
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 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 may resolve
6 active charges and impose alternative sentencing in cases where
7 the offender is unable to pay fines and fees. Resolving an
8 offender's pending cases, and avoiding bench warrants, leaves
9 the offender in a better position to obtain basic necessities,
10 including employment, income assistance, and housing. Community
11 court outreach social workers may also assess offender needs for
12 mental health services, substance abuse treatment, sustenance or
13 shelter assistance, or other appropriate social services. The
14 social worker may also help arrange other referred services.

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



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

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

8 "CHAPTER

9 COMMUNITY OUTREACH COURT

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

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

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



1 appropriate, after application and acceptance, for participation
2 in the community outreach court.

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

9 § -3 Principles and components of the court. The
10 community outreach court shall:

- 11 (1) Facilitate the early identification and timely
12 placement of eligible offenders;
- 13 (2) Foster cooperation between the prosecuting attorney
14 and public defender to resolve cases;
- 15 (3) Impose alternative sentencing, including community
16 service sentences, and support the offender's
17 participation in programs based on the offender's
18 needs, including mental health services, substance
19 abuse treatment, sustenance or shelter assistance, or
20 other social services;



1 (4) Establish a coordinated strategy to respond to an
2 offender's compliance or noncompliance with the
3 offender's sentence; and

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

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

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



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

3 SECTION 5. 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 to
6 establish permanent positions in support of the community
7 outreach court, including:

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

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

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

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

17 The sum appropriated shall be expended by the judiciary for
18 the purposes of this Act.

19 SECTION 6. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$ or so
21 much thereof as may be necessary for fiscal year 2024-2025 for



1 two full-time equivalent (2.0 FTE) deputy sheriff positions to
2 support the community outreach court.

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

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

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

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

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

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

19 SECTION 8. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$ or so
21 much thereof as may be necessary for fiscal year 2024-2025 for



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

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

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

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

17 The sum appropriated shall be expended by the judiciary for
18 the purposes of this Act.

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



1 SECTION 11. This Act shall take effect on July 1, 2050.



Report Title:

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

Description:

Permanently establishes and appropriates moneys relating to 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 2024-2045. Effective
7/1/2050. (SD2)

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not legislation or evidence of legislative intent.*

