



EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

June 22, 2017

**GOV. MSG. NO. 1155**

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Twenty-Ninth State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,  
Speaker and Members of the  
House of Representatives  
Twenty-Ninth State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 22, 2017, the following bill was signed into law:

SB718 SD1 HD1 CD1

RELATING TO THE COMMUNITY COURT  
OUTREACH PROJECT  
**ACT 055 (17)**

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i



1           The legislature further finds that the prosecuting attorney  
2 of the city and county of Honolulu has worked with the judiciary  
3 and the public defender on a community court outreach project,  
4 which is described as the criminal justice system's response to  
5 the many nonviolent offenses that overburden the courts and law  
6 enforcement. The goal of the project is to help nonviolent  
7 offenders who face problems such as drug abuse and mental health  
8 challenges to obtain basic services and necessities, like food  
9 and shelter.

10           The community court is intended to function as a mobile  
11 justice system that travels to neighborhoods and resolves cases  
12 against offenders who may suffer psychological conditions that  
13 make it difficult for them to attend a traditional court setting  
14 or pay fines imposed. The community court is also intended to  
15 impose alternative sentences such as community service and  
16 mandatory participation in programs deemed appropriate for  
17 individual offenders based on their need for specific mental  
18 health services, substance abuse treatment, sustenance, and  
19 shelter.

20           The purpose of this Act is to support these efforts by  
21 establishing a community court outreach project in the city and



1 county of Honolulu to offer combined accountability and  
2 treatment options to offenders that will reduce crime and  
3 recidivism. The legislature intends to evaluate the community  
4 court outreach project during its operational period and  
5 determine whether the project should be expanded to other  
6 counties of the State.

7 SECTION 2. **Definitions.** For the purposes of this Act:

8 "Community court outreach project" or "project" means the  
9 community court outreach project established by this Act.

10 "Prosecuting attorney" means the prosecuting attorney of  
11 the city and county of Honolulu.

12 "Public defender" means the public defender of the State.

13 SECTION 3. **Community court outreach project;**

14 **establishment; purpose.** (a) There is established the community  
15 court outreach project to help nonviolent offenders who face  
16 problems such as drug abuse and mental health challenges to  
17 obtain basic services and necessities, like food and shelter.  
18 The program shall be administered and operated by the judiciary  
19 in the city and county of Honolulu from July 1, 2017.

20 (b) The purpose of the project shall be to operate a  
21 mobile court that:



- 1 (1) Travels to communities where defendants:
- 2 (A) Have been cited or arrested for certain
- 3 nonviolent offenses; and
- 4 (B) Do not pose a threat to the public; and
- 5 (2) Disposes of the cases of defendants who enter plea
- 6 agreements after negotiations between the prosecuting
- 7 attorney and public defender.

8 SECTION 4. Project process. (a) Under the project, the  
9 court shall hold hearings at community sites to dispose of cases  
10 for which the prosecuting attorney and public defender have  
11 negotiated and reached plea agreements on the disposition of the  
12 defendants.

13 (b) Only cases involving nonviolent, nonfelony offenses  
14 under state law and city ordinance may be heard and disposed of  
15 under the project.

16 (c) The public defender shall engage a social service or  
17 health care professional to provide outreach services to  
18 defendants charged with the identified offenses who:

- 19 (1) Are willing to participate in the project;
- 20 (2) Are willing to be represented by the public defender;
- 21 and



1 (3) May benefit from participation in the project.

2 After consulting with the social service or health care  
3 professional, the public defender shall develop a list of the  
4 defendants who are potential participants in the project and  
5 transmit the list to the prosecuting attorney.

6 (d) The prosecuting attorney shall review the list and may  
7 select from the list those defendants who the prosecuting  
8 attorney determines may be appropriate for participation in the  
9 project. The prosecuting attorney shall enter into plea  
10 agreement negotiations with the public defender for disposition  
11 of those defendants.

12 (e) The plea agreement for a defendant may include a  
13 proposed fine, community service, court-ordered treatment, other  
14 court-ordered condition, or any other action that the court has  
15 the authority to take.

16 (f) At the hearing, the court may finalize the plea  
17 agreement by court order or judgment; provided that the court  
18 shall not be bound by the proposed disposition in the plea  
19 agreement.

20 SECTION 5. Project; subject to the availability of funds.

21 Subject to the availability of sufficient funds through a



1 specific appropriation, transfer of an appropriation from  
2 another state agency, or a federal or other grant:

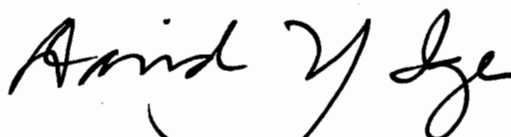
3 (1) The judiciary shall administer and operate the  
4 project; and

5 (2) The prosecuting attorney and public defender shall  
6 participate in the project.

7 SECTION 6. **Annual report.** The chief justice shall submit  
8 a report on the project to the legislature and the governor at  
9 least twenty days prior to the convening of the regular sessions  
10 of 2018, 2019, and 2020. The report shall include a  
11 quantification and discussion of program measures and outcomes.  
12 In any report, the chief justice may recommend that this Act be  
13 amended, expanded to other counties, or terminated. The report  
14 shall also include the comments and recommendations of the  
15 prosecuting attorney and public defender.

16 SECTION 7. This Act shall take effect on July 1, 2017.

APPROVED this 22 day of JUN, 2017





GOVERNOR OF THE STATE OF HAWAII

**THE SENATE OF THE STATE OF HAWAII**

Date: May 2, 2017  
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the  
Senate of the Twenty-ninth Legislature of the State of Hawaii, Regular Session of 2017.

  
President of the Senate

  
Clerk of the Senate



SB No. 718, SD 1, HD 1, CD 1

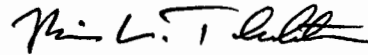
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2017  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2017.



Joseph M. Souki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives