

JAN 19 2024

A BILL FOR AN ACT

RELATING TO THE COMMUNITY OUTREACH COURT.

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

1 SECTION 1. The legislature finds that increased
2 homelessness on the island of Oahu has led to more arrests and
3 citations for nonviolent crimes. These crimes include drinking
4 liquor in public; being in public parks after hours;
5 trespassing; and illegal lodging on sidewalks, beaches, and in
6 other public places. Many persons who receive citations are
7 unable to attend court or have misplaced their paperwork due to
8 the transient and unstable nature of homelessness. When a
9 person fails to appear for court and has no known address, the
10 courts are left with no option but to issue a bench warrant.
11 This can be traumatic for the person and expends law enforcement
12 officers' time and resources.

13 To help address these issues, the judiciary, office of the
14 public defender, and department of the prosecuting attorney of
15 the city and county of Honolulu established a community outreach
16 court project to make court appearances more accessible to
17 homeless persons. The legislature formalized the community



1 outreach court in Act 55, Session Laws of Hawaii 2017. The
2 court's goal is to assist nonviolent offenders who are charged
3 with offenses that disproportionately impact the homeless
4 community. Court sessions are held in community locations where
5 large homeless populations are located. The court can resolve
6 active charges and utilize alternative sentencing in cases where
7 the offender is unable to pay fines and fees. Resolving a
8 person's pending cases, and avoiding bench warrants, leaves the
9 person in a better position to obtain basic necessities,
10 including employment, income assistance, and housing. Community
11 outreach court social workers can also assess the person to
12 determine their need for mental health services, substance abuse
13 treatment, sustenance or shelter assistance, or other
14 appropriate social services. The social worker can also help
15 arrange other referred services.

16 The legislature recognizes that the community outreach
17 court program has been successful. Since its inception, the
18 program has addressed more than ten thousand cases, recalled
19 more than nine hundred bench warrants, lifted more than six
20 thousand driver license stoppers, and assisted more than six
21 hundred participants with social services or referrals.



1 Accordingly, the purpose of this Act is to permanently
2 establish and appropriate moneys for the community outreach
3 court as a division of the district court of the first circuit.

4 SECTION 2. The Hawaii Revised Statutes is amended by
5 adding a new chapter to be appropriately designated and to read
6 as follows:

7 "CHAPTER

8 COMMUNITY OUTREACH COURT

9 § -1 Community outreach court; establishment. (a) The
10 community outreach court is established as a division of the
11 district court of the first circuit.

12 (b) The community outreach court shall be held at any duly
13 designated location within the first judicial circuit by any
14 designated judge of the community outreach court.

15 § -2 Jurisdiction. (a) The community outreach court
16 shall have concurrent jurisdiction with all district courts of
17 the first circuit to consider and adjudicate nonviolent,
18 non-felony criminal and traffic offenses, including traffic
19 infractions under chapter 291D, charged to offenders deemed
20 appropriate, after application and acceptance, for participation
21 in the community outreach court.



1 (b) In any case in which it has jurisdiction, the
2 community outreach court shall exercise general equity powers as
3 authorized by law. Nothing in this chapter shall be construed
4 to limit the jurisdiction and authority of any judge designated
5 as a judge of the community outreach court on matters within the
6 scope of this chapter.

7 § -3 Principles and components of the court. The
8 community outreach court shall:

- 9 (1) Facilitate the early identification and timely
10 placement of eligible offenders;
- 11 (2) Foster cooperation between the prosecuting attorney
12 and defense attorney to resolve cases;
- 13 (3) Utilize alternative sentencing, including community
14 service sentences, and support the offender's
15 participation in programs based on the person's needs,
16 including mental health services, substance abuse
17 treatment, sustenance or shelter assistance, or other
18 social services;
- 19 (4) Establish a coordinated strategy to respond to an
20 offender's compliance or noncompliance with the
21 offender's sentence; and



1 (5) Encourage partnerships between the court, public
2 agencies, community-based organizations, and other
3 entities, to maximize the court's effectiveness.

4 § -4 Rules. The supreme court shall adopt rules
5 regarding the administration, operation, and procedures of the
6 community outreach court."

7 SECTION 3. Act 55, Session Laws of Hawaii 2017, is
8 repealed.

9 SECTION 4. In accordance with section 9 of article VII, of
10 the Constitution of the State of Hawaii and sections 37-91 and
11 37-93, Hawaii Revised Statutes, the legislature has determined
12 that the appropriations contained in this Act will cause the
13 state general fund expenditure ceiling for fiscal year 2024-2025
14 to be exceeded by \$, or per cent. The reasons
15 for exceeding the general fund expenditure ceiling are that the
16 appropriations made in this Act are necessary to serve the
17 public interest and to meet the needs provided for by this Act.

18 SECTION 5. There is appropriated out of the general
19 revenues of the State of Hawaii the sum of \$854,900 or so much
20 thereof as may be necessary for fiscal year 2024-2025 to



1 establish permanent positions in support of the community
2 outreach court, including:

- 3 (1) \$96,100 each for four full-time equivalent (4.0 FTE)
4 court clerk positions;
- 5 (2) \$72,500 for one full-time equivalent (1.0 FTE) court
6 bailiff position;
- 7 (3) \$81,500 for one full-time equivalent (1.0 FTE) adult
8 client services branch judicial clerk V position; and
- 9 (4) \$105,500 each for three full-time equivalent (3.0 FTE)
10 adult client services position.

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

13 SECTION 6. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$250,000 or so much
15 thereof as may be necessary for fiscal year 2024-2025 for two
16 full-time equivalent (2.0 FTE) deputy sheriff positions to
17 support the community outreach court.

18 The sum appropriated shall be expended by the department of
19 law enforcement for the purposes of this Act.

20 SECTION 7. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of \$288,500 or so much



1 thereof as may be necessary for fiscal year 2024-2025 for
2 permanent positions in support of the community outreach court,
3 including:

- 4 (1) \$131,000 for one full-time equivalent (1.0 FTE) deputy
5 public defender;
- 6 (2) \$87,500 for one full-time equivalent (1.0 FTE)
7 paralegal; and
- 8 (3) \$70,000 for one full-time equivalent (1.0 FTE) social
9 worker or mental health worker, assigned to the office
10 of the public defender.

11 The sum appropriated shall be expended by the office of the
12 public defender for the purposes of this Act.

13 SECTION 8. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$310,000 or so much
15 thereof as may be necessary for fiscal year 2024-2025 for
16 permanent positions in support of the community outreach court,
17 including:

- 18 (1) \$170,000 for one full-time equivalent (1.0 FTE) deputy
19 prosecuting attorney;
- 20 (2) \$80,000 for one full-time equivalent (1.0 FTE)
21 paralegal; and



1 (3) \$60,000 for one full-time equivalent (1.0 FTE) legal
2 assistant.

3 The sum appropriated shall be expended by the office of the
4 prosecuting attorney of the city and county of Honolulu for the
5 purposes of this Act.

6 SECTION 9. There is appropriated out of the general
7 revenues of the State of Hawaii the sum of \$40,000 or so much
8 thereof as may be necessary for fiscal year 2024-2025 for the
9 operations of the community outreach court, including security,
10 equipment, training, and other operational needs.

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

13 SECTION 10. This Act does not affect rights and duties
14 that matured, penalties that were incurred, and proceedings that
15 were begun before its effective date.



1 SECTION 11. This Act shall take effect on July 1, 2024.

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INTRODUCED BY:

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S.B. NO. 2856

Report Title:

Judiciary; Community Outreach Court; Homeless; Appropriation;
General Fund Expenditure Ceiling Exceeded

Description:

Permanently establishes and appropriates moneys for the Community Outreach Court as a division of the District Court of the First Circuit. Declares that the appropriations exceed the state general fund expenditure ceiling for 2024-2025.

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

