
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 outer 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.



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

4 "§803- Arrest warrants arising from traffic violations;
5 amnesty. (a) No person shall be subject to prosecution for any
6 nonfelony offense arising out of the operation of a motor
7 vehicle or violation of chapter 291C as a pedestrian that is
8 pending against the person at the time the person is
9 incarcerated for a felony offense committed in this State.

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

16 (c) The director of finance in each county shall remove
17 from the director's records any notice received by the director
18 that the person is the subject of a pending prosecution for an
19 offense referred to in subsection (a) upon receipt of
20 satisfactory evidence that a person was incarcerated for a
21 felony offense committed in this State after the offense which
22 gave rise to the notice occurred.




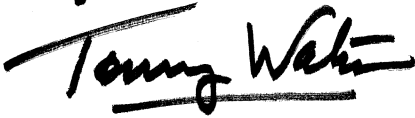
- 1 (d) This section shall not apply:
- 2 (1) To any nonfelony offense for which the director of
- 3 finance is required to immediately revoke or suspend
- 4 the privilege of any person to drive a motor vehicle
- 5 upon receipt of a duly certified abstract of the
- 6 record of any court showing that the person has been
- 7 convicted of that nonfelony offense;
- 8 (2) To any offense committed by a person while the person
- 9 is temporarily released from custody pursuant to law
- 10 or while the person is on parole;
- 11 (3) If the pending offense is a violation of section
- 12 291-2, 291-3.1, 291E-61, or 291E-64; or
- 13 (4) To any proceeding to suspend or revoke a driver's
- 14 license pursuant to part VII or XIV of chapter 286."

15 SECTION 3. New statutory material is underscored.

16 SECTION 4. This Act shall take effect upon its approval.

17

INTRODUCED BY: 



JAN 25 2006

HB 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.

