



The Judiciary, State of Hawaii

Testimony to the House Committee on Judiciary
Representative Karl Rhoads, Chair
Representative Joy A. San Buenaventura, Vice Chair

Thursday, January 28, 2016, 2:01 p.m.
State Capitol, Conference Room 325

By:
Kelsey T. Kawano
Deputy Chief Judge, Second Circuit

Bill No. and Title: House Bill No. 1647, Relating to District Judges.

Purpose: To increase the number of district court judges in the Second Circuit from three to four judges by amending HRS Section 604-1.

Judiciary's Position:

Mr. Chairman and Members of the Committee: The Judiciary strongly supports this bill which is part of the Judiciary's legislative package. This bill is an authorization request for an additional district court judge for the Second Circuit. The request for an appropriation is being included in the Judiciary's budget request.

The last Second Circuit District Court Judgeship was legislatively authorized in 1982, approximately 34 years ago. That authorization increased the number of District Court judge positions from two to three. Since that time, the Maui County population has more than doubled from 76,970 in 1982 to an estimated 163,019 in 2014. Maui County's population grew faster than any other county in Hawaii over the two year period from 2012 to 2014. The estimated population for 2015 is approximately 168,000 with the de facto (which includes tourists) population estimated at 211,600. The present indicators suggest that this population growth will continue, especially with Maui's demand as a desired tourist destination.

The Second Circuit serves the islands of Maui, Molokai, and Lanai. At the present time, the District Court has three (3) full-time sitting judges to serve the entire circuit. The additional judgeship is needed to address the increase in criminal and traffic cases as well as the time required to schedule and hear cases on the court calendars.



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The Second Circuit has been experiencing an increase in criminal and traffic filings that have resulted in court calendars often taking all day to complete. For example, new criminal filings increased from 2,859 in FY 2011 to 4,167 in FY 2015, an almost 50 percent increase, and traffic filings increased from 21,694 in FY 2011 to 23,315 in FY 2015. These increases leave District Court Judges unable to timely attend to other judicial duties such as requests for finding of probable cause for extended restraint of liberty of warrantless arrestees (JDPCs); requests for review and approval of charging by felony information packet; requests for orders pertaining to bail; requests for execution of search warrants; requests for orders to show cause; requests for approval of temporary restraining orders and protective orders; review of civil traffic written statements; review of traffic notices of discrepancies; review and action on ex-parte and non-hearing motions.

The District Court convenes in Hana and Lanai only once a month and on Molokai only twice a month. These calendars are insufficient to keep up with the growing number of cases being filed in the rural courts and off-island courts. On Maui, court congestion is exacerbated by the fact that nearly all District Court civil, criminal and traffic cases in the Second Circuit fall within the venue of the Division of Wailuku, and are heard in Hoapili Hale in Wailuku.

The additional judge will help address the growing caseload in criminal and traffic filings while permitting the courts to accommodate the needs of its growing rural communities that are underserved at present. The additional judgeship will also enable the judges to attend to other judicial duties.

Thank you for the opportunity to testify on HB 1647.

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TESTIMONY
ON
HB 1647 - RELATING TO DISTRICT JUDGES

January 28, 2016

The Honorable Karl Rhoads
Chair
The Honorable Joy A. San Buenaventura
Vice Chair
and Members
House Committee on Judiciary

Chair Rhoads, Vice Chair San Buenaventura and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui, SUPPORTS HB 1647 - Relating to District Judges. HB 1647 will increase the number of district judges in the Second Judicial Circuit by one.

With increasing population comes an increase in caseload, particularly in the district courts, which traffic, criminal cases of misdemeanor and lesser grades, small-claims, and smaller civil cases are tried. District court judges also routinely review search warrants at all hours, handle weekend review of probable cause matters, and review criminal informations to determine probable cause. Furthermore, there are "specialty courts" (mental health, veterans', environmental, etc.) within the district court system. Because of these factors, the Second Judicial Circuit must have another district judge position to handle the increased responsibilities of the District Court.

Accordingly, the Department of the Prosecuting Attorney, County of Maui, SUPPORTS the passage of this bill. We ask that the committee PASS HB 1647.

Thank you very much for the opportunity to provide testimony on this bill.