



**WRITTEN TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-THIRD LEGISLATURE, 2025**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 361, S.D. 1, RELATING TO THE COMMUNITY OUTREACH COURT.

**BEFORE THE:**

SENATE COMMITTEE ON WAYS AND MEANS

**DATE:** Wednesday, February 26, 2025      **TIME:** 10:03 a.m.

**LOCATION:** State Capitol, Room 211 and Videoconference

**TESTIFIER(S):**      **WRITTEN TESTIMONY ONLY.**

(For more information, contact Mark S. Tom,  
Deputy Attorney General, at (808) 586-1500)

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Chair Dela Cruz and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments and recommended amendments.

The purpose of this bill is to permanently establish, and appropriate funds for, the Community Outreach Court, as a division of the District Court of the First Circuit.

The Community Outreach Court is a specialty court created through the collaboration of the Judiciary, Office of the Public Defender, and the Department of the Prosecuting Attorney of the City and County of Honolulu. This court began as an independent and unfunded pilot project among the three agencies and later received legislative support through Act 55, Session Laws of Hawaii 2017 (Act 55). The unique aspect of this court is its streamlined process, involving limited stakeholders to effectively assist its target population.

The Department recognizes the positive impact this court has on the target population and supports the continued collaboration among the three agencies currently involved. Since late 2023, the Department has undertaken the prosecution of all state-initiated cases. Although the Department was not initially included in Act 55, it has worked closely with the existing stakeholders to ensure all state-initiated cases are considered for the Community Outreach Court.

Based on an agreement reached between the Department of the Prosecuting Attorney of the City and County of Honolulu, Office of the Public Defender, and the Department of the Attorney General, the Department recommends the following revisions to the bill:

1. In section 2 of the bill, on page 3, line 17, to page 4, line 6, in the definition of "prosecuting attorney" in section -1 of the new chapter, **delete paragraphs (3) and (4), to read as follows:**  
"Prosecuting attorney" means:
  - (1) The prosecuting attorney for the city and county of Honolulu;  
and
  - (2) Any deputy prosecuting attorney of the department of the prosecuting attorney of the city and county of Honolulu.
2. In section 2 of the bill, on page 7, lines 9-12, in the second sentence of section -5(d) of the new chapter, **delete the reference to the Department** being included in plea agreement negotiations, as follows (shown in Ramseyer compared to the bill):  
"The prosecuting attorney [~~or representative of the attorney general~~] shall enter into plea agreement negotiations with the public defender for disposition of defendants' cases that the prosecuting attorney determines are appropriate."
3. **Delete section 7 of the bill**, on page 10, lines 1 to 9, which makes appropriations to establish one full-time equivalent deputy attorney general tasked with duties for the community outreach court. The subsequent sections will need to be renumbered accordingly.

We believe the Department's current process in the District Court of the First Circuit remains the most effective and efficient method for addressing state-initiated cases involving individuals interested in the Community Outreach Court. Expanding the definition of "prosecuting attorney" to include the Attorney General and deputy attorneys general would unnecessarily complicate the existing processes.

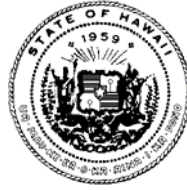
**In the alternative**, if the Committee decides to proceed with including the Department of the Attorney General within the definition of "prosecuting attorney," we recommend deleting the following sections in the proposed new chapter: "**§ -1 Definitions**" (page 3, line 11, to page 4, line 11), "**§ -4 Principles and components of the court**" (page 5 line 10, to page 6, line 8), "**§ -5 Court process**" (page 6, line 9, to page 7, line 20), and adding a rule section similar to section 604A-3, Hawaii Revised Statutes, for Environmental Court, to read as follows:

**§ -3 Policies and procedures.** The agencies involved shall jointly adopt policies and procedures regarding the administration, operation, and procedures of the Community Outreach Court.

All agencies involved with the Community Outreach Court have shown a willingness to continue working collaboratively to expand and strengthen this successful program. These amendments to the bill would allow for greater flexibility in adjusting policies and procedures as agreed upon by the current agencies involved and allow for participation by other agencies in the future.

Thank you for the opportunity to provide comments on this bill.

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



RYAN I. YAMANE  
DIRECTOR  
KA LUNA HO'OKELE

JOSEPH CAMPOS II  
DEPUTY DIRECTOR  
KA HOPE LUNA HO'OKELE

STATE OF HAWAII  
KA MOKU'ĀINA O HAWAI'I  
**DEPARTMENT OF HUMAN SERVICES**  
KA 'OIHANA MĀLAMA LAWELAWE KANAKA  
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TRISTA SPEER  
DEPUTY DIRECTOR  
KA HOPE LUNA HO'OKELE

February 25, 2025

TO: The Honorable Senator Donovan Dela Cruz, Chair  
Senate Committee on Ways and Means

FROM: Ryan I. Yamane, Director

SUBJECT: **SB 361 SD1 – RELATING TO THE COMMUNITY OUTREACH COURT.**

Hearing: February 26, 2025, 10:03 a.m.  
Conference Room 211 & Videoconference, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) supports this bill and defers to the Judiciary, the Office of the Public Defender, and the Department of the Prosecuting Attorney. The community outreach court process assists non-violent individuals in addressing their pending legal issues that can be barriers to employment or the ability to secure housing. The community outreach court is a successful example of cross-branch collaboration to reduce homelessness, and it improves the public trust in the government.

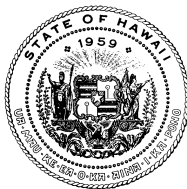
**PURPOSE:** This bill permanently establishes and appropriates funds for the Community Outreach Court as a division of the District Court of the First Circuit. Effective 4/23/2057. (SD1)

The Committee on Judiciary amended the measure by

- (1) Inserting an effective date of April 23, 2057, to encourage further discussion; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

Thank you for the opportunity to provide comments on this measure.

JOSH B. GREEN, M.D.  
GOVERNOR OF HAWAII  
KE KIA'ĀINA O KA  
MOKU'ĀINA 'O HAWAI'I



Katherine Aumer, PhD  
COUNCIL CHAIRPERSON  
LUNA HO'OMALU O KA PAPA

**STATE OF HAWAI'I  
DEPARTMENT OF HEALTH  
KA 'OIHANA OLAKINO  
STATE COUNCIL ON MENTAL HEALTH  
P.O. Box 3378, Room 256  
HONOLULU, HAWAII 96801-3378**

**STATE COUNCIL ON MENTAL HEALTH  
Testimony to the Senate Committee on Ways and Means  
In Support of S.B. 361 S.D. 1  
RELATING TO COMMUNITY OUTREACH COURT  
February 26, 2025 10:03 a.m., Room 211 and Video**

**CHAIRPERSON**  
Katherine Aumer, PhD

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Kathleen Merriam,  
LCSW CSAC

**2<sup>nd</sup> VICE CHAIRPERSON**  
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Jackie Jackson, CFPS  
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Ray Rice, MEd  
Asianna Saragosa-Torres  
Forrest Wells, MSCP, LMHC  
Kristin Will, MACL, CSAC

**EX-OFFICIO:**

Marian Tsuji, Deputy Director  
Behavioral Health  
Administration

Chair Dela Cruz, Vice-Chair Moriwaki, and Members of the Committee:

Hawaii law, HRS §334-10, established the State Council on Mental Health as a 21-member body to advise on the allocation of resources, statewide needs, and programs affecting more than one county as well as to advocate for adults with serious mental illness, children with serious emotional disturbances, individuals with mental illness or emotional problems, including those with co-occurring substance abuse disorders. Members are residents from diverse backgrounds representing mental health service providers and recipients, students and youth, parents, and family members. Members include representatives of state agencies on mental health, criminal justice, housing, Medicaid, social services, vocational rehabilitation, and education. Members include representatives from the Hawaii Advisory Commission on Drug Abuse and Controlled Substances and county service area boards on mental health and substance abuse.

The State Council on Mental Health ("Council") fully supports SB361 SD1. This legislation acknowledges the success of the Community Outreach Court (COC) project in O'ahu and takes a crucial step toward establishing it as a permanent program.

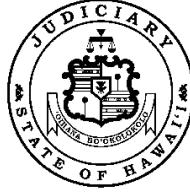
The Council recognizes that individuals experiencing homelessness or transience often encounter legal challenges stemming from circumstances beyond their control. A permanent COC provides an essential alternative to traditional legal proceedings, preventing unnecessary and costly entanglements with the criminal justice system. This approach prioritizes public health, rehabilitation, and cost-effectiveness while ensuring that individuals receive appropriate support rather than punitive measures.

By solidifying the COC as a long-term solution, this measure not only enhances the well-being of affected individuals but also reduces strain on law enforcement, courts, and public resources. It represents a forward-thinking strategy that aligns with evidence-based practices for addressing homelessness and mental health challenges in our communities.

For these reasons, the Council strongly urges the passage of this measure. Thank you for the opportunity to testify in support. Should you have any questions, please contact us at [DOH.SCMHChairperson@doh.hawaii.gov](mailto:DOH.SCMHChairperson@doh.hawaii.gov).

VISION: A Hawaii where people of all ages with mental health challenges can enjoy recovery in the community of their choice.

MISSION: To advocate for a Hawaii where all persons affected by mental illness can access necessary treatment and support to live full lives in the community of their choice.



## *The Judiciary, State of Hawai'i*

### **Testimony to the Thirty-Third Legislature, 2025 Regular Session**

#### **Senate Committee on Ways and Means**

Senator Donovan M. Dela Cruz, Chair

Senator Sharon Y. Moriwaki, Vice Chair

Wednesday, February 26, 2025 at 10:03 a.m.

State Capitol, Senate Conference Room 211 & Videoconference

by

Thomas A. K. Haia

District Court, First Circuit

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**Bill No. and Title:** Senate Bill No. 361, SD1, Relating to the Community Outreach Court.

**Purpose:** Permanently establishes and appropriates funds for the Community Outreach Court as a division of the District Court of the First Circuit.

#### **Judiciary's Position:**

The Judiciary offers its unconditional support for and urges the passage of SB361, SD1, Relating to the Community Outreach Court. Since 2017, with the passage of Act 55, Community Outreach Court has reached hundreds of our most vulnerable population, those dealing with poverty and homelessness.

SB361, SD1 is an opportunity for Community Outreach Court to become a permanent court in the First Circuit. Since its inception, Community Outreach Court has been instrumental in helping its participants address legal matters through alternative sentences like community service work hours and has provided participants a warm handoff to social service providers in order to help them get back on their feet. Additionally, staff have created "LEAP" for participants unable to complete physical community service work. LEAP, which stands for, Learning Empowerment Action Program, offers instruction in resume building, budgeting, time management, test taking and information about alternative means of transportation – other than driving for those who are unlicensed. It's a wonderful program for participants to learn life skills to move themselves forward toward a better future.

Following the House Committee on Judiciary and Hawaiian Affairs hearing on the House Version of SB 361, HB280, HD1, the agencies agreed to cooperatively work together through



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Senate Committee on Ways and Means  
Wednesday, February 26, 2025  
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memoranda of understanding and/or agreement in order to smoothly coordinate the resolution of cases prosecuted by the Department of the Attorney General through Community Outreach Court.

Passage of SB361, SD1 also offers an opportunity to expand the court's reach by adding additional sites to its existing ones, which include the Hawai'i Health Harm and Reduction Center in Kaka'ako, the Mō'ili'ili-McCully Public Library near Waikīkī, Lili'uokalani Trust kipuka in Kāne'ohe and Waimānalo, as well as the Wai'anae Public Library.

As Chief Justice Recktenwald highlighted during his State of the Judiciary Address, there is a continuing need for the Judiciary to evolve as our society does. In this regard, the chief justice spoke of Community Outreach Court's meeting people in the communities where they live, from Wai'anae to Waimānalo. With the passage of SB361 SD1, Community Outreach Court will become permanent and its efforts can be built upon and expanded. Imagine holding court in our community parks, at beach parks, in areas where many unsheltered communities exist.

Since its inception under the late Judge Darolyn Lendio, Community Outreach Court has helped more than six hundred participants, cleared nearly eleven thousand cases, lifted more than seven thousand license stoppers and recalled more than 900 bench warrants. And, with the passage of SB361, the court looks forward to doing much more.

In order to honor the agencies' agreement to remove the Department of the Attorney General from the definition of "Prosecutor" and to permit consistency between the Senate and House versions of the bill, the Judiciary humbly suggests the following amendments to language of SB360 SD1 as follows:

1. Delete paragraphs 3 and 4 from the definition of Prosecutor at lines 4 through 6 on page 4.
2. For the sake of consistency, utilize the term "defendant" as opposed to "offender" in order to conform the Senate and House versions to one another.
3. Delete the entirety of Section 7, page 10, lines 1 through 9, referring to the Department of the Attorney General.
4. Amend the language in paragraph 5(d) by replacing the entire paragraph with the following language: "The prosecuting attorney shall review the potential participant list and may select from the list those defendants who the prosecuting attorney determines may be appropriate for participation in the court. The prosecuting attorney shall enter into plea agreement negotiations with the public defender for disposition of defendant's cases that the prosecuting attorney determines are appropriate."





Senate Bill No. 361, SD1, Relating to the Community Outreach Court  
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The Judiciary looks forward to the passage of SB361 SD1 in order to further its goal of providing equal access to justice for those vulnerable members of our community. Along with our partners, including Legal Aid Society of Hawai‘i, America Job Center, Lifeline Cell Service, the Department of Human Services and others, we look forward to the passage of this legislation in order to continue this essential work.

The Judiciary strongly supports passage of SB361, SD1. Thank you for the opportunity to offer testimony in support of this measure.



**The Institute for Human Services, Inc.**  
Ending the Cycle of Homelessness

**TO:** Honorable Senator Donovan M. Dela Cruz  
Chair, Senate Committee on Ways and Means  
  
Honorable Senator Sharon Y. Moriwaki  
Vice Chair, Senate Committee on Ways and Means

**FROM:** Angie Knight, Community Relations Manager  
IHS, Institute for Human Services, Inc.

**RE:** SB 361 SD1 - RELATING TO THE COMMUNITY OUTREACH COURT.

**DATE:** February 3, 2025

**POSITION:** IHS supports the passing of SB 361 SD1

Aloha Chair and Committee members,

IHS, The Institute for Human Services, supports the passing of SB361 SD1 to permanently establish the Community Outreach Court. The Community Outreach Court exists to help connect individuals with non-violent offenses to opportunities for bettering of self and resources to stable, permanent housing.

Community Outreach Court's intention is to divert individuals from further involvement in the criminal justice system to resources focused on rehabilitation and community integration. By intervening earlier, potential barriers can be snuffed before they become even more limiting or daunting to face/overcome on one's own. Many people who have lost their housing quickly accumulate citations, fines, and criminal records for nonviolent, misdemeanor offenses such as expired vehicle registrations, sitting or lying on sidewalks, or remaining in parks after hours. Fines and criminal history then become a barrier to gainful employment and housing.

With the emphasis on community-based organization (CBO) support for individuals participating in Community Outreach Court, we suggest including monetary support to ensure CBOs can provide dedicated staff to share available resources or service opportunities.

Mahalo for the opportunity to testify.

# Opportunity for Youth Action Hawai'i

February 26, 2025

Senate Committee on Ways and Means

Hearing Time: 10:03 AM

Location: State Capitol Conference Room 211

Re: SB361, Relating to The Community Outreach Court

Aloha e Chair Dela Cruz, Vice Chair Moriwaki, and members of the Committee:

On behalf of the Opportunity for Youth Action Hawai'i hui, we are writing in **support of SB361, SD1, relating to the community outreach court**. This bill permanently establishes and appropriates funds for the Community Outreach Court as a division of the District Court of the First Circuit.

Permanently establishing a community outreach court with a dedicated function for those who cannot consistently access court appointments is a significant step forward in improving efficiency and equity within our judicial system. It further ensures that offenders are not ingrained in the criminal justice system by the issuance of bench warrants. Given that homeless individuals, specifically youth, often lack reliable transportation and other effective means to attend court, they are disproportionately affected by strict court attendance requirements.

A steady court record with multiple bench warrants not only perpetuates legal struggles but also significantly impedes reintegration efforts and makes it more difficult for individuals to secure employment and stability. By permanently implementing a community outreach court, we can begin to change the cyclical relationship between homelessness and criminal charges and provide a pathway toward rehabilitation rather than repeated punishment. Ultimately, we see this proposal as a highly beneficial addition to the criminal justice system and hope the state will ensure its establishment.

Opportunity for Youth Action Hawai'i is a collaboration of organizations and individuals committed to reducing the harmful effects of a punitive incarceration system for youth; promoting equity in the justice system; and improving and increasing resources to address adolescent and young adult mental health needs. We seek to improve the continuity of programs and services for youth and young adults transitioning from minor to adult status; eliminate youth homelessness and housing market discrimination against young adults; and promote and fund more holistic and culturally informed approaches among public/private agencies serving youth.

**Please support SB361, SD1.**

**SB-361-SD-1**

Submitted on: 2/21/2025 1:54:55 PM

Testimony for WAM on 2/26/2025 10:03:00 AM

Submitted By	Organization	Testifier Position	Testify
Kim Jorgensen	Individual	Support	Written Testimony Only

Comments:

I SUPPORT this much needed bill.

**SB-361-SD-1**

Submitted on: 2/21/2025 12:58:09 PM

Testimony for WAM on 2/26/2025 10:03:00 AM

Submitted By	Organization	Testifier Position	Testify
Denise Boisvert	Individual	Support	Written Testimony Only

Comments:

I FULLY SUPPORT this much needed bill.

**SB-361-SD-1**

Submitted on: 2/24/2025 7:01:24 PM

Testimony for WAM on 2/26/2025 10:03:00 AM

Submitted By	Organization	Testifier Position	Testify
Ellen Awai	Individual	Support	Written Testimony Only

## Comments:

I stand in support of SB361 SD1. Volunteering in 2010 for the Mental Health Court before my Masters Degree in 2011, was basically a waste of time for myself, as well as those attending the court weekly. The Judge greeted the individual attendees asking how they were doing or they're weekend, but really being culturally different, not many locals could really converse with him in fear that they would say anything wrong. Then they are just referred to the probation officer, who really had no skills in talking to people and didn't follow up on her duties of following up on curfews, etc. She refused to let me talk with people individually since I couldn't be trusted apparently. Although, I knew the Supervisor and the social worker involved, I could have helped individuals, way more effectively sharing my lived experiences and the fact I had created the Hawaii Certified Peer Specialist and changed people's lives. Proper supervision of another court would be necessary to be more culturally appropriate for the local crowds or multicultural groups that would be sent to these courts. Mahalo for letting me share!