

STAND. COM. REP. NO.

1357

Honolulu, Hawaii

APR 05 2013

RE: H.B. No. 197
H.D. 2
S.D. 2

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred H.B. No. 197, 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 improvement costs of the Judiciary for fiscal years 2013-2014 and 2014-2015.

Your Committee received written comments in support of the measure from the Judiciary; the Mayor of the County of Hawaii; Prosecuting Attorney of the County of Hawaii; Hawaii Access to Justice Commission; Hawaii State Bar Association; West Hawaii Bar Association; Legal Aid Society of Hawaii; Oahu Domestic Violence Task Force; Hawaii State Coalition Against Domestic Violence; Hawaii Disability Rights Center; Hawaii Justice Foundation; The Mediation Center of the Pacific, Inc.; Boards of Directors Child and Family Service and CFS Real Property; Child and Family Service; Chaminade University; The National Crittenton Foundation; and nine individuals.

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

In concert with the decision to restore the five per cent labor savings reduction to agencies statewide, your Committee has provided \$4,134,343 in general funds to the Judiciary to restore

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funds for labor costs. In addition, scheduled pay increases to judges as called for by the 2006 Commission on Salaries (the commission) were deferred. Your Committee is now able to restore judge's salaries to the amounts scheduled for fiscal year 2013-2014 by the Commission on Salaries. As such, your Committee has provided \$4,465,777 in general funds to restore judges' salaries in various Judiciary programs.

Your Committee supports collaboration between the Judiciary, Office of the Public Defender, United States Department of Veterans Affairs, Department of the Attorney General, and the Prosecuting Attorney of the City and County of Honolulu to establish the Veterans Treatment Court. This specialty court has been designed to address the unique needs of veterans entering the criminal justice system with mental illness and substance abuse issues arising from their service to our country. To advance these efforts, your Committee has provided general fund support for deputy defender, deputy prosecuting attorney, and social worker positions in the amount of \$278,352.

Your Committee is cognizant of the need to reinvest in judiciary programs that partner with private and nonprofit providers to administer assessments, treatment, counseling, and shelter services. Investments in these services reduce recidivism and corresponding incarceration costs as well as increase accessibility to court resources for domestic violence victims and drug court offenders, juvenile and adult alike. To this end, your Committee has provided \$611,204 to restore funding for purchase of service contracts in the Judiciary.

Your Committee also supports the public-private partnerships between the Judiciary and the community by means of Hawaii Children's Justice Centers (Centers). These programs bring together professionals to coordinate their activities and investigations of child abuse and neglect. Lack of professional support and neighbor island outreach for forensic specialist services at the Centers have resulted in many child victims going without timely assessment and returning to homes of abuse and neglect. In order to address these injustices, your Committee has wholly funded the Judiciary's request for positions and salary amounts to support neighbor island Children Justice Centers in the upcoming biennium.

Your Committee is aware of the high demand for legal assistance among Hawaii's vulnerable populations. The Judiciary



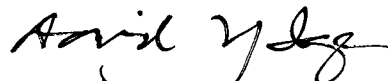
works with the legal community to provide subsidized court services to those who cannot afford to pay on their own. Act 180, Session Laws Hawaii 2011, included a provision that would increase surcharges for various court services in calendar year 2012, so as to enhance deposits into the Indigent Legal Assistance Fund (Fund) and expand the Judiciary's capacity to provide low- and moderate income residents with additional access to legal services. However, the lack of a concurrent increase in the Fund's expenditure ceiling has resulted in the Judiciary's inability to expend the additional moneys as they were intended. To address this administrative anomaly, your Committee has authorized the special fund expenditure of an additional \$1,000,000 from the Fund.

Your Committee has also provided \$1,095,225 in general funds in support of the Judiciary's efforts to move the Juvenile Client Services Branch from Honolulu to Kapolei. It is your Committee's understanding that this relocation will enhance productivity and performance of staff, as well as improve communication and coordination between the branches of Family Court, which have already moved to Kapolei.

Further, in support of recapitalizing existing operations throughout the Judiciary, your Committee has provided positions and funding that address various circuit needs, including the community service sentencing program on Maui, legal aid services in the Hilo Court District, and overall administration of the Judiciary.

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. 197, 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. 197, 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-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* HB197, HD2, SD1	Committee Referral: JDL, WAM	Date: 4/4/13
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The committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: Pass with Amendments

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 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	✓			
KAHELE, Gilbert	✓			
KEITH-AGARAN, Gilbert S.C.	✓			
KOUCHI, Ronald D.	✓			
RUDERMAN, Russell E.	✓			
THIELEN, Laura H.	✓			
TOKUDA, Jill N.	✓			
SLOM, Sam	✓			
TOTAL	12	0	0	1

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature: Will Espero

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*Only one measure per Record of Votes