

The Judiciary, State of Hawai'i

Testimony to the Thirty-Second State Legislature, 2023 Regular Session

Committee on Transportation & Culture and the Arts

Senator Chris Lee, Chair

Senator Lorraine R. Inouye, Vice Chair

February 14, 2023, 3:15 p.m.

Conference Room 224 & Via Videoconference

WRITTEN TESTIMONY ONLY

By:

Michelle D. Acosta

Deputy Chief Court Administrator

District Court of the First Circuit

Bill No. and Title: Senate Bill No. 224, Relating to Noise Control.

Purpose: Allows for noise control infractions to be processed under the traffic and emergency period infractions adjudication process. Grants the district court concurrent jurisdiction over noise control infractions committed by minors.

Judiciary's Position:

The Judiciary takes no position on the intent of this measure. There are operational concerns regarding this bill that may impact the courts. This bill would allow counties to designate noise-related ordinances as "noise control infractions" that would be processed by the courts as a traffic infraction under Chapter 291D, Hawaii Revised Statutes. The Judiciary understands that excessive noise pollution is a serious problem, especially in urban areas, however as there are currently no ordinances designated as noise control infractions, the Judiciary is concerned that the designation of vast numbers of ordinances would overwhelm the traffic violations bureaus throughout the state. If this were to happen, the Judiciary may need additional resources from the legislature.

It should be noted that many of the current noise control ordinances enacted by the counties are criminal violations in which a citation is issued to the person. Although violations follow the same process as a criminal case, the penalty is a fine and the violation does not appear on a person's criminal record. The Judiciary has established procedures to process these citations.

The Judiciary would be open to participating in a working group to determine how the designation of noise control ordinances would impact the courts and how the process should be created.

If this legislation proceeds, the Judiciary respectfully requests a technical amendment to this measure in Section 6, page 15, lines 17-21:

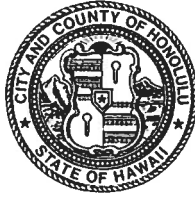
“There shall be included with the notice of traffic infraction [~~or~~], notice of emergency period infraction, or notice of noise control infraction a preaddressed envelope directed to the traffic [~~and~~], ~~emergency period, and noise control~~ violations bureau of the applicable district court.”

The Judiciary requests that the envelope remain directed to the traffic violations bureau as there is no need for this change. The Judiciary also request that the effective date be January 1, 2024 to allow the Judiciary time to prepare the necessary changes to the Judiciary Information Management System which will be required to design, code and test a new type of infraction.

Thank you for the opportunity to testify on this measure.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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OUR REFERENCE **RP-SH**

February 14, 2023

The Honorable Chris Lee, Chair
and Members
Committee on Transportation and Culture
and the Arts
State Senate
Hawaii State Capitol
415 South Beretania Street, Room 224
Honolulu, Hawaii 96813

Dear Chair Lee and Members:

SUBJECT: Senate Bill No. 224, Relating to Noise Control

I am Randall Platt, Major of District 6 of the Honolulu Police Department (HPD),
City and County of Honolulu.

The HPD supports Senate Bill No. 224, Relating to Noise Control.

This bill allows for noise control infractions to be processed under the traffic and
emergency period infractions adjudication process. It also grants the district court
concurrent jurisdiction over noise control infractions committed by minors.

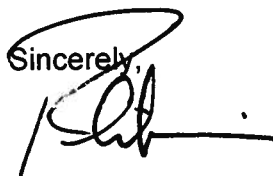
The HPD supports adding "noise control infractions" to Chapter 291D of the Hawaii
Revised Statutes as a means of expeditiously processing these infractions through the
judicial system.

The HPD urges you to support Senate Bill No. 224, Relating to Noise Control.

Thank you for the opportunity to testify.

APPROVED:


Arthur J. Logan
Chief of Police

Sincerely,

Randall Platt, Major
District 6

DEPARTMENT OF THE PROSECUTING ATTORNEY
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THE HONORABLE CHRIS LEE, CHAIR
SENATE COMMITTEE ON TRANSPORTATION
AND CULTURE AND THE ARTS
Thirty-Second State Legislature
Regular Session of 2023
State of Hawai'i

February 14, 2023

RE: S.B. 224; RELATING TO NOISE CONTROL.

Chair Lee, Vice-Chair Inouye and members of the Senate Committee on Transportation and Culture and the Arts, the Department of the Prosecuting Attorney, City and County of Honolulu (“Department”), submits the following testimony in **strong support** of S.B. 224. This measure is part of the Department’s 2023 legislative package, and we thank you for hearing it.

The purpose of S.B. 224 is to establish a means by which “noise control infractions”—if any are enacted by the State or counties, in the future—could be enforced, by expanding the existing adjudication process that is used for traffic and emergency period infractions.

Due to the number of high-density areas and urbanization on Oahu—and the frequency of legitimate noise complaints that occur all over the island—it is our understanding that the City & County of Honolulu would like to enact and enforce noise-control *infractions*, when it is determined that the matter does not rise to the level of a (criminal) petty misdemeanor offense under existing laws. Using this approach, citations could be issued for noise control infractions, then paid (online or via mail) *or* contested via civil adjudication, the way traffic tickets are currently handled.

Not only would this provide another tool for graduated levels of enforcement, it would also provide an expedited and less resource-intensive enforcement mechanism when appropriate. Like traffic tickets, the Department (and other county prosecutors) would only get involved if the court makes a finding in favor of the State, and the defendant requests a “trial de novo,” which can be likened to a small-scale criminal trial with a lower standard of proof.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu **strongly supports** the passage of S.B. 224. Thank you for the opportunity to testify on this matter.