

PROPOSED

HOUSE OF REPRESENTATIVES
TWENTY-THIRD LEGISLATURE, 2006
STATE OF HAWAII

H.B. NO. 3016
H.D. 1
S.D. 1

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



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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 purpose of this Act is to require the courts to use due
 10 diligence in serving all traffic warrants issues against a
 11 defendant and to require the Hawaii paroling authority to report
 12 to the court whether a parolee has any outstanding traffic
 13 warrants.

PART I

15 SECTION 2. Chapter 604, Hawaii Revised Statutes, is
 16 amended by adding a new section to be appropriately designated
 17 and to read as follows:

18 "§604- Arrest warrants arising from traffic violations. In
 19 any criminal proceeding, the court shall use due diligence in
 20 serving any outstanding traffic warrants on the defendant."



1 SECTION 3. Chapter 353, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 **"§353- Suspension or revocation; arrest warrants arising**
5 **from traffic violations. In the event of suspension or**
6 **revocation of parole, the Hawaii paroling authority shall inform**
7 **the court of all outstanding traffic warrants issued against the**
8 **parolee so that the warrants may be served on the parolee in a**
9 **timely manner."**

10 PART II

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

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



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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 be beyond mere 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.

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Report Title:

Nonfelony Arrest Warrants;

Description:

Requires courts to use due diligence in serving all traffic warrants issues against a defendant. Requires Hawaii paroling authority to report to the court whether a parolee has any outstanding traffic warrants. Provides that the Judicial Council shall conduct a review of the backlog of arrest warrants. (SD1)

