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# 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 offenses include  
4 drinking 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 court paperwork  
8 due to the transient and unstable nature of homelessness. When  
9 a 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 cited person and expends law  
12 enforcement 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 court  
16 outreach project to make court appearances more accessible for  
17 homeless persons. The legislature formalized a community court



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

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





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 public defender to resolve cases;
- 13 (3) Impose alternative sentencing, including community  
14 service sentences, and support the offender's  
15 participation in programs based on the offender's  
16 needs, including mental health services, substance  
17 abuse treatment, sustenance or shelter assistance, or  
18 other 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 SECTION 3. Act 55, Session Laws of Hawaii 2017, is  
5 repealed.

6 SECTION 4. In accordance with section 9 of article VII of  
7 the Hawaii State Constitution and sections 37-91 and 37-93,  
8 Hawaii Revised Statutes, the legislature has determined that the  
9 appropriations contained in Act 164, Regular Session of 2023,  
10 and this Act will cause the state general fund expenditure  
11 ceiling for fiscal year 2024-2025 to be exceeded by  
12 \$ or per cent. This current declaration takes  
13 into account general fund appropriations authorized for fiscal  
14 year 2024-2025 in Act 164, Regular Session of 2023, and this Act  
15 only. The reasons for exceeding the general fund expenditure  
16 ceiling are that:

17 (1) The appropriation made in this Act is necessary to  
18 serve the public interest; and

19 (2) The appropriation made in this Act meets the needs  
20 addressed by this Act.



1 SECTION 5. There is appropriated out of the general  
2 revenues of the State of Hawaii the sum of \$ or so  
3 much thereof as may be necessary for fiscal year 2024-2025 to  
4 establish permanent positions in support of the community  
5 outreach court, including:

6 (1) \$ each for four full-time equivalent (4.0  
7 FTE) court clerk positions;

8 (2) \$ for one full-time equivalent (1.0 FTE)  
9 court bailiff position;

10 (3) \$ for one full-time equivalent (1.0 FTE)  
11 adult client services branch judicial clerk V  
12 position; and

13 (4) \$ each for three full-time equivalent (3.0  
14 FTE) adult client services position.

15 The sum appropriated shall be expended by the judiciary for  
16 the purposes of this Act.

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



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

3 SECTION 7. There is appropriated out of the general  
4 revenues of the State of Hawaii the sum of \$ or so  
5 much thereof as may be necessary for fiscal year 2024-2025 for  
6 permanent positions in support of the community outreach court,  
7 including:

8 (1) \$ for one full-time equivalent (1.0 FTE)  
9 deputy public defender;

10 (2) \$ for one full-time equivalent (1.0 FTE)  
11 paralegal; and

12 (3) \$ for one full-time equivalent (1.0) FTE)  
13 social worker or mental health worker, assigned to the  
14 office of the public defender.

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

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



- 1           (1)   \$                   for one full-time equivalent (1.0 FTE)
- 2                   deputy prosecuting attorney;
- 3           (2)   \$                   for one full-time equivalent (1.0 FTE)
- 4                   paralegal; and
- 5           (3)   \$                   for one full-time equivalent (1.0 FTE)
- 6                   legal assistant.

7           The sum appropriated shall be expended by the office of the  
 8 prosecuting attorney of the city and county of Honolulu for the  
 9 purposes of this Act.

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

15           The sum appropriated shall be expended by the judiciary for  
 16 the purposes of this Act.

17           SECTION 10. This Act does not affect rights and duties  
 18 that matured, penalties that were incurred, and proceedings that  
 19 were begun before its effective date.



**1** SECTION 11. This Act shall take effect on July 1, 3000.



**Report Title:**

Judiciary; Community Outreach Court; Homelessness;  
Appropriation; Expenditure Ceiling

**Description:**

Permanently establishes and appropriates funds for the Community Outreach Court as a division of the District Court of the First Circuit. Effective 7/1/3000. (HD1)

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

