

STAND. COM. REP. NO.

3236

Honolulu, Hawaii

APR 05 2012

RE: H.B. No. 1800
H.D. 2
S.D. 2

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred H.B. No. 1800, H.D. 2, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to appropriate funds for the operating and capital improvements program budget for the Judiciary for fiscal year 2012-2013.

Your Committee received testimony in support of this measure from the Judiciary.

Your Committee received comments on this measure from the Domestic Violence Action Center.

Your Committee finds that the Ronald T.Y. Moon Judiciary Complex, which opened in Kapolei in phases during early 2010, has maintenance and warranty contracts that are expiring, just two years later. Accordingly, your Committee has provided \$646,446 for maintenance and building security contracts required to keep the facility operating efficiently.

In addition, your Committee finds staffing of the Kapolei detention facility inadequate, which has resulted in considerable overtime use of staff. To address this issue, your Committee has authorized six juvenile detention worker positions and appropriated \$231,604 for this purpose. Your Committee expects

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the Judiciary to work toward significantly reducing use of overtime at the facility.

Your Committee is mindful that the Department of Public Safety has or will soon stop providing adult community service sentencing services in the second, third, and fifth circuits. The loss of these services would make it difficult for indigent members of the community to pay fines owed to the State. If this occurs, the only other alternative available to judges would be to order incarceration. To maintain adult community service sentencing as a viable option, your Committee has authorized twelve positions and provided \$424,485 to enable the Judiciary to provide adult community service sentencing on Maui, Hawaii, and Kauai.

Your Committee also finds that an in-custody drug treatment program for incarcerated drug offenders was established in 2001 under a State and Maui County partnership. A County of Maui decision to stop funding the treatment program has placed a significant financial burden on the Molokai and Maui drug court, which must now shoulder the unfunded costs. Your Committee has provided \$186,000 for the continued operation of the in-custody drug treatment program.

Your Committee further finds that court interpreter services offered for various court cases for community members needing assistance is currently limited. To expand these services, your Committee has provided \$234,728. The funds will be used to make additional languages available for court interpreter services. This will allow greater public access to the courts.

Your Committee is cognizant that the Judiciary is currently generating more revenue to provide services for indigent people of the State. The purpose of the funds is to enable greater access to the courts for those unable to afford judicial services. To support access to the courts, your Committee has authorized the expenditure of an additional \$1,350,000 in anticipation of the increased revenue.

Your Committee is aware that district family court judges have recently experienced significant increases in caseloads. In 2007, the Legislature authorized positions for this purpose, though funding was not available to fill the positions. Your Committee has provided \$267,684 to fund a previously established judge and three support positions. This funding will assist with



the caseloads and promote the efficient delivery of judicial services to the public.

Your Committee notes that work began on the Justice Reinvestment Initiative (JRI) in June 2011. The ultimate goal of the JRI is to bring inmates home from non-state facilities and prepare inmates for reintegration into society. This is anticipated to result in significant cost savings over time. In order to achieve this goal, various programs must be expanded, and the Judiciary will play an important role in the process. Your Committee is supportive of the JRI and has authorized six positions and provided \$705,158 for probationary services and community based substance abuse programs.

Finally, your Committee notes that the Judiciary requested an appropriation of \$200,000 to pay for projected costs of unemployment insurance benefits for its employees. This resulted from an executive branch proposal to shift payment of this cost from the Department of Human Resources Development to the Judiciary. Your Committee finds that efficiency is not gained under this proposal and will continue to provide for the Judiciary's unemployment insurance benefits expenses through executive branch appropriations.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1800, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1800, H.D. 2, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,



DAVID Y. IGE, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1800 HD2 SD1	JDL, WAM	4-2-2012		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
IGE, David Y. (C)	/			
KIDANI, Michelle N. (VC)	/			
CHUN OAKLAND, Suzanne	/			
DELA CRUZ, Donovan M.				/
ENGLISH, J. Kalani	/			
ESPERO, Will	/			
FUKUNAGA, Carol	/			
KIM, Donna Mercado	/			
KAHELE, Gilbert	/			
KOUCHI, Ronald D.	/			
RYAN, Pohai	/			
TOKUDA, Jill N.	/			
WAKAI, Glenn	/			
SLOM, Sam		/		
TOTAL	12	1	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Michelle N. Kidani</div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes