

A Bill for an Act Relating to the Community Outreach Court.

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

SECTION 1. The legislature finds that the worsening problem of homelessness on Oahu has led to residents being cited or arrested for drinking liquor in public, being in public parks after hours, trespassing, illegal camping on sidewalks and other public areas, and other nonviolent or status offenses. Many of those cited are unable to attend court or have misplaced their paperwork due to the transient and unstable nature of homelessness. When a person fails to appear for court and has no known address, courts are left with no option but to issue a bench warrant.

Under Act 55, Session Laws of Hawaii 2017, the judiciary, office of the public defender, and department of the prosecuting attorney of the city and county of Honolulu established a community court outreach project. The goal of the community court outreach project is to assist nonviolent offenders who are charged with offenses that disproportionately impact the homeless community by making court attendance more accessible through holding court in community locations where offenders are found, resolving any active charges, and utilizing alternative sentences such as community service work in cases where prior court judgments could not be satisfied and offenders lack the present ability to pay fines and fees. By resolving these cases, the participants are in a better position to obtain basic necessities such as jobs, income assistance, and housing. The community court outreach project social worker assesses offenders for participation in programs deemed appropriate based upon an offender's need for mental health services, substance abuse treatment, sustenance, shelter, or other appropriate available social services and assists the offenders in obtaining and voluntarily participating in these referred services.

The legislature finds that the community court outreach project has been successful. Since its inception, the project has addressed over ten thousand cases, recalled over nine hundred bench warrants, lifted more than seven thousand driver license stoppers, and provided assistance to over six hundred participants at community-based sites in the judicial districts where participants may live or have access to mental health services, substance abuse treatment, sustenance, shelter, or other social services and who have completed more than seven thousand community service work hours.

Accordingly, the purpose of this Act is to permanently establish and appropriate funds for the community outreach court as a division of the district court of the first circuit.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

“CHAPTER COMMUNITY OUTREACH COURT

§ -1 Definitions. As used in this chapter:

“Community outreach court” or “court” means a division of the district court of the first circuit that shall address cases brought before it for nonviolent, nonfelony defendants in which the prosecuting attorney and public defender have reached plea agreements.

“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.

“Public defender” means the public defender and any deputy public defender of the office of the public defender, including any court-appointed private attorney appearing on behalf of a defendant based on a conflict with the office of the public defender.

§ -2 Community outreach court; establishment. (a) The community outreach court shall be established as a division of the district court of the first circuit.

(b) The community outreach court shall be held at any duly designated location within the first judicial circuit by any designated judge of the community outreach court.

§ -3 Jurisdiction. (a) The community outreach court shall have concurrent jurisdiction with all district courts of the first circuit to consider and adjudicate nonviolent, nonfelony criminal and traffic offenses, including traffic infractions under chapter 291D, charged to defendants deemed appropriate, after application and acceptance, for 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 include the following components:

- (1) Emphasis on the early identification and timely placement of eligible defendants;
- (2) Cooperation between the prosecuting attorney and public defender to resolve cases;
- (3) Alternative sentencing of defendants, such as community service and participation in programs based upon the defendant’s need for mental health services, substance abuse treatment, sustenance, shelter, or other social services and willingness to voluntarily participate in those programs;
- (4) Establishment of a coordinated strategy by the community outreach court to respond to a defendant’s compliance or noncompliance with the defendant’s sentence; and
- (5) Encouragement by the community outreach court of partnerships between the court, public agencies, community-based organizations, and other entities to promote the court’s effectiveness.

§ -5 Court process. (a) The court shall hold hearings at community sites to dispose of cases for which the prosecuting attorney and public defender have negotiated and reached plea agreements on the disposition of the defendants.

(b) The court may only hear and dispose of cases involving nonviolent, nonfelony offenses under laws of the State and ordinances of the city and county of Honolulu determined to be appropriate by the department of the prosecuting attorney of the city and county of Honolulu.

(c) The public defender shall engage a social service or health care professional to provide outreach services to defendants charged with nonviolent, nonfelony offenses who:

- (1) Are willing to participate in the court;
- (2) Are willing to be represented by the public defender; and
- (3) May benefit from participation in the court.

After consulting with the social service or health care professional, the public defender shall develop a list of the defendants who are potential participants in the court and transmit the list to the prosecuting attorney.

(d) Defendants on the potential participant list charged by the department of the prosecuting attorney of the city and county of Honolulu shall be reviewed by the prosecuting attorney, who will decide whether they should participate in the court proceedings. The prosecuting attorney may enter into plea agreement negotiations with the public defender for disposition of those defendants accepted into the community outreach court.

(e) The plea agreement for a defendant may include a fine, community service, court-ordered treatment, other court-ordered condition, or any other action that the court has the authority to take and deems appropriate.

(f) At the hearing, the court may finalize the plea agreement by court order or judgment; provided that the court shall not be bound by the proposed disposition in the plea agreement.”

SECTION 3. Act 55, Session Laws of Hawaii 2017, is repealed.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$71,030 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for one full-time equivalent (1.0 FTE) deputy sheriff position to support the community outreach court.

The sums appropriated under this section shall be expended by the department of law enforcement for the purposes of this Act.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$45,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for one full-time equivalent (1.0 FTE) paralegal position.

The sums appropriated shall be expended by the office of the public defender for the purposes of this Act.

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of \$90,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 as a grant-in-aid for one full-time equivalent (1.0 FTE) paralegal position.

The sums appropriated shall be expended by the office of the prosecuting attorney of the city and county of Honolulu for the purposes of this Act.

SECTION 7. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 8. This Act shall take effect on July 1, 2025.

(Approved June 26, 2025.)