

Honolulu, Hawaii

March 5, 2010

RE: H.B. No. 2000

H.D. 2

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Sir:

Your Committee on Finance, to which was referred H.B. No. 2000, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE JUDICIARY,"

begs leave to report as follows:

The purpose of this bill is to provide the Judiciary with supplemental appropriations and authorizations for its operations and capital improvements for fiscal biennium 2009-2011 by amending the Judiciary Appropriations Act of 2009.

Despite the harsh economic conditions currently faced by the State, your Committee on Finance is concerned that drastic cuts to the Judiciary would hamper its ability to dispense justice in a fair and timely manner. On the other hand, although the Judiciary has not reflected any furlough savings in its budget, this branch of government should be treated like the other branches and all other agencies. Therefore, your Committee has factored the appropriate furlough savings into the Judiciary's supplemental budget. Your Committee, however, does not recommend any additional cuts given the uncertainty the Judiciary faces with respect to its caseload and the effects of furloughs and staffing reductions.

At the public hearing on this bill, your Committee was particularly impressed by the data presented by an independent investigator who evaluated Hawaii's Opportunity Probation with



Enforcement (HOPE) program, with support from the National Institute of Justice and the Smith Richardson Foundation. A second, more-intensive evaluation is in its final stages and should be ready for release by early summer. A circuit court judge provided equally compelling examples of local successes and even greater application with no required increase in funding.

The promising initial results have already sparked interest from numerous individuals and agencies across the nation, including the Pew Research Center and the federal government.

The following table indicates some of the data obtained from the evaluation of the HOPE program.

Outcome	HOPE Program	Control
No-shows for probation appointments (average of appointments per probationer)	9%	23%
Positive urine tests (average of tests per probationer)	13%	46%
New arrest rate (probationers rearrested)	21%	47%
Revocation rate (probationers revoked)	7%	15%
Incarceration (days sentenced)	138 days	267 days

Currently, it costs the State \$50,735 per year, or \$139 a day, to incarcerate an individual. In comparison, the HOPE program costs only \$1.82 per day to supervise an individual on probation, an individual who might otherwise be incarcerated without the help of the program. Your Committee is confident that specialty courts, including the HOPE program, Girls' Court, and Drug Court, will result in substantial cost savings.

The Judiciary, Children's Alliance of Hawaii, Inc., and numerous concerned individuals testified in support of this bill. The Hawaii Substance Abuse Coalition and several concerned



individuals submitted comments. And, although not present at the public hearing, your Committee acknowledges the Chief Justice's eloquent and compelling argument for the restoration of funds for the Judiciary's specialty courts and purchase of service contracts delivered through his last State of the Judiciary address on January 27, 2010. His strong presentation and command of the facts and figures to support his case led logically to the conclusion that the benefit to the community is greater than the nominal cost of additional funding. And, like the brilliant and seasoned trial attorney he is, he led us to the inescapable conclusion of a favorable decision by letting us find and own it ourselves.

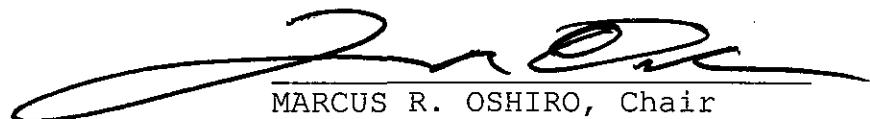
Your Committee has amended this bill by:

- (1) Adding \$1,500,000 for specialty courts and purchase-of-services contracts;
- (2) Reducing the Judiciary's overall budget by \$7,843,764 for furloughs; and
- (3) Adding \$5,600,000 for capital improvements.

In total, this measure appropriates \$132,823,624 in general funds and \$143,840,129 in all means of financing for the operating budget of the Judiciary. This measure also appropriates \$15,375,000 in general obligation bond financing for capital improvements for the Judiciary.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2000, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2000, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Finance,


MARCUS R. OSHIRO, Chair



State of Hawaii
House of Representatives
The Twenty-fifth Legislature

HSCR 681-10

Record of Votes of the Committee on Finance

Bill/Resolution No.: HB 2000, HD 1	Committee Referral: JUD, FIN	Date: 3/4/10		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
FIN Members	Ayes	Ayes (WR)	Nays	Excused
1. OSHIRO, Marcus R. (C)	✓			
2. LEE, Marilyn B. (VC)	✓			
3. AQUINO, Henry J.C.	✓			
4. AWANA, Karen Leinani	✓			
5. BROWER, Tom	✓			
6. CHOY, Isaac W.	✓			
7. COFFMAN, Denny	✓			
8. HAR, Sharon E.	Excused			✓
9. KEITH-AGARAN, Gilbert S.C.	✓			
10. LEE, Chris	✓			
11. NISHIMOTO, Scott Y.	✓			
12. SAGUM, Roland D., III	✓			
13. TOKIOKA, James Kunane	✓			
14. WOOLEY, Jessica	✓			
15. YAMASHITA, Kyle T.	✓			
16. FINNEGAN, Lynn	✓			
17. WARD, Gene	✓			
TOTAL (17)	16	0	0	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <u>Marilyn B. Lee</u>				
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