



## *The Judiciary, State of Hawai‘i*

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

#### **Senate Committee on Judiciary**

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Thursday, January 30, 2025 at 9:15 a.m.

State Capitol, House Conference Room 016 & Videoconference

by

Thomas A. K. Haia

District Court, First Circuit

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**Bill No. and Title:** Senate Bill No. 361, Relating to 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 relating to 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 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.

In addition to the existing role of the Office of the Prosecuting Attorney representing the State of Hawai‘i in cases initiated by the Honolulu Police Department, HB280 offers an opportunity to expand its reach by including the newly created Department of Law



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Enforcement's cases in its calendars, which cases are handled by the Department of the Attorney General.

Passage of SB361 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, 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.

The Judiciary looks forward to the passage of SB361 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. Thank you for the opportunity to offer testimony in support of SB361.

JON N. IKENAGA  
STATE PUBLIC DEFENDER

**DEFENDER COUNCIL**  
1130 NORTH NIMITZ HIGHWAY  
SUITE A-254  
HONOLULU, HAWAII 96817

**HONOLULU OFFICE**  
1130 NORTH NIMITZ HIGHWAY  
SUITE A-254  
HONOLULU, HAWAII 96817

**APPEALS SECTION**  
TEL. NO. 586-2080

**DISTRICT COURT SECTION**  
TEL. NO. 586-2100

**FAMILY COURT SECTION**  
TEL. NO. 586-2300

**FELONY SECTION**  
TEL. NO. 586-2200

**FAX (808) 586-2222**



**STATE OF HAWAII**  
**OFFICE OF THE PUBLIC DEFENDER**

**HAYLEY CHENG**  
ASSISTANT PUBLIC  
DEFENDER

**HILO OFFICE**  
275 PONAHAHAWA STREET  
HILO, HAWAII 96720  
TEL. NO. 974-4571  
FAX NO. 974-4574

**KONA OFFICE**  
82-6127 MAMALAHOA HIGHWAY  
P.O. BOX 1219  
CAPTAIN COOK, HAWAII 96704  
TEL. NO. 323-7562  
FAX NO. 323-7565

**KAUAI OFFICE**  
3060 IWA STREET  
LIHUE, HAWAII 96766  
TEL. NO. 274-3418  
FAX NO. 274-3422

**MAUI OFFICE**  
81 N. MARKET STREET  
WAILUKU, HAWAII 96793  
TEL. NO. 984-5018  
FAX NO. 984-5022

January 29, 2025

Committee on Judiciary  
Rep. Karl Rhoads, Chair  
Rep. Mike Gabbard, Vice Chair  
415 South Beretania Street, Conf. Rm. 016  
State Capital  
Honolulu, HI 96813

**LATE**

Re: Testimony in Support of S.B. 361  
Hearing: January 30, 2025, 9:15 AM

Dear Chair Marten, Vice Chair Olds and Committee Members:

This letter is in support of S.B. 361 which would permanently establish and appropriate moneys for the Community Outreach Court ("COC") as a division of the District Court of the First Circuit.

Since 2017, the Office of the Public Defender ("OPD"), the Department of the Prosecuting Attorney and the Judiciary have worked in concert to assist nonviolent offenders resolve pending and adjudicated offenses through alternative sentencing, including community service. COC has been instrumental in recalling and reducing the amount of outstanding and stagnant bench warrants and resolving thousands of pending cases with positive outcomes for both the offender and the community. The burden on law enforcement has been reduced through recalled bench warrants and penal summons that previously languished unserved. Participants who were previously unable to attend court due to financial and/or the inability to travel have attended court to address their cases. And both the community and offender benefitted greatly from completed community service.

COC provides a vital service to the community. Not only is the court able to clear thousands of unresolved cases that would have otherwise remained pending, but social service providers also assist COC participants at no cost to the taxpayer. By the time the participants graduate from COC, the graduates are entrenched in or one step closer to stable housing, employment and have had their legal matters resolved. These milestones are necessary to end the cycle of homelessness which COC is tackling, one participant at a time. The permanent establishment of COC is integral and necessary for our community.

Thank you for taking these comments into consideration.

Sincerely,  
/s/ Taryn Tomasa  
Deputy Public Defender

DEPARTMENT OF THE PROSECUTING ATTORNEY  
KA 'OIHANA O KA LOIO HO'OPI'I  
CITY AND COUNTY OF HONOLULU

ALII PLACE  
1060 RICHARDS STREET • HONOLULU, HAWAII 96813  
PHONE: (808) 768-7400 • FAX: (808) 768-7515 • WEBSITE: [www.honoluluprosecutor.org](http://www.honoluluprosecutor.org)

**LATE**

STEVEN S. ALM  
PROSECUTING ATTORNEY  
LOIO HO'OPI'I



THOMAS J. BRADY  
FIRST DEPUTY PROSECUTING ATTORNEY  
HOPE MUA LOIO HO'OPI'I

THE HONORABLE KARL RHOADS, CHAIR  
SENATE COMMITTEE ON JUDICIARY  
Thirty-Third State Legislature  
Regular Session of 2025  
State of Hawai'i  
January 29, 2025

**RE: S.B. 361; RELATING TO THE COMMUNITY OUTREACH COURT.**

Chair Rhoads, Vice Chair Gabbard, and members of the Senate Committee on the Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony, **supporting in principle** S.B. 361.

The Department certainly supports the concept of Community Outreach Court and its successful history. We further support any additional personnel needs, which the Public Defender, Judiciary, and this Department believe are necessary to continue and expand the program.

Since 2016—and pursuant to law since 2017—the Community Outreach Court (aka Community Court Outreach) project has worked as a joint partnership between this Department, the Department of the Public Defender and the Judiciary, to assist certain non-violent individuals in the First Circuit, who have little or no income, and are thus unable to pay the fines on their (typically very long list of) past and pending traffic cases. *The overarching goal of this program is to “help [these] nonviolent offenders...to obtain basic services and necessities, like food and shelter”*<sup>1</sup> (emphasis added), with the added benefit of quickly and efficiently clearing large numbers of cases from the District Court caseload, and large numbers of outstanding bench warrants, with minimal use of government resources.

In its current form, Community Outreach Court has already “addressed [meaning resolved and closed] more than [10,000] cases, recalled more than [900] bench warrants, lifted more than [6,000] driver license stoppers, and assisted more than [600] participants with social services or referrals.” (See H.B. 1954, p. 2, lns. 18-21.) Currently, the program is operating at

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<sup>1</sup> See Act 55, Session Laws of Hawaii 2017, p. 3, lns. 15-17. Available online at [https://www.capitol.hawaii.gov/session/archives/measure\\_indiv\\_Archives.aspx?billtype=SB&billnumber=718&year=2017](https://www.capitol.hawaii.gov/session/archives/measure_indiv_Archives.aspx?billtype=SB&billnumber=718&year=2017); last accessed January 31, 2024.

only three locations—Waianae, Honolulu and Kaneohe—but we understand there are plans to expand to more locations, or meet more frequently at the existing locations, to increase the program’s reach and capacity. That is the reason for requesting increased funding and personnel.

We are pleased that this year’s bill includes section 5 specifying the court process. Notably, the current bill includes language consistent with ACT 55 section 4 ensuring that “only cases involving nonviolent, nonfelony offenses under state law and city ordinance shall be heard and disposed of by the community outreach court.” However, the Department of the Prosecuting Attorney believes that clarification is necessary concerning the process for reviewing cases under section 5(d) on page 7. The prosecuting attorney will review the list of cases for City and County of Honolulu cases to determine defendants eligible for participation in the Community Outreach Court. The prosecuting attorney will further enter into plea negotiations with the public defender for disposition of defendants’ cases that the prosecuting attorney determined were appropriate.

Similarly, the Attorney General should review the list of State cases to determine defendants eligible for participation in the Community Outreach Court. The Attorney General will further enter plea negotiations with the public defender for disposition of defendants’ cases that the Attorney General determined were appropriate.

In many cases, these defendants are not interchangeable. The Department of the Prosecuting Attorney should have the sole discretion to negotiate its cases with the Office of the Public Defender. If there are instances where both agencies have different cases involving the same defendant then the agencies should confer to coordinate plea negotiations with the public defender.

Thank you for this opportunity to testify on S.B. 361.



## **SB361 Outreach Court**

### **COMMITTEE ON JUDICIARY**

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Thursday, Jan 30, 2025: 9:15: Room 016 Videoconference

## **Hawaii Substance Abuse Coalition Supports SB361:**

*ALOHA CHAIR, VICE CHAIR, AND DISTINGUISHED COMMITTEE MEMBERS. My name is Alan Johnson. I am the current chair of the Hawaii Substance Abuse Coalition (HSAC), a statewide organization for substance use disorder and co-occurring mental health disorder treatment and prevention agencies and recovery-oriented services.*

HSAC supports Alternative sentencing of offenders for established needs for substance abuse treatment and mental health services following shelter or other social services.

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*Formal substance abuse treatment such as residential and intensive outpatient is still the most effective approach to achieve functionality and lasting recovery for offenders and community people.*

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Substance use disorder treatment coupled with mental health services is essential for offenders because it addresses the underlying issues that often contribute to criminal behavior and helps break the cycle of addiction and recidivism. Here's why this is important:

1. **High Rates of Substance Abuse Among Offenders:** Many offenders struggle with substance use disorders. Studies show that a significant proportion of crimes, including theft, assault, and drug-related offenses, are committed under the influence of drugs or alcohol.
2. **Reduces Recidivism:** Treating substance abuse can lower the likelihood of reoffending. Offenders who receive effective treatment are more likely to develop coping skills and lead crime-free lives after release.
3. **Addresses Root Causes of Criminal Behavior:** Substance abuse often coexists with mental health issues, trauma, or socioeconomic challenges.

Treatment programs can provide a comprehensive approach to addressing these interconnected factors.

4. **Improves Public Safety:** By helping offenders overcome addiction, substance abuse treatment reduces the risk of substance-fueled criminal activity, thereby improving community safety.

5. **Economic Benefits:** Providing treatment is often less expensive than incarceration. It also reduces the costs associated with repeated arrests, court proceedings, and imprisonment.

6. **Promotes Rehabilitation:** Substance abuse treatment supports offenders in reintegrating into society, securing employment, and rebuilding relationships, which are crucial for long-term success.

7. **Legal Mandates and Support:** Courts increasingly mandate substance abuse treatment as part of sentencing or probation, recognizing its importance in addressing criminal behavior effectively.

By addressing addiction, offenders are given an opportunity to rebuild their lives, contributing positively to society rather than being trapped in cycles of crime and incarceration.

We appreciate the opportunity to provide testimony and are available for questions.

# Opportunity for Youth Action Hawai'i

# KAWAIILOA

January 30th, 2025

Senate Committee on Judiciary

Hearing Time: 9:15 AM

Location: State Capitol Conference Room 16

Re: SB361, Relating to The Community Outreach Court

Aloha e Chair Rhoads, Vice Chair Gabbard, and members of the Committee:

On behalf of the Opportunity for Youth Action Hawai'i hui, we are writing in **support of SB361 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. This challenge is especially prevalent among homeless youth accused of non-violent crimes, who are often victims of their circumstances rather than reckless neglect of their responsibilities.

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**