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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 the worsening  
2 problem of homelessness on Oahu has led to residents being cited  
3 or arrested for drinking liquor in public, being in public parks  
4 after hours, trespassing, illegal camping on sidewalks and other  
5 public areas, and other non-violent or status offenses. Many of  
6 those cited are unable to attend court or have misplaced their  
7 paperwork due to the transient and unstable nature of  
8 homelessness. When a person fails to appear for court and has  
9 no known address, courts are left with no option but to issue a  
10 bench warrant.

11           Under Act 55, Session Laws of Hawaii 2017, the judiciary,  
12 the office of the public defender, and the department of the  
13 prosecuting attorney of the city and county of Honolulu  
14 established a community outreach court project. The goal of the  
15 community outreach court is to assist non-violent offenders who  
16 are charged with offenses that disproportionately impact the  
17 homeless community by making court attendance more accessible



1 through holding court in community locations where offenders are  
2 found, resolving any active charges, and utilizing alternative  
3 sentences such as community service work in cases where prior  
4 court judgments could not be satisfied and offenders lack the  
5 present ability to pay fines and fees. By resolving these  
6 cases, the participants are in a better position to obtain basic  
7 necessities such as jobs, income assistance, and housing. The  
8 community outreach court social worker assesses offenders for  
9 participation in programs deemed appropriate based upon an  
10 offender's need for mental health services, substance abuse  
11 treatment, sustenance, shelter, or other appropriate available  
12 social services and assists the offenders in obtaining and  
13 voluntarily participating in these referred services.

14 The legislature finds that the community outreach court  
15 program has been successful. Since its inception, the program  
16 has addressed over ten thousand cases, recalled over nine  
17 hundred bench warrants, lifted more than seven thousand driver  
18 license stoppers, and provided assistance to over six hundred  
19 participants at community-based sites in the judicial districts  
20 where participants may live or have access to mental health  
21 services, substance abuse treatment, sustenance, shelter, or



1 other social services and who have completed more than seven  
2 thousand community service work hours.

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

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

9 **"CHAPTER**

10 **COMMUNITY OUTREACH COURT**

11 **§ -1 Definitions.** As used in this chapter:

12 "Community outreach court" means a division of the district  
13 court of the first circuit that shall address cases brought  
14 before it for non-violent, nonfelony offenders in which the  
15 prosecuting attorney and public defender have reached plea  
16 agreements.

17 "Prosecuting attorney" means:

- 18 (1) The prosecuting attorney for the city and county of  
19 Honolulu; or



1 (2) Any deputy prosecuting attorney of the department of  
2 the prosecuting attorney of the city and county of  
3 Honolulu.

4 "Public defender" means the public defender or any deputy  
5 public defender of the office of the public defender, including  
6 any court-appointed private attorney appearing on behalf of a  
7 defendant based on a conflict with the office of the public  
8 defender.

9 § -2 **Community outreach court; establishment.** (a) The  
10 community outreach court shall be established as a division of  
11 the district court of the first circuit.

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

15 § -3 **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 nonfelony criminal and traffic offenses, including traffic  
19 infractions under chapter 291D, charged to offenders who have  
20 been deemed appropriate, after application and acceptance, for  
21 participation 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 § -4 **Principles and components of the court.** The  
8 community outreach court shall:

- 9 (1) Emphasize the early identification and timely  
10 placement of eligible offenders;
- 11 (2) Encourage cooperation between the prosecuting attorney  
12 and public defender to resolve cases;
- 13 (3) Prioritize alternative sentencing for offenders, such  
14 as community service and participation in programs  
15 based upon the offender's need for mental health  
16 services, substance abuse treatment, sustenance,  
17 shelter, or other social services and the offender's  
18 willingness to voluntarily participate in those  
19 programs;
- 20 (4) Facilitate the establishment of a coordinated strategy  
21 by the community outreach court to respond to an



1 offender's compliance or noncompliance with the  
2 offender's sentence; and

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

6 § -5 **Court process.** (a) The court shall hold hearings  
7 at community sites to dispose of cases for which the prosecuting  
8 attorney and public defender have negotiated and reached plea  
9 agreements on the disposition of the defendants.

10 (b) Only cases involving nonviolent, nonfelony offenses  
11 under state law and city ordinance shall be heard and disposed  
12 of by the community outreach court.

13 (c) The public defender shall engage a social service or  
14 health care professional to provide outreach services to  
15 defendants charged with nonviolent, nonfelony offenses who:

- 16 (1) Are willing to participate in the court;  
17 (2) Are willing to be represented by the public defender;  
18 and  
19 (3) May benefit from participation in the court.

20 After consulting with the social service or health care  
21 professional, the public defender shall develop a list of the



1 defendants who are potential participants in the court and  
2 transmit the list to the prosecuting attorney.

3 (d) The prosecuting attorney shall review the list and may  
4 select from the list those defendants who the prosecuting  
5 attorney determines may be appropriate for participation in the  
6 court. The prosecuting attorney shall enter into plea agreement  
7 negotiations with the public defender for the disposition of the  
8 defendants' cases that the prosecuting attorney determines are  
9 appropriate.

10 (e) The plea agreement for a defendant may include a fine,  
11 community service, court-ordered treatment, other court-ordered  
12 conditions, or any other action that the court has the authority  
13 to take and deems appropriate.

14 (f) At the hearing, the court may finalize the plea  
15 agreement by court order or judgment; provided that the court  
16 shall not be bound by the proposed disposition in the plea  
17 agreement."

18 SECTION 3. Act 55, Session Laws of Hawaii 2017, is  
19 repealed.

20 SECTION 4. There is appropriated out of the general  
21 revenues of the State of Hawaii the sum of \$ or so



1 much thereof as may be necessary for fiscal year 2025-2026 and  
2 the same sum or so much thereof as may be necessary for fiscal  
3 year 2026-2027 to establish permanent positions in support of  
4 the community outreach court, including:

5 (1) \$ \_\_\_\_\_ each for two full-time equivalent (2.0  
6 FTE) court clerk positions;

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

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

12 (4) \$ \_\_\_\_\_ each for three full-time equivalent (3.0  
13 FTE) adult client services social worker positions.

14 The sums appropriated shall be expended by the judiciary  
15 for the purposes of this Act.

16 SECTION 5. There is appropriated out of the general  
17 revenues of the State of Hawaii the sum of \$ \_\_\_\_\_ or so  
18 much thereof as may be necessary for fiscal year 2025-2026 and  
19 the same sum or so much thereof as may be necessary for fiscal  
20 year 2026-2027 for two full-time equivalent (2.0 FTE) deputy  
21 sheriff positions to support the community outreach court.



1 The sums appropriated shall be expended by the judiciary  
2 for the purposes of this Act.

3 SECTION 6. 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 2025-2026 and  
6 the same sum or so much thereof as may be necessary for fiscal  
7 year 2026-2027 for permanent positions in support of the  
8 community outreach court, including:

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

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

13 (3) \$ for one full-time equivalent (1.0 FTE)  
14 social service or mental health care professional  
15 assigned to the office of the public defender.

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

18 SECTION 7. There is appropriated out of the general  
19 revenues of the State of Hawaii the sum of \$ or so  
20 much thereof as may be necessary for fiscal year 2025-2026 and  
21 the same sum or so much thereof as may be necessary for fiscal



1 year 2026-2027 for the operations of the community outreach  
2 court, including:

3 (1) \$ for security through a contracted service  
4 provider;

5 (2) \$ for facilities and associated costs,  
6 including for use of the Waianae Public Library;

7 (3) \$ for equipment, including laptops and a  
8 mobile hotspot for internet access;

9 (4) \$ for transportation costs, including a van  
10 and associated parking costs; and

11 (5) \$ for other miscellaneous operational needs,  
12 including driver permit workbooks, printer cartridges,  
13 pencils, erasers, pens, markers, paper towels, and  
14 other office supplies.

15 The sums appropriated shall be expended by the judiciary  
16 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 2025-2026 and  
20 the same sum or so much thereof as may be necessary for fiscal  
21 year 2026-2027 as a grant-in-aid for permanent positions in the



1 office of the prosecuting attorney of the city and county of  
2 Honolulu in support of the community outreach court, 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 sums appropriated shall be expended by the office of  
10 the prosecuting attorney of the city and county of Honolulu for  
11 the purposes of this Act.

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

15 SECTION 10. This Act shall take effect on April 23, 2057.



# S.B. NO. 361 S.D. 2

**Report Title:**

Judiciary; Community Outreach Court; Homelessness;  
Appropriations

**Description:**

Permanently establishes and appropriates funds for the Community Outreach Court as a division of the District Court of the First Circuit. Effective 4/23/2057. (SD2)

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

