
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 servng 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.



Report Title:

Nonfelony Arrest Warrants;

Description:

Requires due diligence in serving all traffic warrants issued against a defendant. Requires Hawaii paroling authority to report to the appropriate courts and arresting authorities whether a parolee has any outstanding traffic warrants. Requires the Judicial Council to conduct a comprehensive review of the backlog of arrest warrants. (HB3016 CD1)

