

ACT 5

S.B. NO. 3080

A Bill for an Act Relating to the Judiciary.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. This Act shall be known and may be cited as the Judiciary Supplemental Appropriations Act of 2020.

SECTION 2. Act 38, Session Laws of Hawaii 2019, is amended by amending part II to read as follows:

“PART II. PROGRAM APPROPRIATIONS

SECTION 3. The following sums, or so much thereof as may be sufficient to accomplish the purposes and programs designated herein, are appropriated or authorized from the sources of funding specified to the judiciary for the fiscal biennium beginning July 1, 2019, and ending June 30, 2021. The total expenditures and the number of permanent and temporary positions established in each fiscal year of the fiscal biennium shall not exceed the sums and the position ceilings indicated for each year, except as provided in this Act.

PROGRAM APPROPRIATIONS					
ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2019-2020	FISCAL YEAR 2020-2021
The Judicial System					
1.	JUD101	COURTS OF APPEAL			
				[—73.00*] 71.00 *	[—73.00*] 71.00 *
	OPERATING		JUD	1.00 # [—7,216,185 A] 7,085,769 A	1.00 # [—7,216,185 A] 7,085,769 A
2.	JUD310	FIRST JUDICIAL CIRCUIT			
				[—1,103.50*] 1,001.50 *	[—1,103.50*] 1,001.50 *
				[—58.58 #] 45.10 #	[—58.58 #] 45.10 #
	OPERATING		JUD	[—88,278,054 A] 81,521,805 A	[—88,425,760 A] 81,669,511 A
			JUD	41.00 * 4,429,112 B	41.00 * 4,429,112 B
3.	JUD320	SECOND JUDICIAL CIRCUIT			
				[—210.50*] 196.50 *	[—210.50*] 196.50 *
				1.68 #	1.68 #
	OPERATING		JUD	[—17,949,998 A] 16,931,765 A	[—17,955,448 A] 16,937,215 A
4.	JUD330	THIRD JUDICIAL CIRCUIT			
				[—240.00*] 224.00 *	[—240.00*] 224.00 *
				[—5.68 #] 3.68 #	[—5.68 #] 3.68 #
	OPERATING		JUD	[—21,729,887 A] 20,438,738 A	[—21,761,042 A] 20,469,893 A

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5. JUD350 - FIFTH JUDICIAL CIRCUIT		[—103.00*] 98.00 *	[—103.00*] 98.00 *
		[—2.60#] 1.60 #	[—2.60#] 1.60 #
OPERATING	JUD	[—8,455,480 A] 7,901,044 A	[—8,447,902 A] 7,893,466 A
6. JUD501 - JUDICIAL SELECTION COMMISSION		1.00 *	1.00 *
OPERATING	JUD	103,414 A	103,414 A
7. JUD601 - ADMINISTRATION		[—226.00*] 206.00 *	[—226.00*] 206.00 *
		[—9.48#] 6.48 #	[—9.48#] 6.48 #
OPERATING	JUD	[—28,086,186 A] 25,124,640 A	[—27,587,239 A] 26,325,693 A
		1.00 *	1.00 *
		9.00 #	9.00 #
		JUD 8,034,802 B	8,034,802 B
		JUD 343,261 W	343,261 W
INVESTMENT CAPITAL	JUD	9,355,000 C	[—0€] 76,000,000 C

SECTION 3. Part III, Act 38, Session Laws of Hawaii 2019, is amended by adding a new section to read as follows:

“SECTION 7.1. (a) Beginning on the effective date of this Act the judiciary shall submit a weekly report to the legislature that includes the following information for all inmates released pursuant to supreme court orders entered in SCPW-20-0000200 and SCPW-20-0000213:

- (1) The inmate’s name;
- (2) The inmate’s release date;
- (3) The correctional center or facility where the inmate was released from;
- (4) The inmate’s criminal status before release, for example felony probationer, misdemeanor, or petty misdemeanor;
- (5) Any objections made to the inmate’s release;
- (6) The inmate’s verified residence address at the time of release;
- (7) The inmate’s current verified residence address or homeless status;
- (8) The conditions of supervised release;
- (9) The name of the person or agency that is responsible for supervising the inmate upon release; and
- (10) If a released inmate is subsequently arrested, the inmate’s arrest record following release.

(b) The information provided pursuant to subsection (a) shall be updated in each subsequent report to reflect the inmate’s current status, including any changes to subsection (a)(7) and (10).”

SECTION 4. Act 38, Session Laws of Hawaii 2019, is amended by amending part IV to read as follows:

“PART IV. CAPITAL IMPROVEMENT PROJECTS

SECTION 8. The sum of [~~\$9,355,000~~] \$85,355,000 appropriated or authorized in part II of this Act for capital improvement projects shall be expended by the judiciary for the projects listed below; provided that several related or similar projects may be combined into a single project, if a combination is advanta-

geous or convenient for implementation; provided further that the total cost of the projects thus combined shall not exceed the total of the sums specified for the projects separately. The amount after each cost element and the total funding for each project listed in this part are in thousands of dollars.

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2019-2020	FISCAL YEAR 2020-2021
A. ECONOMIC DEVELOPMENT					
JUD601 - ADMINISTRATION					
1.		HOAPILI HALE PARKING STRUCTURE SEWER, STORM DRAIN, AC AND FIRE SPRINKLER PIPING IMPROVEMENTS, MAUI			
		DESIGN AND CONSTRUCTION, IN PHASES AS FUNDS ALLOW, TO RENOVATE THE SANITARY (WASTE), STORM DRAIN, AC (CHILLED WATER), AND FIRE SUPPRESSION SYSTEMS IN THE PARKING STRUCTURE AT HOAPILI HALE, MAUI.			
		TOTAL FUNDING	JUD	850 C	C
2.		HOAPILI HALE SECURITY IMPROVEMENTS, MAUI			
		DESIGN AND CONSTRUCTION FOR SECURITY-RELATED IMPROVEMENTS AT HOAPILI HALE, MAUI.			
		TOTAL FUNDING	JUD	3,510 C	C
3.		KAAHUMANU HALE REPAIR BASEMENT LEAKS AND DAMAGES, OAHU			
		DESIGN AND CONSTRUCTION TO REPAIR LEAKS IN THE TELECOMMUNICATIONS ROOM AND THE EVIDENCE ROOM IN THE BASEMENT PARKING AREA AT KAAHUMANU HALE, OAHU.			
		TOTAL FUNDING	JUD	1,995 C	C
4.		LUMP SUM CIP FOR JUDICIARY FACILITIES, STATEWIDE			
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR IMPROVEMENTS INCLUDING DEFERRED REPAIRS AND MAINTENANCE, ALTERATIONS, UPGRADES AND RENOVATIONS TO JUDICIARY FACILITIES, STATEWIDE.			
		TOTAL FUNDING	JUD	3,000 C	C
4.1		<u>WAHIAWA CIVIC CENTER INCLUDING NEW JUDICIARY COMPLEX, OAHU</u>			
		<u>PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR A NEW JUDICIARY COMPLEX AT WAHIAWA CIVIC CENTER, WAHIAWA, OAHU. PROJECT INCLUDES NEW DISTRICT COURTHOUSE AND ANCILLARY FACILITIES TO SUPPORT EXISTING AND FUTURE CIVIC CENTER PROGRAMS AT TMKS INCLUDING: (1) 7-4-004:001, (1) 7-4-004:071, AND (1) 7-4-006:012.</u>			
		TOTAL FUNDING	JUD	C	76,000 C

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SECTION 5. Act 38, Session Laws of Hawaii 2019, is amended by amending part V to read as follows:

“PART V. ISSUANCE OF BONDS

SECTION 9. General obligation bonds may be issued, as provided by law, to yield the amount that may be necessary to finance projects authorized in part II and listed in part [V] IV of this Act; provided that the sum of the general obligation bonds so issued shall not exceed [~~\$9,355,000.~~] \$85,355,000.”

SECTION 6. Part V, Act 38, Session Laws of Hawaii 2019, is amended as follows:

1. By adding a new section to read:

“SECTION 9A. Any law to the contrary notwithstanding, the appropriation under Act 195, Session Laws of Hawaii 2017, section 8, as amended and renumbered by Act 26, Session Laws of Hawaii 2018, part IV, in the amount indicated or balance thereof, unallotted, unencumbered, or encumbered and unrequired is hereby lapsed:

<u>Item No.</u>	<u>Amount (MOF)</u>
<u>A-7.01</u>	<u>3,074,733.45 C”</u>

2. By adding a new section to read:

“SECTION 9B. Any law to the contrary notwithstanding, the appropriations under Act 61, Session Laws of Hawaii 2011, part IV, as amended and renumbered by Act 107, Session Laws of Hawaii 2012, part IV, in the amounts indicated or balance thereof, unallotted, unencumbered, or encumbered and unrequired are hereby lapsed:

<u>Item No.</u>	<u>Amount (MOF)</u>
<u>A-2</u>	<u>34,216.66 C</u>
<u>A-4</u>	<u>138,026.54 C</u>
<u>A-5</u>	<u>22,845.05 C</u>
<u>A-6</u>	<u>3,900.18 C</u>
<u>A-6.02</u>	<u>82,070 C</u>
<u>A-6.03</u>	<u>8,410 C</u>
<u>A-7</u>	<u>305,696.80 C”</u>

3. By adding a new section to read:

“SECTION 9C. Any law to the contrary notwithstanding, the appropriations under Act 169, Session Laws of Hawaii 2007, part IV, as amended and renumbered by Act 102, Session Laws of Hawaii 2008, part IV, in the amount indicated or balance thereof, unallotted, unencumbered, or encumbered and unrequired is hereby lapsed:

<u>Item No.</u>	<u>Amount (MOF)</u>
<u>1</u>	<u>213,341.80 C”</u>

SECTION 7. Act 38, Session Laws of Hawaii 2019, Part VI, Section 10 is amended to read as follows:

“PART VI. SPECIAL PROVISIONS

SECTION 10. Any law or any provision of this Act to the contrary notwithstanding, the appropriations made for capital improvement projects authorized in part II and listed in part [V] IV of this Act shall not lapse at the end of the fiscal year for which the appropriations are made; provided that all ap-

appropriations made for fiscal year 2019-2020 and fiscal year 2020-2021 that are unencumbered as of June 30, 2022, shall lapse as of that date.”

SECTION 8. If any portion of this Act or its application to any person or circumstances is held to be invalid for any reason, the remainder of the Act and any provision thereof shall not be affected. If any portion of a specific appropriation is held to be invalid for any reason, the remaining portion shall be independent of the invalid portion and shall be expended to fulfill the objective and intent of the appropriation to the extent possible.

SECTION 9. If any manifest clerical, typographical, or other mechanical error is found in this Act, the chief justice may correct the error. All changes made pursuant to this section shall be reported to the legislature at its next regular session.

SECTION 10. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 11. This Act shall take effect upon its approval.

(Became law on July 7, 2020, without the governor’s signature, pursuant to Art. III, §16, State Constitution.)