



THE JUDICIARY, STATE OF HAWAII

Testimony to the House Committee on Transportation

The Honorable Joseph M. Souki, Chair
The Honorable Linda Ichiyama, Vice Chair

Monday, January 31, 2011, 8:30 a.m.
State Capitol, Conference Room 309

by

Susan Pang Gochros

Chief Staff Attorney and Intergovernmental & Community Relations Director

Bill No. and Title: House Bill No. 823, Relating to Traffic Fines and Fees

Purpose: Raises certain fines and fine ceilings for traffic offenses. Increases administrative fees for certain traffic offenses and allocates a portion of those moneys to the judiciary computer system special fund, judiciary facilities repair and maintenance special fund, and the general fund.

Judiciary's Position:

The Hawaii Judiciary supports the intent of House Bill No. 823, which would promote public safety while helping to defray costs associated with the administration of the justice system. This bill proposes increasing the administrative fees for certain traffic offenses. These fees were last increased in 2005. The bill also raises the fine ceilings for traffic offenses. It allocates a portion of the moneys collected to a Judiciary facilities repair and maintenance special fund.

Other states have enacted similar types of legislation. For instance, in California, the legislature enacted legislation increasing the fines for traffic tickets to include a \$35 surcharge on each fine, the proceeds of which are used to help renovate courthouses. Such legislation, like the bill before you, serves two important purposes: First, it generates increased revenue for the states. Second, and perhaps just as important, it serves to increase public safety by deterring unsafe behaviors such as speeding.



House Bill No. 823, Relating to Traffic Fines and Fees
House Committee on Transportation
January 31, 2011
Page 2

We note two concerns with this bill. First, on page 8, the bill mentions that 25% of the fees collected would be placed in a special fund called the judiciary facilities repair and maintenance special fund. We have not seen any bill introduced establishing this fund. We would suggest that the creation of this fund either be added to this bill, or perhaps enacted through House Bill No. 1235, which is a short-form bill referencing the Judiciary. We would be glad to assist by providing proposed language.

Finally, we are sensitive to the possible perception that creating a fund that benefits the Judiciary could create an improper incentive for courts to levy fines. We are confident that our judges would not consider the possibility of a benefit to the Judiciary when they determine the imposition of fines. However, we point out this concern so that you are aware of any consequences – even if perceived – of such legislation.

Thank you for the opportunity of providing testimony on House Bill No. 823.