



EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE  
GOVERNOR

July 12, 2006

**GOV. MSG. NO. 866**

The Honorable Robert Bunda, President  
and Members of the Senate  
Twenty-Third State Legislature  
State Capitol, Room 003  
Honolulu, Hawaii 96813

Dear Mr. President and Members of the Senate:

Re: House Bill No. 3016 HD1 SD1 CD1

On July 11, 2006, House Bill No. 3016, entitled "A Bill for an Act Relating to Unserved Arrest Warrants" became law without my signature, pursuant to Section 16 of Article III of the Constitution of the State of Hawaii.

The backlog of arrest warrants is a problem that has gained attention from various sectors of the community and engendered a number of proposed solutions. The stated intent of this bill is to require due diligence in serving all traffic warrants issued against a defendant and to require the Hawaii Paroling Authority to report to the appropriate court and arresting authorities whether a parolee has any outstanding traffic warrants. However, the substance of the bill is questionable.

First, the bill adds a section to chapter 353, Hawaii Revised Statutes, to require the Hawaii Paroling Authority to inform the appropriate courts and arresting authorities of all outstanding traffic warrants issued against those whose parole has been suspended or revoked. The purpose of this is to allow such warrants to be "served on the parolee in a timely manner." This merely codifies existing practice of the Hawaii Paroling Authority. Thus, adding this section to the law will not result in any improvement of current procedures.

Second, the bill adds a section to chapter 604, Hawaii Revised Statutes, to require that "in any criminal proceeding, due diligence shall be used in serving any outstanding traffic warrants on the defendant." It is arguable whether this addition to the statutes is substantive inasmuch as the Hawaii Rules of Penal Procedure Rule 9(c)(3)(i) already requires that a "warrant shall be executed without unnecessary delay by the arrest of the defendant."

Finally, this bill instructs the Judicial Council to set up a committee to "conduct a comprehensive review of the backlog of arrest warrants waiting to be served upon persons incarcerated in the State's correctional facilities and the entire backlog of unserved arrest warrants and recommend to the Legislature action necessary so that these warrants will be served

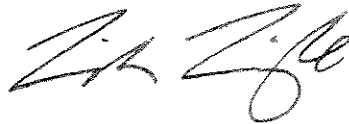
The Honorable Robert Bunda, President  
and Members of the Senate  
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without further delay.” While a comprehensive review of the warrant backlog is warranted, the bill’s review is duplicative of Senate Concurrent Resolution 91 SD1 which convenes a task force to “conduct a comprehensive review of the entire backlog of unserved arrest warrants and recommend to the Legislature action necessary to permanently alleviate the backlog.” Both the bill and the resolution establish review panels largely comprised of representatives from the same agencies and both require reports to be submitted to the Legislature twenty days prior to the convening of the regular session of 2007.

I support a comprehensive review of the backlogged warrants problem and subsequent meaningful action to eliminate the backlog. However, this bill is duplicative of actions already underway to address this issue.

For the foregoing reasons, I allowed House Bill No. 3016 to become law as Act 308 effective July 11, 2006 without my signature.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle", written in a cursive style.

LINDA LINGLE

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A BILL FOR AN ACT

RELATING TO UNSERVED ARREST WARRANTS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that in the Oahu district  
2 court system there are over one hundred thousand outstanding  
3 bench warrants. It is unknown how many outstanding warrants  
4 there are on the neighbor islands. These numbers continue to  
5 increase because when a person is sentenced to prison,  
6 especially for a felony, and then misses an appearance in  
7 district court for a traffic case, a bench warrant is  
8 automatically issued and the case remains unresolved. Many  
9 outstanding traffic warrants also go unserved because the person  
10 is sentenced to a term of prison in an unrelated case and the  
11 underlying traffic case is never addressed.

12           The legislature also finds that the present practice  
13 regarding service of traffic bench warrants causes numerous  
14 problems. First, outstanding warrants clog up the court system  
15 for years. This situation is partly due to the fact that  
16 incarcerated persons are unable to appear in district court to  
17 clear up minor traffic violations. The warrants are not served  
18 upon them in prison because the backlog is so extensive that law



1 enforcement resources devoted to service of warrants are focused  
2 on arresting persons charged with serious offenses who are at  
3 large in the community. Second, inmates are denied parole or  
4 drug treatment because they have not resolved outstanding court  
5 matters. Third, inmates, once released from prison, must  
6 immediately turn themselves back in on traffic warrants that  
7 have remained pending for three, five, ten, or even twenty  
8 years.

9 The purpose of this Act is to require due diligence in  
10 serving all traffic warrants issued against a defendant and to  
11 require the Hawaii paroling authority to report to the  
12 appropriate court and arresting authorities whether a parolee  
13 has any outstanding traffic warrants.

14 PART I

15 SECTION 2. Chapter 353, Hawaii Revised Statutes, is  
16 amended by adding a new section to be appropriately designated  
17 and to read as follows:

18 "§353- Suspension or revocation; arrest warrants arising  
19 from traffic violations. In the event of suspension or  
20 revocation of parole, the Hawaii paroling authority shall inform  
21 the appropriate courts and arresting authorities of all



1 outstanding traffic warrants issued against the parolee so that  
2 the warrants may be served on the parolee in a timely manner."

3 SECTION 3. Chapter 604, Hawaii Revised Statutes, is  
4 amended by adding a new section to be appropriately designated  
5 and to read as follows:

6 "§604- Arrest warrants arising from traffic violations.

7 In any criminal proceeding, due diligence shall be used in  
8 serving any outstanding traffic warrants on the defendant."

9 PART II

10 SECTION 4. The judicial council, established pursuant to  
11 section 601-4, Hawaii Revised Statutes, through a review  
12 committee, shall conduct a comprehensive review of the backlog  
13 of arrest warrants waiting to be served upon persons  
14 incarcerated in the state's correctional facilities and the  
15 entire backlog of unserved arrest warrants and recommend to the  
16 legislature action necessary so that these warrants will be  
17 served without further delay. The participants of the review  
18 committee shall consist of representatives from:

- 19 (1) The judiciary;  
20 (2) The department of the attorney general;  
21 (3) The department of public safety;



1 (4) The office of the prosecuting attorney for each of the  
2 counties;

3 (5) The police department for each of the counties;

4 (6) The office of the public defender; and

5 (7) Private criminal law practitioners, as recommended by  
6 the Hawaii State Bar Association.

7 The review shall cover more than fiscal problems and shall  
8 investigate actions to be taken by the participants to  
9 permanently alleviate the problem.

10 The study shall be concluded and a final report submitted  
11 to the legislature, together with any proposed implementing  
12 legislation, no later than twenty days prior to the convening of  
13 the regular session of 2007.

14 SECTION 5. New statutory material is underscored.

15 SECTION 6. This Act shall take effect upon its approval.

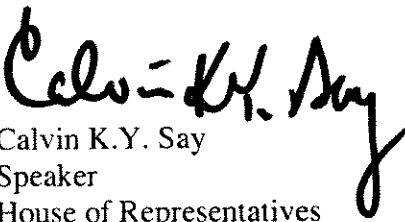


HB No. 3016 HD 1 SD 1 CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2006  
Honolulu, Hawaii

We hereby certify that the foregoing Bill on this day passed Final Reading in the House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006.



Calvin K.Y. Say  
Speaker  
House of Representatives



Patricia Mau-Shimizu  
Chief Clerk  
House of Representatives

THE SENATE OF THE STATE OF HAWAII

Date: May 2, 2006  
Honolulu, Hawaii

We hereby certify that the foregoing Bill on this day passed Final Reading in the Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006.



Robert Bunda  
President of the Senate



Paul Kawaguchi  
Clerk of the Senate