
A BILL FOR AN ACT

RELATING TO THE JUDICIARY.

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

1 SECTION 1. Some seventy per cent of the State's population
2 resides on the island of Oahu, and is served by the first
3 judicial circuit, comprised of twenty-five authorized circuit
4 court judges. The remaining thirty per cent of the State's
5 population is served by the second judicial circuit (Maui), with
6 four circuit court judges; the third judicial circuit (Hawaii),
7 with four circuit court judges; and the fifth judicial circuit
8 (Kauai), with two circuit court judges. The citizens of central
9 and leeward Oahu, representing twenty-two per cent of the
10 State's population and thirty percent of the Oahu's population,
11 have no dedicated circuit court.

12 The legislature is committed to supporting the anticipated
13 continued growth of central and leeward Oahu with the creation
14 of a "second city" in Kapolei. Consistent with that vision, the
15 legislature, in the 2005 legislative session, supported the
16 judiciary's request for the construction of a courthouse complex
17 in Kapolei. The legislature's concern over the most efficient
18 way to provide equal access to justice, promote the most



1 effective delivery of legal services, and better serve the needs
2 of the entire population of Oahu leads to the inevitable
3 conclusion that the creation of an additional circuit, to be
4 designated the fourth judicial circuit, at the Kapolei court
5 complex, will best address these needs.

6 The purpose of this Act is to establish the fourth judicial
7 circuit in Kapolei.

8 SECTION 2. Section 571-3, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§571-3 Family courts, divisions of circuit courts.** The
11 family courts shall be divisions of the circuit courts of the
12 State and shall not be deemed to be other courts as that term is
13 used in the State Constitution. A family court shall be held at
14 the courthouse in each circuit, or other duly designated place,
15 by the judge or judges of the respective family courts as herein
16 defined. The chief justice of the supreme court may temporarily
17 assign a family court judge to preside in another circuit when
18 the urgency of one or more cases requires the chief justice to
19 do so. The first circuit shall retain jurisdiction on Oahu over
20 all matters within the jurisdiction of the family court as set
21 forth in this chapter and chapters 580, 586, and 587, except
22 proceedings under section 571-11(1), which on Oahu may be



1 exclusively held in the fourth circuit. In any case in which it
2 has jurisdiction the court shall exercise general equity powers
3 as authorized by law."

4 SECTION 3. Section 571-4, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§571-4 Family courts, circuits.** In the first circuit any
7 judge or judges so designated by the chief justice of the
8 supreme court shall be the judge or judges of the family court
9 of the first circuit. The several judges of the second, third,
10 fourth, and fifth circuits, and of any other circuits hereafter
11 created by the legislature, shall, when exercising jurisdiction
12 under this chapter, be judges of the family courts of their
13 respective circuits. In any circuit in which more than one
14 judge is authorized to exercise jurisdiction as judge of the
15 family court, the chief justice of the supreme court shall
16 designate one of the judges as senior judge.

17 Nothing in this chapter shall be construed to limit the
18 jurisdiction and authority of any circuit judge, designated as
19 judge of a family court, to matters within the scope of this
20 chapter."

21 SECTION 4. Section 571-8, Hawaii Revised Statutes, is
22 amended by amending subsection (a) to read as follows:



1 "(a) In addition to the district courts established under
2 section 604-1, there may be established in each of the judicial
3 circuits of the State a district family court with the powers
4 and under the conditions herein set forth which shall be styled
5 as follows:

6 (1) For the first judicial circuit: The district family
7 court of the first circuit.

8 (2) For the second judicial circuit: The district family
9 court of the second circuit.

10 (3) For the third judicial circuit: The district family
11 court of the third circuit.

12 (4) For the fourth circuit: The district family court of
13 the fourth circuit.

14 ~~[(4)]~~ (5) For the fifth judicial circuit: The district
15 family court of the fifth circuit."

16 SECTION 5. Section 571-14, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§571-14 Jurisdiction; adults.** (a) Except as provided in
19 sections 603-21.5 and 604-8, the court shall have exclusive
20 original jurisdiction:

21 ~~[(1) To try any offense committed against a child by the~~
22 ~~child's parent or guardian or by any other person~~

1 ~~having the child's legal or physical custody, and any~~
 2 ~~violation of section 707-726, 707-727, 709-902, 709-~~
 3 ~~903, 709-903.5, 709-904, 709-905, 709-906, or 302A-~~
 4 ~~1135, whether or not included in other provisions of~~
 5 ~~this paragraph or paragraph (2);~~

6 ~~(2)]~~ (1) To try any adult charged with:

7 (A) Deserting, abandoning, or failing to provide
 8 support for any person in violation of law; or

9 ~~[(B) An offense, other than a felony, against the~~
 10 ~~person of the defendant's husband or wife;~~

11 ~~-(C) Any violation of an order issued pursuant to~~
 12 ~~chapter 586; or~~

13 ~~(D)]~~ (B) Any violation of an order issued by a family
 14 court judge.

15 In any case within paragraph (1) [~~or (2), the~~], the court,
 16 in its discretion, may waive its jurisdiction over the
 17 offense charged;

18 ~~[(3)]~~ (2) In all proceedings under chapter 580, and in all
 19 proceedings under chapter 584;

20 ~~[(4)]~~ (3) In proceedings under chapter 575, the Uniform
 21 Desertion and Nonsupport Act, and under chapter 576B,
 22 the Uniform Interstate Family Support Act;

1 ~~[(5)]~~ (4) For commitment of an adult alleged to be mentally
2 defective or mentally ill;

3 ~~[(6)]~~ (5) In all proceedings for support between parent and
4 child or between husband and wife;

5 ~~[(7)]~~ (6) In all proceedings for pre-trial detention or
6 waiver of jurisdiction over an adult who was a child
7 at the time of an alleged criminal act as provided in
8 section 571-13 or 571-22;

9 ~~[(8)]~~ (7) In all proceedings under chapter 586, Domestic
10 Abuse Protective Orders~~[, and]~~, except those under
11 section 586-11; and

12 ~~[(9)]~~ (8) For the protection of dependent adults under
13 chapter 346, part X.

14 In any case within paragraph ~~[(3), (4), or (6)]~~ (2),
15 (3), or (5), the attorney general, through the child
16 support enforcement agency, may exercise concurrent
17 jurisdiction as provided in chapter 576E.

18 (b) ~~[The court shall have concurrent jurisdiction with the~~
19 ~~district court over violations of sections 707-712, 707-717,~~
20 ~~707-722, 708-822, 708-823, 710-1010.5, 711-1106, and 711-1106.5~~
21 ~~when multiple offenses are charged through complaint or~~
22 ~~indictment and at least one offense is a violation of an order~~

1 ~~issued pursuant to chapter 586 or a violation of section 709-~~
2 ~~906.~~

3 ~~(c) The court shall have concurrent jurisdiction with the~~
4 ~~circuit court over violations of section 711-1106.4.~~

5 ~~(d)]~~ The court shall have concurrent jurisdiction with the
6 circuit court in all proceedings to appoint a guardian of an
7 adult."

8 SECTION 6. Section 603-1, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "**§603-1 Judicial circuits.** The State is divided into
11 [~~four~~] five judicial circuits, as follows:

12 (1) The first judicial circuit is the island of Oahu,
13 except for those areas included in the fourth judicial
14 circuit, and all other islands belonging to the State
15 not hereinafter mentioned;

16 (2) The second judicial circuit includes the islands of
17 Maui, Molokai, Lanai, Kahoolawe, and Molokini;

18 (3) The third judicial circuit is the island of Hawaii;

19 (4) The fourth judicial circuit includes the area of the
20 island of Oahu comprised of the Ewa, Waianae, Waialua,
21 and Wahiawa judicial districts, as described in
22 section 4-1(3).

1 [~~4~~] (5) The fifth judicial circuit includes the islands
2 of Kauai and Niihau."

3 SECTION 7. Section 603-4, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§603-4 Other circuits; judges.** The circuit court of the
6 fifth circuit shall consist of two judges, who shall be styled
7 as first and second judge, and each as a judge of the circuit
8 court of the fifth circuit. The circuit court of the second
9 circuit shall consist of four judges, who shall be styled as
10 first, second, third, and fourth judge, and each as a judge of
11 the circuit court of the second circuit. The circuit court of
12 the third circuit shall consist of four judges, who shall be
13 styled as first, second, third, and fourth judge, and each as a
14 judge of the circuit court of the third circuit. The circuit
15 court of the fourth circuit shall consist of four judges, who
16 shall be styled as first, second, third and fourth judge, and
17 each as a judge of the circuit court of the fourth circuit."

18 SECTION 8. Section 603-12, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§603-12 Sessions, held where.** Except as otherwise
21 provided by statute, the sessions of the circuit courts shall be
22 held as follows: In the first circuit, at Honolulu; in the



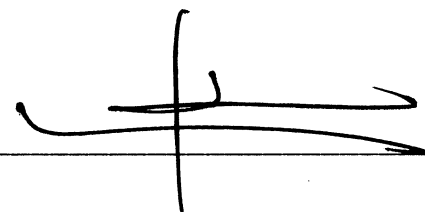
1 second circuit, at Wailuku; in the third circuit, at Hilo and
 2 Kona; in the fourth circuit, at Kapolei; in the fifth circuit,
 3 at Lihue."

4 SECTION 9. Statutory material to be repealed is bracketed
 5 and stricken. New statutory material is underscored.

6 SECTION 10. This Act shall take effect on upon the formal
 7 opening of the Kapolei court complex.

8

INTRODUCED BY:



Di Kanna

Carol Fukumasa

Clarence & Michiko

David Yoge

Report Title:

Judiciary; Family Court

SB 2580

Description:

Creates a fourth judicial circuit in Kapolei.

