

JAN 23 2008

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



1 way to provide equal access to justice, promote the most
2 effective delivery of legal services, and better serve the needs
3 of the entire population of Oahu leads to the inevitable
4 conclusion that the creation of an additional circuit, to be
5 designated the fourth judicial circuit, located in the Kapolei
6 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. A family court shall be held at
13 the courthouse in each circuit, or other duly designated place,
14 by the judge or judges of the respective family courts as herein
15 defined. The chief justice of the supreme court may temporarily
16 assign a family court judge to preside in another circuit when
17 the urgency of one or more cases requires the chief justice to
18 do so. The first circuit shall retain all matters in the
19 present location within the jurisdiction of the family court as
20 provided in chapters 571, 580, 586, and 587, except proceedings
21 under section 571-11(1), which may be held exclusively in the
22 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 603-1, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§603-1 Judicial circuits.** The State is divided into
19 [~~four~~] five judicial circuits, as follows:

20 (1) The first judicial circuit is the island of Oahu and
21 all other islands belonging to the State not
22 hereinafter mentioned;



- 1 (2) The second judicial circuit includes the islands of
2 Maui, Molokai, Lanai, Kahoolawe, and Molokini;
- 3 (3) The third judicial circuit is the island of Hawaii;
- 4 (4) The fourth judicial circuit is that area of the island
5 of Oahu comprising the Ewa, Waianae, Waialua, and
6 Wahiawa judicial districts as described in section
7 4-1; and
- 8 ~~[(4)]~~ (5) The fifth judicial circuit includes the islands
9 of Kauai and Niihau."

10 SECTION 6. Section 603-4, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§603-4 Other circuits; judges.** The circuit court of the
13 fifth circuit shall consist of two judges, who shall be styled
14 as first and second judge, and each as a judge of the circuit
15 court of the fifth circuit. The circuit court of the second
16 circuit shall consist of four judges, who shall be styled as
17 first, second, third, and fourth judge, and each as a judge of
18 the circuit court of the second circuit. The circuit court of
19 the third circuit shall consist of four judges, who shall be
20 styled as first, second, third, and fourth judge, and each as a
21 judge of the circuit court of the third circuit. The circuit
22 court of the fourth circuit shall consist of four judges, who



1 shall be styled as first, second, third, and fourth judge, and
2 each as a judge of the circuit court of the fourth circuit."

3 SECTION 7. Section 603-12, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§603-12 Sessions, held where. Except as otherwise
6 provided by statute, the sessions of the circuit courts shall be
7 held as follows: In the first circuit, at Honolulu; in the
8 second circuit, at Wailuku; in the third circuit, at Hilo and
9 Kona; in the fourth circuit, at Kapolei; and in the fifth
10 circuit, at Lihue."

11 SECTION 8. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of \$ or so
13 much thereof as may be necessary for fiscal year 2008-2009 for
14 establishment of the fourth judicial circuit on the island of
15 Oahu.

16 The sum appropriated shall be expended by the judiciary for
17 the purposes of this Act.

18 SECTION 9. This Act shall take effect upon:

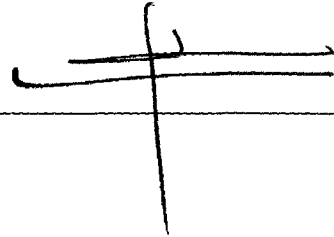
- 19 (1) The formal opening of the Kapolei court complex; and
20 (2) Publication of a notice statewide as provided by
21 section 1-28.5, Hawaii Revised Statutes, that the
22 Kapolei court complex has opened;



1 provided that section 8 shall take effect on July 1, 2008.

2

INTRODUCED BY: _____

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By Request



Report Title:

Judiciary; 4th Circuit; Appropriation

Description:

Establishes a 4th judicial circuit on the island of Oahu.
Appropriates funds.

