section 291C-C."

15 SECTION 10. Section 291D-9, Hawaii Revised Statutes, is
16 amended as follows:

17 1. By amending subsection (a) to read:

18 "(a) A person found to have committed a traffic infraction
19 shall be assessed an electronic citation surcharge of \$5 per
20 violation. A person found to have committed a traffic
21 infraction or emergency period infraction shall be assessed a



1 monetary assessment not to exceed the maximum fine specified in
2 the law or rule defining the traffic infraction or emergency
3 period infraction. The court shall consider a person's
4 financial circumstances, if disclosed, in determining the
5 monetary assessment."

6 2. By amending subsection (c) to read:

7 "(c) In addition to any monetary assessment imposed for a
8 traffic infraction or an emergency period infraction^[7] and the
9 cost for an electronic citation surcharge, the court may impose
10 additional assessments for:

11 (1) Failure to pay a monetary assessment by the scheduled
12 date of payment; or

13 (2) The cost of service of a penal summons issued pursuant
14 to this chapter."

15 SECTION 11. There is appropriated out of the electronic
16 citation special fund the sum of \$, or so much thereof
17 as may be necessary for fiscal year 2022-2023 for the
18 establishment, implementation, operation, oversight, repair and
19 maintenance of an electronic citation program.

20 The sum appropriated shall be expended and distributed by
21 the judiciary for the purposes of this Act; provided that the



1 funds appropriated shall not lapse at the end of the fiscal year
2 for which it was appropriated.

3 SECTION 12. In codifying the new sections added by
4 section 6 of this Act, the revisor of statutes shall substitute
5 appropriate section numbers for the letters used in designating
6 the new sections in this Act.

7 SECTION 13. This Act does not affect rights and duties
8 that matured, penalties that were incurred, and proceedings that
9 were begun before its effective date.

10 SECTION 14. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 15. This Act shall take effect on January 1, 2023.

13
INTRODUCED BY:

 SC Kirk-Allen



S.B. NO. 3227

Report Title:

Electronic Citation Program; Surcharge; Appropriation

Description:

Creates an electronic citation program under the judiciary and establishes an electronic citation surcharge. Appropriates funds. Effective 1/1/2023.

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

