

ACT 228

H.B. NO. 727

A Bill for an Act Relating to the Women's Court.

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

PART I

SECTION 1. The legislature finds that there has been a significant increase in the number of women in Hawai'i jails and prisons over the past forty years, resulting in a higher proportion of women who are incarcerated. Research reflects that for women, histories of abuse, trauma, poverty, mental illness, substance use disorders, and unhealthy relationships intersect with their entry into criminal behavior. Women offenders also face unique barriers to success after incarceration. They are more likely to be primary caregivers for young children, have lower educational attainment, lack stable work history, and experience economic or social marginalization, which prevents them from having more positive outcomes.

The legislature further finds that Act 243, Session Laws of Hawaii 2022, established a three-year women's court pilot program in the circuit court of the first circuit. This program, known as Mohala Wahine, focuses on non-violent

women who are at high risk of recidivism and in need of multiple services such as substance abuse treatment, therapy, or housing. The program began accepting participants in January 2023, with a goal of admitting twenty women each year. As of August 2024, twenty-three women are currently participating in the program, with eleven participants in phase one of treatment and twelve participants in phase two of treatment.

The purpose of this Act is to:

- (1) Permanently establish the women’s court program in the first circuit;
- (2) Establish a two-year women’s court pilot program in the circuit court of the Kona division of the third circuit, which is intended to acknowledge the distinct pathways that lead women into the criminal justice system and address their individualized needs; and
- (3) Require the judiciary to submit reports to the legislature regarding the pilot program for women’s court.

PART II

SECTION 2. Chapter 603, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§603- Women’s court program; first circuit. (a) There shall be established within the first circuit of the judiciary the women’s court program. The program shall implement trauma-informed and evidence-based practices, employ gender-responsive programming, collaborate with stakeholders, and provide services to women in the court system with the goal of diverting participants from incarceration, supporting their success in the community, and reducing recidivism.

(b) The services offered by the program shall address the following areas:

- (1) Trauma and mental health treatment;
- (2) Family support, including parenting, education, and relationship improvement;
- (3) Life-skills training;
- (4) Education and vocational training;
- (5) Domestic violence prevention;
- (6) Medical services and health education;
- (7) Substance abuse detection, prevention, and treatment;
- (8) Mentoring; and
- (9) Housing support.”¹

PART III

SECTION 3. (a) There shall be established within the third circuit Kona division of the judiciary the women’s court pilot program. The women’s court pilot program shall be under the supervision of the big island drug court. The judiciary shall be responsible for providing mental health services under this pilot program. The pilot program shall implement trauma-informed and evidence-based practices, employ gender-responsive programming, collaborate with stakeholders, and provide services to women in the court system with the goal of diverting participants from incarceration, supporting their success in the community, and reducing recidivism.

(b) The services offered by the pilot program shall address the following areas:

- (1) Trauma and mental health treatment;

- (2) Family support, including parenting, education, and relationship improvement;
- (3) Life-skills training;
- (4) Education and vocational training;
- (5) Domestic violence prevention;
- (6) Medical services and health education;
- (7) Substance abuse detection, prevention, and treatment;
- (8) Mentoring; and
- (9) Housing support.

SECTION 4. The judiciary shall submit a report of its findings and recommendations, including any proposed legislation, on the pilot program to the governor and legislature no later than forty days prior to the convening of the regular sessions of 2026 and 2027, regarding:

- (1) The status of the women's court pilot program;
- (2) The number of women accepted into the women's court pilot program;
- (3) The number of women who were eligible to participate in the women's court pilot program but who could not be accepted into the pilot program because of pilot program limitations;
- (4) The number of women completing the women's court pilot program;
- (5) The number of women who were removed from the women's court pilot program; and
- (6) Recommendations as to whether the women's court pilot program should:
 - (A) Continue as a pilot program;
 - (B) Expand to include additional participants;
 - (C) Provide additional services; or
 - (D) Be discontinued.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$514,900 or so much thereof as may be necessary for fiscal year 2025-2026 and \$557,000 or so much thereof as may be necessary for fiscal year 2026-2027 for mental health, substance abuse treatment, and other services and equipment, and the establishment of one full-time equivalent (1.0 FTE) temporary Kona drug court probation supervisor position for the women's court pilot program established pursuant to section 3 of this Act.

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

PART IV²

SECTION 6. This Act shall take effect on July 1, 2025; provided that part III shall be repealed on June 30, 2027.

(Approved June 26, 2025.)

Notes

1. Edited pursuant to HRS §23G-16.5.
2. No Ramseyer section.