

JAN 22 2007

A BILL FOR AN ACT

RELATING TO THE JUDICIARY AND FAMILY COURT.

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

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

12 The legislature is committed to support the anticipated
13 continued growth of central and leeward Oahu with the creation
14 of a "second city" in Kapolei.

15 Consistent with that vision, the legislature in the 2005
16 session supported the judiciary's request for the construction
17 of a courthouse complex in Kapolei. The legislature's concern



1 over the most efficient way to provide equal access to justice,
2 promote the most effective delivery of legal services, and
3 better serve the needs of the entire population of Oahu leads to
4 the inevitable conclusion that the creation of an additional
5 circuit, to be designated the fourth circuit and located in the
6 Kapolei court complex, will best accomplish those goals.

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

9 **"§571-3 Family courts, divisions of circuit courts.** The
10 family courts shall be divisions of the circuit courts of the
11 State and shall not be deemed to be other courts as that term is
12 used in the [~~State Constitution~~] state constitution. A family
13 court shall be held at the courthouse in each circuit, or other
14 duly designated place, by the judge or judges of the respective
15 family courts as herein defined. The chief justice of the
16 supreme court may temporarily assign a family court judge to
17 preside in another circuit when the urgency of one or more cases
18 requires the chief justice to do so. The first circuit shall
19 retain all matters in the present location within the
20 jurisdiction of the family court as set forth in chapters 571,
21 580, 585, and 587, except proceedings under section 571-11(1)
22 may be held exclusively in the fourth circuit. In any case in



1 which it has jurisdiction the court shall exercise general
2 equity powers as authorized by law."

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

5 "**§571-4 Family courts, circuits.** In the first circuit any
6 judge or judges so designated by the chief justice of the
7 supreme court shall be the judge or judges of the family court
8 of the first circuit. The several judges of the second, third,
9 fourth, and fifth circuits, and of any other circuits hereafter
10 created by the legislature, shall, when exercising jurisdiction
11 under this chapter, be judges of the family courts of their
12 respective circuits. In any circuit in which more than one
13 judge is authorized to exercise jurisdiction as judge of the
14 family court, the chief justice of the supreme court shall
15 designate one of the judges as senior judge.

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

20 SECTION 4. Section 571-8, Hawaii Revised Statutes, is
21 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~~] that shall be
5 styled 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 judicial circuit: The district family
13 court of 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,~~
3 ~~709 903, 709 903.5, 709 904, 709 905, 709 906, or~~
4 ~~302A 1135, whether or not included in other provisions~~
5 ~~of 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, except section 586-11; and

11 ~~[(9)]~~ (8) For the protection of dependent adults under
12 chapter 346, part X.

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

17 ~~[(b) The court shall have concurrent jurisdiction with the~~
18 ~~district court over violations of sections 707-712, 707-717,~~
19 ~~707-722, 708-822, 708-823, 710-1010.5, 711-1106, and 711-1106.5~~
20 ~~when multiple offenses are charged through complaint or~~
21 ~~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)]~~ (b) The court shall have concurrent jurisdiction with
6 the 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 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 is that area of the island
20 of Oahu comprising the Ewa, Waianae, Waialua, and
21 Wahiawa districts as described in section 4-1(3); and



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. There is appropriated out of the general
5 revenues of the State of Hawaii the sum of \$, or so
6 much thereof as may be necessary for fiscal year 2007-2008, for
7 the implementation of this Act.

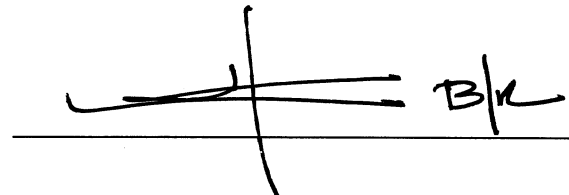
8 The sum appropriated shall be expended by the judiciary for
9 the purposes of this Act.

10 SECTION 10. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 11. This Act shall take effect on July 1, 2007.

13

INTRODUCED BY:

A handwritten signature consisting of a stylized name with a vertical line through it, followed by the initials "B/R".



Report Title:

Judiciary and Family Court; Fourth Circuit

Description:

Establishes a fourth circuit court located in the Kapolei court complex.

