
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.



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

§ -4 Principles and components of the court. The community outreach court shall:

- (1) Emphasize the early identification and timely placement of eligible offenders;
- (2) Encourage cooperation between the prosecuting attorney and public defender to resolve cases;
- (3) Prioritize alternative sentencing for offenders, such as community service and participation in programs based upon the offender's need for mental health services, substance abuse treatment, sustenance, shelter, or other social services and the offender's willingness to voluntarily participate in those programs;
- (4) Facilitate the establishment of a coordinated strategy 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)

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