
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 misses an appearance in district
7 court for a traffic case, a bench warrant is automatically
8 issued and the case remains unresolved. Many outstanding
9 traffic warrants also go unserved because the person is
10 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 is partly due to the fact that incarcerated
16 persons are unable to get into district court to clear up minor
17 traffic violations. The warrants are not served upon them in
18 prison because the backlog is so extensive that law enforcement



1 resources devoted to service of warrants are focused on
2 arresting persons charged with serious offenses who are at large
3 in the community. Second, inmates are denied parole or drug
4 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 legislature further finds that the State of California
10 has instituted a traffic court amnesty program that provides for
11 nonprosecution of nonfelony traffic offenses that were pending
12 against a person at the time of the person's incarceration.
13 Driving under the influence of intoxicants and reckless driving
14 are specifically excluded from the amnesty provision. Enacting
15 a similar law in Hawaii would reduce the bench warrant backlog
16 and free up law enforcement to serve warrants for serious
17 offenses on a timely basis.

18 The purpose of this Act is to establish an amnesty program
19 for traffic offenses committed by a person who has been
20 sentenced to prison for a felony.



PART I

SECTION 2. Chapter 803, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§803- Arrest warrants arising from traffic violations; amnesty. (a) No person shall be subject to prosecution for any nonfelony offense, including contempt of court, arising out of the operation of a motor vehicle, or violation of chapter 291C as a pedestrian, where the arrest warrant issued pursuant to the prosecution is not served upon the person continuously incarcerated within the state in a state correctional facility between June 1, 2006, and June 1, 2007.

(b) Notwithstanding any other provisions of law to the contrary, no driver's license shall be suspended or revoked nor shall the issuance or renewal of a license be refused as a result of a pending nonfelony offense occurring prior to the time a person was incarcerated for a felony offense committed in this state.

(c) The director of finance in each county shall remove from the director's records any notice received by the director that the person is the subject of a pending prosecution for an offense referred to in subsection (a) upon receipt of



1 satisfactory evidence that a person was incarcerated for a
2 felony offense committed in this state after the offense which
3 gave rise to the notice occurred.

4 (d) This section shall not apply:

5 (1) To any nonfelony offense for which the director of
6 finance is required to immediately revoke or suspend
7 the privilege of any person to drive a motor vehicle
8 upon receipt of a duly certified abstract of the
9 record of any court showing that the person has been
10 convicted of that nonfelony offense;

11 (2) To any offense committed by a person while the person
12 is temporarily released from custody pursuant to law
13 or while the person is on parole;

14 (3) If the pending offense is a violation of section
15 291-2, 291-3.1, 291C-12.6, 291C-13, 291C-103, 291E-61,
16 291E-62, or 291E-64; or

17 (4) To any proceeding to suspend or revoke a driver's
18 license pursuant to part VII or XIV of chapter 286."

19 PART II

20 SECTION 3. The judicial council, established pursuant to
21 section 601-4, Hawaii Revised Statutes, through a review
22 committee, shall conduct a review of the backlog of arrest



1 warrants waiting to be served upon persons incarcerated in the
2 state's correctional facilities and recommend to the legislature
3 action necessary so that these warrants will be served without
4 further delay. The participants of the review committee shall
5 consist of representatives from:

6 (1) The Judiciary;

7 (2) The department of the attorney general;

8 (3) The department of public safety;

9 (4) The office of the prosecuting attorney for each of the
10 counties; and

11 (5) The police department for each of the counties.

12 The review shall be beyond mere fiscal problems and shall
13 investigate actions to be taken by the participants to
14 alleviate, even if only temporarily, the problem.

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

19 PART III

20 SECTION 4. The judicial council, established pursuant to
21 section 601-4, Hawaii Revised Statutes, through a review
22 committee, shall conduct a comprehensive review of the entire



1 backlog of unserved arrest warrants and recommend to the
2 legislature action necessary so that these warrants will be
3 served without further delay. The participants of the review
4 committee shall consist of representatives from:

- 5 (1) The Judiciary;
- 6 (2) The department of the attorney general;
- 7 (3) The department of public safety;
- 8 (4) The office of the prosecuting attorney for each of the
9 counties;
- 10 (5) The police department for each of the counties; and
- 11 (6) The office of the public defender.

12 The review shall be beyond mere fiscal problems and shall
13 investigate actions to be taken by the participants to
14 permanently alleviate the problem.

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

19 SECTION 5. New statutory material is underscored.

20 SECTION 6. This Act shall take effect upon its approval;
21 provided that Part I of this Act shall take effect on June 1,
22 2006, and be repealed on June 1, 2007.



H.B. NO. 3016

Report Title:

Nonfelony Arrest Warrants; Amnesty

Description:

Provides amnesty from prosecution or license suspension or revocation for minor traffic offenses when those offenses are pending at a time when the offender is sentenced to prison. Provides that the Judicial Council shall conduct a review of the backlog of arrest warrants. (HB3016 HD1)

