

CHAPTER 601
COURTS GENERALLY

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Note

Decriminalizing minor offenses. L 2005, c 124; L 2008, c 101.

Cross References

Commission on salaries, see §26-56.

Intermediate sanctions for selected offenders and defendants, see §§353-10.5, 353-63.5, and 706-605.1.

Rules of Court

Court interpreter certification program, see Hawaii Rules for Certification of Spoken and Sign Language Interpreters.

Law Journals and Reviews

Judicial Independence: The Hawaii Experience. 2 UH L. Rev. 1 (1979).

" **§601-1 Judiciary.** There shall be a branch of government, styled the judiciary. [L 1892, c 57, §1; RL 1925, §2211; RL 1935, §3570; RL 1945, §9571; RL 1955, §213-1; am L 1959, c 259, §1(a); HRS §601-1; am L 1974, c 159, §14]

Cross References

Judicial power vested in supreme court and circuit courts, and in inferior courts established by legislature, see Const. art. VI, §1.

" **§601-1.5 Emergency period; suspension of deadlines.** (a) During an emergency period proclaimed by the governor under chapter 127A, the chief justice shall be authorized to order the suspension, tolling, extension, or granting of relief from deadlines, time schedules, or filing requirements imposed by otherwise applicable statutes, rules, or court orders, in civil or criminal cases or administrative matters, in any judicial circuit affected by the governor's proclamation. The chief justice shall determine the judicial circuits so affected.

(b) The order shall be limited to an initial duration of not more than thirty days; provided that the order may be modified or extended for such period of time as the chief justice deems necessary due to an ongoing state of emergency.

(c) The chief justice shall give notice of the order to all affected parties, counsel for the affected parties, and the

public. Notice shall be provided by whatever means are reasonably calculated, in the chief justice's sole discretion, to reach the affected parties, counsel for the affected parties, and the public.

(d) Any person whose rights or interests are adversely affected by the chief justice's order shall be entitled to an appeal. The notice of appeal shall be filed not later than forty-five days after the expiration of the chief justice's order or any modification or extension of that order. The notice shall be filed with the clerk of the circuit court having jurisdiction over the person. [L 2006, c 59, §1; am L 2014, c 111, §14]

" **§601-2 Administration.** (a) The chief justice shall be the administrative head of the judiciary. The chief justice shall make a report to the legislature, at each regular session thereof, of the business of the judiciary and of the administration of justice throughout the State. The chief justice shall present to the legislature a unified budget, six-year program and financial plan, and variance report for all of the programs of the judiciary. The chief justice shall also submit to the legislature annual routine repair and maintenance reports for judiciary-owned buildings, facilities, and other improvements that substantially comply with chapter 37, part VII. The chief justice shall direct the administration of the judiciary, with responsibility for the efficient operation of all of the courts and for the expeditious dispatch of all judicial business.

(b) The chief justice shall possess the following powers, subject to rules as may be adopted by the supreme court:

- (1) To assign circuit judges from one circuit to another;
- (2) In a circuit court with more than one judge, to:
 - (A) Make assignments of calendars among the circuit judges for a period as the chief justice may determine and, as deemed advisable from time to time, to change assignments of calendars or portions thereof (but not individual cases) from one judge to another; and
 - (B) Appoint one of the judges, for a period as the chief justice may determine, as the administrative judge to manage the business of the court, subject to the rules of the supreme court and the direction of the chief justice;
- (3) To prescribe for all of the courts a uniform system of keeping and periodically reporting statistics of their business;

- (4) To procure from all of the courts estimates for their appropriations; with the cooperation of the representatives of the court concerned, to review and revise them as the chief justice deems necessary for equitable provisions for the various courts according to their needs and to present the estimates, as reviewed and revised by the chief justice, to the legislature as collectively constituting a unified budget for all of the courts;
- (5) To exercise exclusive authority over the preparation, explanation, and administration of the judiciary budget, programs, plans, and expenditures, including without limitation policies and practices of financial administration and the establishment of guidelines as to permissible expenditures; provided that all expenditures of the judiciary shall conform with program appropriations and provisions of the legislature, and all powers of administration over judiciary personnel that are specified in title 7; and
- (6) To do all other acts that may be necessary or appropriate for the administration of the judiciary.

(c) The budget, supplemental budget, six-year program and financial plan, and the variance report of the judiciary shall be submitted by the chief justice to the legislature in accordance with the schedule of submission specified for the governor in chapter 37 and shall contain the program information prescribed in that chapter as applicable to the judiciary. By November 1 of each year preceding a legislative session in which a budget is to be submitted, the chief justice shall provide written notification to the governor of the proposed total expenditures, by cost categories and sources of funding, and estimated revenues of the judiciary for each fiscal year of the next fiscal biennium or fiscal year, as applicable. [L 1959, c 259, pt of §1(b); am imp L 1965, c 97, §24; Supp, §213-1.5; HRS §601-2; am L 1972, c 88, §1(a), (b); am L 1974, c 159, §15; am L 1977, c 159, §17; gen ch 1985; am L 2015, c 148, §5 and c 160, §9; am L 2016, c 55, §17 and c 233, §3]

Cross References

Generally, see Const. art. VI, §6.

Annual reports, see §93-12.

State-owned buildings and facilities; routine repair and maintenance annual reports, see chapter 37, part VII.

" **§601-3 Administrative director.** (a) The chief justice, with the approval of the supreme court, shall appoint an administrative director of the courts to assist the chief justice in directing the administration of the judiciary. The administrative director shall be a resident of the State for a continuous period of three years prior to the administrative director's appointment, and shall be appointed without regard to chapter 76 and shall serve at the pleasure of the chief justice. The administrative director shall hold no other office or employment. Effective July 1, 2014, the salary of the administrative director of the courts shall be equal to the salary of the administrative director of the State as set by the commission on salaries pursuant to section 26-56.

(b) The administrative director shall, subject to the direction of the chief justice, perform the following functions:

- (1) Examine the administrative methods of the courts and make recommendations to the chief justice for their improvement;
- (2) Examine the state of the dockets of the courts, secure information as to their needs of assistance, if any, prepare statistical data and reports of the business of the courts and advise the chief justice to the end that proper action may be taken;
- (3) Examine the estimates of the courts for appropriations and present to the chief justice the administrative director's recommendations concerning them;
- (4) Examine the statistical systems of the courts and make recommendations to the chief justice for a uniform system of judicial statistics;
- (5) Collect, analyze, and report to the chief justice statistical and other data concerning the business of the courts;
- (6) Assist the chief justice in the preparation of the budget, the six-year program and financial plan, the variance report and any other reports requested by the legislature;
- (7) Carry out all duties and responsibilities that are specified in title 7 as it pertains to employees of the judiciary; and
- (8) Attend to such other matters as may be assigned by the chief justice.

(c) The administrative director, with the approval of the chief justice, shall appoint a deputy administrative director of the courts without regard to chapter 76 and such assistants as may be necessary. The assistants shall be appointed without regard to chapter 76. Effective July 1, 2014, the salary of the deputy administrative director shall be equal to ninety-five per

cent of the salary of the administrative director. The administrative director shall be provided with necessary office facilities.

(d) The judges, clerks, officers, and employees of the courts shall comply with all requests of the administrative director for information and statistical data relating to the business of the courts and expenditure of public funds for their maintenance and operation.

(e) The salary levels of the administrative director and deputy administrative director shall be disclosed in the judiciary's annual budget submission to the legislature. [L 1959, c 259, pt of §1(b); am imp L 1965, c 97, §24; am L 1965, c 223, §11; Supp, §213-1.6; HRS §601-3; am L 1969, c 127, §9; am L 1974, c 159, §16; am L 1975, c 58, §25; am L 1976, c 82, §1; am L 1977, c 159, §18; am L 1982, c 129, §24(1); gen ch 1985; am L 1986, c 128, §21; am L 1990, c 72, §7; am L 1991, c 130, §2; am L 2000, c 142, §2 and c 253, §150; am L 2003, c 123, §1; am L 2006, c 299, §6; am L 2014, c 180, §1]

Cross References

See Const. art. VI, §6.

" **[\$601-3.2] Reporting of non-general fund information.** No later than twenty days prior to the convening of each regular session, the judiciary shall submit to the legislature a report for each non-general fund account, which shall include but not be limited to the following:

- (1) The name of the fund and a cite to the law authorizing the fund;
- (2) The intended purpose of the fund;
- (3) The current program activities which the fund supports;
- (4) The balance of the fund at the beginning of the current fiscal year;
- (5) The total amount of expenditures and other outlays from the fund account for the previous fiscal year;
- (6) The total amount of revenue deposited to the account for the previous fiscal year;
- (7) A detailed listing of all transfers from the fund;
- (8) The amount of moneys encumbered in the account as of the beginning of the fiscal year;
- (9) The amount of funds in the account which are required for the purposes of bond conveyance or other related bond obligations;

- (10) The amount of moneys in the account derived from bond proceeds; and
- (11) The amount of moneys of the fund held in certificates of deposit, escrow accounts, or other investments. [L 2016, c 166, §2]

" **§601-3.5 Supreme court law library revolving fund.** There is established a revolving fund for the statewide supreme court law library system into which shall be deposited all fines, fees, and other revenue derived from the system's operations. Moneys deposited in this fund may be expended to replace or repair lost, damaged, stolen, unreturned, or outdated books, serials, periodicals, and other library materials, or to support and improve library services. [L 1990, c 47, §1; am L 1993, c 64, §1]

" **§601-3.6 Spouse and child abuse special account; judiciary.** (a) There is established within the state treasury a special fund to be known as the "spouse and child abuse special account", and to be administered and expended by the judiciary.

(b) The proceeds of the account shall be reserved for use by the judiciary for staff programs, and grants or purchases of service, consistent with chapters 42F and 103F, that support or provide spouse or child abuse intervention or prevention as authorized by law. These proceeds shall be used for new or existing programs and shall not supplant any other funds previously allocated to these programs. The account shall be kept separate and apart from all other funds in the treasury.

(c) The account shall consist of fees remitted pursuant to sections 338-14.5 and 572-5, income tax remittances allocated under section 235-102.5, fines collected pursuant to sections [586-4(e)], 580-10, and 586-11, interest and investment earnings, grants, donations, and contributions from private or public sources. All realizations of the account shall be subject to the conditions specified in subsection (b).

(d) The judiciary, in coordination with the department of health, shall submit an annual report to the legislature, prior to the convening of each regular session, providing an accounting of the receipts of and expenditures from the account. [L 1994, c 232, §3; am L 1997, c 190, §6; am L 1998, c 172, §6; am L 1999, c 200, §4; am L 2004, c 228, §5]

" **§601-3.7 Judiciary computer system special fund.** (a)

There is established in the state treasury a special fund to be known as the judiciary computer system special fund, which shall contain the following:

- (1) Moneys collected from administrative fees pursuant to section 287-3(a);
- (2) Fees prescribed by the supreme court by rule of court for electronic document certification, electronic copies of documents, and for providing bulk access to electronic court records and compilations of data; and
- (3) Fees pursuant to sections 607-4(b)(10) and 607-5(c)(32).

(b) The fund shall be used for:

- (1) Consulting and other related fees and expenses in the selection, implementation, programming, and subsequent upgrades in judiciary computer system for a statewide computer system; and
- (2) The purchase of hardware and related software for a judiciary computer system.

(c) The fund may be used for other expenses relating to new technology in traffic enforcement and civil, criminal, and appellate case processing and management, including operations and maintenance.

(d) Moneys in the judiciary computer system special fund shall not revert to the general fund. [L 1996, c 203, §§2, 9; am L 1999, c 299, §1; am L 2003, c 216, §1; am L 2004, c 230, §§2, 6 and c 231, §1; am L 2006, c 21, §1; am L 2011, c 60, §1]

" **§601-4 Judicial council.** The supreme court shall provide for the appointment of a judicial council which shall serve in an advisory capacity only. The judicial council shall give continuing consideration to the administration of justice in the courts of the State. It shall make reports and recommendations biennially to the supreme court and also whenever deemed advisable by the court. The chief justice shall be a member and chairperson of the judicial council. The supreme court shall appoint, from time to time, such number of other members as it deems necessary to be fairly representative, but not to exceed fifteen, whose terms shall be in accordance with the rules of the supreme court. The members of the judicial council shall include laypersons as well as judges and lawyers. The members of the judicial council shall receive no compensation for their service but they shall be reimbursed for their traveling and other expenses incidental to attending meetings. [L 1959, c 259, pt of §1(b); Supp, §213-1.7; HRS §601-4; gen ch 1993]

Cross References

Ethics commission, appointment, see §84-21.

" **§601-5 Independence of judiciary.** The judiciary branch and the several judges and other judicial officers thereof shall be independent of both the executive and legislative departments. The governor shall have no power to interfere with, alter, or overrule any order, writ, judgment, or decision of any court, judge, or other judicial officer, except in the exercise of the power to grant reprieves and pardons in pursuance of law. [L 1892, c 57, §2; am L 1903, c 32, §1; RL 1925, §2212; RL 1935, §3571; RL 1945, §9272; RL 1955, §213-2; HRS §601-5; am L 1974, c 159, §17]

Cross References

See Const. art. VI.

Rules of Court

See JC Canon 1.

Attorney General Opinions

Laws governing hours of work, vacation, etc., of all public employees do not by coverage of employees in judiciary department impair the judicial power. Att. Gen. Op. 63-20.

Case Notes

No court ought to give an order of which it would be unable to compel the enforcement. 5 H. 669 (1878).

Court cannot supply a want in the law, or legislate and make law. 8 H. 478 (1892).

" **§601-6 REPEALED.** L 1979, c 111, §22.

" **§601-7 Disqualification of judge; relationship, pecuniary interest, previous judgment, bias or prejudice.** (a) No person shall sit as a judge in any case in which:

- (1) The judge's relative by affinity or consanguinity within the third degree is counsel, or interested either as a plaintiff or defendant, or in the issue of

which the judge has, either directly or through such relative, a more than de minimis pecuniary interest;
or

- (2) The judge has been of counsel or on an appeal from any decision or judgment rendered by the judge;

provided that no interests held by mutual or common funds, the investment or divestment of which are not subject to the direction of the judge, shall be considered pecuniary interests for purposes of this section; and after full disclosure on the record, parties may waive disqualification due to any pecuniary interest.

(b) Whenever a party to any suit, action, or proceeding, civil or criminal, makes and files an affidavit that the judge before whom the action or proceeding is to be tried or heard has a personal bias or prejudice either against the party or in favor of any opposite party to the suit, the judge shall be disqualified from proceeding therein. Every such affidavit shall state the facts and the reasons for the belief that bias or prejudice exists and shall be filed before the trial or hearing of the action or proceeding, or good cause shall be shown for the failure to file it within such time. No party shall be entitled in any case to file more than one affidavit; and no affidavit shall be filed unless accompanied by a certificate of counsel of record that the affidavit is made in good faith. Any judge may disqualify oneself by filing with the clerk of the court of which the judge is a judge a certificate that the judge deems oneself unable for any reason to preside with absolute impartiality in the pending suit or action. [L 1931, c 292, §1; RL 1935, §3572; RL 1945, §9573; RL 1955, §213-3; am L Sp 1959 1st, c 5, §1(b); HRS §601-7; am L 1972, c 88, §1(c); gen ch 1985; am L 2004, c 5, §1]

Note

Subsection (a) derived from §84 of the Hawaiian Organic Act.

Rules of Court

See JC Canon 2.

Law Journals and Reviews

State v. Mata: Disqualification of a Trial Judge. 13 UH L. Rev. 641 (1991).

Case Notes

See also note to Organic Act §84.

Does not apply to justices of an appellate court. 41 H. 270 (1956).

Voluntary withdrawal from participation. 41 H. 270 (1956).
Voluntary withdrawal of justices from participation. 53 H. 174, 488 P.2d 1406 (1971).

Review by prohibition does not lie where claim of bias and prejudice is based on facts occurring on trial and ultimately appealable. 45 H. 44, 361 P.2d 60 (1961).

State in criminal case may seek prohibition upon refusal to disqualify. 48 H. 247, 397 P.2d 575 (1964).

Provision for judge recusing oneself, control by supreme court over application of this provision. 49 H. 578, 586, 618, 426 P.2d 298 (1967).

Provision requires strict construction to avoid abuses. 55 H. 80, 515 P.2d 1250 (1973).

"Rule of necessity" requires judge to participate in a decision notwithstanding judge's personal interest if the case cannot be heard otherwise. 57 H. 348, 555 P.2d 1329 (1976).

Judge presiding over initial probate trial and a subsequent jury trial on same fact issues does not violate this section. 61 H. 236, 602 P.2d 521 (1979).

Because judge ruled on the motion to disqualify judge, attorney's failure to file timely motion to disqualify would not be deemed a waiver of attorney's right to seek a disqualification; judge did not err when judge denied attorney's disqualification motion. 76 H. 187, 873 P.2d 66 (1994).

Where "evidence" of personal bias offered by defendant did not involve matters of personal interest to the judge but concerned primarily matters affecting the judge's exercise of judicial discretion, motion for disqualification properly denied; also, neither imposition of jail sentence upon defendant nor scheduling of post-appeal hearings demonstrated bias on part of judge. 89 H. 371, 974 P.2d 11 (1998).

Where alleged improper ex parte communication with judge by former officer of plaintiff regarding hotel was unrelated to case, former officer was not a party to the litigation or a witness, and judge did not know at time of conversation with former officer whether hotel was owned by plaintiff or defendant, no personal bias by judge under this section. 92 H. 243, 990 P.2d 713 (1999).

Where: (1) record reflected no animosity by the judge against petitioner, and the motion to disqualify was based solely on a declaration by petitioner's attorney which did not set forth specific facts beyond speculation that there was the "potential for partiality", there was no legal showing that the judge would have a personal bias in the case under this section; and (2)

petitioner did not establish any disqualifying facts that would reasonably cast suspicion on the judge's impartiality, the appeals court did not abuse its discretion in holding that the facts as alleged were not sufficient to warrant the judge's recusal. 128 H. 423, 290 P.3d 493 (2012).

To disqualify judge, party was required to act before the judge entered ruling on the merits and in conformity with section. 2 H. App. 1, 625 P.2d 378 (1981).

Trial judge did not have to recuse herself from various show cause hearings because judge was privy to confidential information as a result of settlement negotiations; however, order dismissing plaintiff's complaint with prejudice vacated to remedy due process concerns raised by the handling of ex parte communications mailed from defendant to judge discussing the merits of the order to show cause hearings. 97 H. 354 (App.), 37 P.3d 603 (2001).

Affidavit filed by counsel did not satisfy the statutory requirement for the party seeking disqualification to attest to the disqualifying facts; even assuming plaintiff had complied with the statutory requirements, counsel's declaration failed to sufficiently state facts showing bias or prejudice on the part of the judge and was speculative at best. 117 H. 477 (App.), 184 P.3d 792 (2008).

Where it took an adverse decision and over two months after trial had concluded for attorney to file an affidavit alleging bias, trial judge's order to deny motion to disqualify affirmed. 127 H. 346 (App.), 279 P.3d 11 (2012).

Disqualification of judge. Statutory grounds, whether exclusive. 17 H. 428 (1906). Disqualification to sit on reserved question. 31 H. 150 (1929). Timeliness of suggestion of disqualification. 41 H. 270 (1956); 44 H. 483, 357 P.2d 110 (1960); 49 H. 578, 426 P.2d 298 (1967). Disqualification for bias or prejudice in favor of "opposite party"; who is "opposite party". 49 H. 578, 586, 616-617, 426 P.2d 298 (1967).

Subs. (a). Judge held not pecuniarily interested in case. 8 H. 391 (1892). Ownership of stock constitutes "a pecuniary interest" in an action in which corporation is interested. 33 H. 565 (1935). Has been of counsel--mere employment in law firm is not disqualification. 44 H. 687, 361 P.2d 1043 (1961). Where State a party, whether judge disqualified by reason of having been a deputy attorney general. 49 H. 252, 413 P.2d 249 (1966). Not applicable where there is no provision for replacing a justice who would otherwise be disqualified. 58 H. 25, 564 P.2d 135 (1977).

Subs. (b). Legal sufficiency of affidavit. 39 H. 308 (1952); 41 H. 52 (1955); 41 H. 270 (1956); 45 H. 44, 361 P.2d 60 (1961); 48 H. 247, 397 P.2d 575 (1964); 3 H. App. 646, 658 P.2d 898

(1983). Filing of disqualifying affidavit must be timely. 49 H. 578, 586, 616, 426 P.2d 298 (1967). Affidavit required by subsection (b) must state directly or in substance a personal bias or prejudice on the part of the judge. 55 H. 80, 515 P.2d 1250 (1973). Reference of an attorney's conduct to a disciplinary board or a response to an inquiry with respect thereto by disciplinary counsel, is not grounds for disqualification of a judge. 71 H. 319, 789 P.2d 1122 (1990).

Cited: 234 F.2d 221, 223 (1956).
See 35 H. 786 (1941).

" **§601-8 Practice of law forbidden.** Justices of the supreme court, judges of the intermediate appellate court, judges of the circuit court, and full-time judges of the district court and of the district family court shall not engage in the practice of law during their terms of office. [L 1892, c 57, §3; am L 1892, c 76, §1; RL 1925, §2213; RL 1935, §3573; RL 1945, §9574; RL 1955, §213-4; HRS §601-8; am L 1970, c 188, §7; am L 1979, c 111, §23]

Rules of Court

See JC rule 3.10.

Case Notes

Cited: 27 H. 509, 526 (1923).
Discussed: 74 H. 394, 846 P.2d 894 (1993).

" **§601-9 Same, other instances.** No attorney shall be employed, or allowed to appear before any court, in any action or proceeding which has been previously tried before the attorney as a judge. [CC 1859, pt of §821; RL 1925, §2214; RL 1935, §3574; RL 1945, §9575; RL 1955, §213-5; HRS §601-9; am L 1972, c 88, §1(d); gen ch 1985]

" **§§601-10 to 601-12 REPEALED.** L 1972, c 88, §1(h).

" **§601-13 Publication of notices and process.** (a) All notices or process required or permitted by law, by the rules of any court, or by judicial order to be published or advertised in judicial proceedings in the State shall be published or

advertised in a newspaper or newspapers having a general circulation within the county in which the judicial proceedings are commenced or had, except as otherwise provided.

(b) When the notices or process are required to be published or advertised once or more in a given interval for or in a successive number of intervals, the use of the word "successive" shall not be construed to require publication in more than the stated number of intervals; for example, a requirement of publication "once a week for (or in) three successive weeks" shall require only three publications.

(c) Notwithstanding any law to the contrary, in all family court cases, if the plaintiff or petitioner, as a result of impoverishment, is unable to publish notice as required by subsection (a), the plaintiff or petitioner shall file an affidavit attesting to impoverishment and to the fact that, after due and diligent search, the whereabouts of the individual sought to be served are unknown. Upon such filings, the family court shall order that service be made by forwarding a certified copy of the pleadings and process to the individual at the last known address by registered or certified mail, with a return receipt requested and a directive to deliver to addressee only, by sending a certified copy of the pleadings and process to the defendant's or respondent's closest known relative, if any can be found, and by posting a copy of the pleadings and process at the courthouse in which the pleadings and process have been filed. Service shall be completed thirty days after mailing. The plaintiff or petitioner shall attest to the fact of the mailing and the date thereof by affidavit, attaching the sender's receipt for that mail and, if available, the return receipt and envelope. [L 1919, c 31, §1; RL 1925, §2219; RL 1935, §3579; am L 1941, c 36, §1; RL 1945, §9580; RL 1955, §213-10; HRS §601-13; am L 1972, c 88, §1(e); am L 2012, c 290, §2]

Rules of Court

See HRCF rule 4(e).

Proof of publication, see RCC rule 11.

Case Notes

Cited: 45 H. 90, 91, 363 P.2d 1006 (1961).

" **§601-14 REPEALED.** L 1991, c 5, §1.

" **§601-15 Style of process.** The style of process in the state courts shall run in the name of "The State of Hawaii", and all prosecutions shall be carried on in the name and by the authority of the State of Hawaii. [L Sp 1959 1st, c 5, §7; Supp, §213-12; HRS §601-15; am L 1972, c 88, §1(g)]

" **§601-16 REPEALED.** L 1972, c 88, §1(h).

" **§601-17 Use of credit and debit cards to pay for court costs, fees, expenses, and other charges.** (a) Costs, fees, bond forfeitures, fines, expenses, and other charges that are due and owing to the courts may be paid by use of credit cards or debit cards acceptable to the administrative director of the courts; provided that driver's license and vehicle registration clearances shall be paid by cash only.

(b) A service fee may be paid by the judiciary for the use of a credit or debit card service. In the event that a credit or debit card is used to pay any charges due and owing to the courts, the judiciary may impose an additional convenience fee on the credit or debit card user. The amount of such convenience fee shall not exceed the amount of the service fee imposed on the judiciary for the subject credit or debit card transaction. [L 1978, c 35, §1; am L 2003, c 5, §1; am L 2004, c 71, §1]

" **§601-17.5 Collection of delinquent court-ordered payments.** The judiciary may contract with a collection agency bonded under chapter 443B or with a licensed attorney to collect any delinquent court-ordered penalties, fines, restitution, sanctions, and court costs, including juvenile monetary assessments. Any fees or costs associated with the collection efforts shall be added to the amount due and retained by the collection agency as its payment; provided that no fees or costs shall exceed fifty per cent of the amount collected. [L 2004, c 77, §1; am L 2015, c 35, §18]

" **[§601-18] Interest income.** Interest income earned on court deposits shall be credited to the depositor specified in the court order or to the State of Hawaii if not otherwise specified by statute. [L 1993, c 42, §1]

" **[§601-20] Court annexed arbitration program.** (a) There is established within the judiciary a court annexed arbitration program which shall be a mandatory and nonbinding arbitration program to provide for a procedure to obtain prompt and equitable resolution of certain civil actions in tort through arbitration. The supreme court shall adopt rules for the implementation and administration of the program by January 1, 1987.

(b) All civil actions in tort, having a probable jury award value, not reduced by the issue of liability, exclusive of interest and costs, of \$150,000 or less, shall be submitted to the program and be subject to determination of arbitrability and to arbitration under the rules governing the program. The rules shall include a procedure to classify and establish the order of priority according to which the actions will be processed for the determination of arbitrability and for the arbitration under the program. The court may, at its discretion, remove any action from the program.

(c) The chief justice may hire on a contractual basis, and at the chief justice's pleasure remove, without regard to chapter 76, an arbitration administrator, who shall be responsible for the operation and management of the program, and such other persons deemed necessary for the purposes of the program in the judgment of the chief justice. [L Sp 1986, c 2, §21; am L 2000, c 253, §150]

Cross References

Bypass of court annexed arbitration, see §671-16.5.
Center for alternative dispute resolution, see chapter 613.

Rules of Court

Applicability of Hawaii Arbitration Rules, see RCC rule 34.

Law Journals and Reviews

Settling Civil Lawsuits in the Hawaii Circuit Courts. 10 HBJ, no. 13, at 1 (2007).

The Impact of Discovery Limitations on Cost, Satisfaction, and Pace in Court-Annexed Arbitration. 11 UH L. Rev. 81 (1989).

Tort and Insurance "Reform" in a Common Law Court. 14 UH L. Rev. 55 (1992).

Striking a Balance: Procedural Reform Under the Lum Court. 14 UH L. Rev. 223 (1992).

Case Notes

Subsection (b) did not violate the equal protection clause of the Fourteenth Amendment to the U.S. Constitution. 76 H. 494, 880 P.2d 169 (1994).

" **[\$601-21] Substance abuse treatment monitoring program.**

(a) To determine the effectiveness of substance abuse treatment services and maintain accurate numbers of individuals receiving publicly funded substance abuse treatment, the judiciary shall comply with the requirements of the statewide substance abuse treatment monitoring program established under section 321-192.5. The judiciary shall collect data in accordance with section 321-192.5 from any circuit court, adult probation, and any provider of substance abuse treatment that provides substance abuse treatment to persons served through public funds administered by the judiciary.

(b) The judiciary shall include in the contract with any treatment provider all criteria established by the department of health pursuant to section 321-192.5 to determine whether the treatment provider is achieving success in treating individuals with substance abuse.

(c) The judiciary shall include the information collected under subsection (a) as part of the annual report submitted pursuant to section 601-2.

(d) This section shall not be construed to abrogate an individual's right to privacy. The judiciary shall implement sufficient protections to ensure that the identity of a recipient of substance abuse treatment services remains strictly confidential and that aggregate data collected pursuant to this section is used solely for the purpose of this section. [L 2004, c 40, §26]

" **SHERIFF**

§§601-31 to 601-38 REPEALED. L 1989, c 211, §16.

" **[SECURITY PERSONNEL]**

§601-51 REPEALED. L 1989, c 211, §17.