

JAN 24 2007

A BILL FOR AN ACT

RELATING TO THE JUDICIARY.

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

1 SECTION 1. Seventy per cent of the State of Hawaii's
2 population resides on Oahu and is served by the first judicial
3 circuit, which consists of twenty-five circuit court judges.
4 The remaining thirty per cent of Hawaii's population is served
5 by the second judicial circuit on Maui with four circuit court
6 judges; the third judicial circuit on Hawaii with four circuit
7 court judges; and the fifth judicial circuit on Kauai with two
8 circuit court judges. The citizens of central and leeward Oahu,
9 representing twenty-two per cent of the State's population, and
10 thirty per cent of Oahu's population, have no dedicated circuit
11 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. Consistent with that vision, the
15 legislature, during the 2005 regular 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, located in the Kapolei
5 court complex, will best accomplish those goals.

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

8 "§571-3 **Family courts, divisions of circuit courts.** The
9 family courts shall be divisions of the circuit courts of the
10 State and shall not be deemed to be other courts as that term is
11 used in the State Constitution. A family court shall be held at
12 the courthouse in each circuit, or other duly designated place,
13 by the judge or judges of the respective family courts as herein
14 defined. The chief justice of the supreme court may temporarily
15 assign a family court judge to preside in another circuit when
16 the urgency of one or more cases requires the chief justice to
17 do so. The first circuit shall retain all matters in the
18 present location within the jurisdiction of the family court as
19 provided in chapters 571, 580, 586, and 587, except proceedings
20 under section 571-11(1), which may be held exclusively in the
21 fourth circuit. In any case in which it has jurisdiction the



1 court shall exercise general equity powers as authorized by
2 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
11 jurisdiction under this chapter, shall be judges of the family
12 courts of their respective circuits. In any circuit in which
13 more than one judge is authorized to exercise jurisdiction as
14 judge of the family court, the chief justice of the supreme
15 court shall 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 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 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, 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 court, in its~~
 16 ~~discretion, may waive its jurisdiction over the offense~~
 17 ~~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

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

13 In any case within paragraph (2), (3), ~~[(+4), or (+6),]~~ or
14 (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 ~~(e) 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
6 with the circuit court in all proceedings to appoint a guardian
7 of an 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 and
13 all other islands belonging to the State not
14 hereinafter mentioned;

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

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

18 (4) The fourth judicial circuit is that area of the island
19 of Oahu comprising the Ewa, Waianae, Waialua, and
20 Wahiawa judicial districts as described in section 4-
21 1; 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 much
6 thereof as may be necessary for fiscal year 2007-2008, and the
7 same sum, or so much thereof as may be necessary for fiscal year
8 2008-2009, for establishment of the fourth judicial circuit on
9 the island of Oahu.

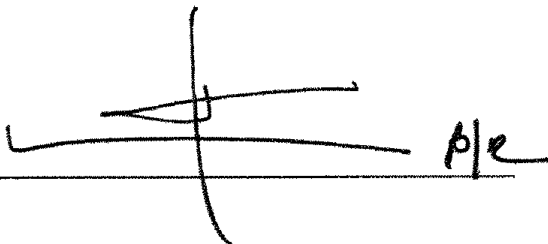
10 SECTION 10. The sums appropriated shall be expended by the
11 judiciary for the purposes of this Act.

12 SECTION 11. This Act shall take effect upon:

- 13 (1) The formal opening of the Kapolei court complex; and
- 14 (2) Publication of a notice statewide as provided by
- 15 section 1-28.5, Hawaii Revised Statutes that Kapolei
- 16 court complex has opened;

17 provided that sections 9 and 10 shall take effect on July 1,
18 2007.

19

INTRODUCED BY:  p/e



Report Title:

Judiciary; Fourth Circuit

Description:

Establishes a fourth judicial circuit on the island of Oahu. Appropriates funds. Removes family court jurisdiction over various offenses.

