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TESTIMONY
ON
SB 322 - RELATING TO COURT JURISDICTION

January 31, 2017

The Honorable Gilbert S.C. Keith-Agaran
Chair
The Honorable Karl Rhoads
Vice Chair
and Members
Senate Committee on Judiciary and Labor

Chair Keith-Agaran, Vice Chair Rhoads and Members of the Committee:

The Department of the Prosecuting Attorney, County of Kaua'i strongly supports SB 322. This measure provides that circuit and family courts shall have concurrent jurisdiction regarding the offense of endangering the welfare of a minor in the first degree, endangering the welfare of a minor in the second degree, and endangering the welfare of an incompetent person. Provides that district and family courts shall have concurrent jurisdiction regarding the offense of endangering the welfare of a minor in the second degree and endangering the welfare of an incompetent person.

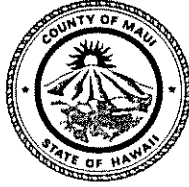
When a person commits the offense of Operating a Vehicle Under the Influence of an Intoxicant ("OVUII"), and the person has as passenger(s) in his/her vehicle (a) minor(s) and/or (an) incompetent person(s), the person also endangers the welfare of the minor(s)/incompetent person(s), and should be charged accordingly. However, double jeopardy protections require that a defendant be charged with all known potential charges at the same time. However, OVUII cannot be heard in family court, and family court has exclusive jurisdiction over endangerment cases. Thus, the State is caught in a Catch-22, and must either charge OVUII in district court or endangerment in

family court. This bill will allow circuit and district courts to have concurrent jurisdiction over endangerment cases, allowing for proper charging and prosecution of such cases.

Accordingly, the Department of the Prosecuting Attorney, County of Kaua`i, requests that this measure be PASSED.

Thank you very much for the opportunity to testify.

ALAN M. ARAKAWA
Mayor



JOHN D. KIM
Prosecuting Attorney
ROBERT D. RIVERA
First Deputy Prosecuting Attorney

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TESTIMONY (REVISED)
ON
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When a person commits the offense of Operating a Vehicle Under the Influence of an Intoxicant ("OVUII"), and the person has as passenger(s) in his/her vehicle (a) minor(s) and/or (an) incompetent person(s), the person also endangers the welfare of the minor(s)/incompetent person(s), and should be charged accordingly. However, double jeopardy protections require that a defendant be charged with all known potential charges at the same time. However, OVUII cannot be heard in family court, and family court has exclusive jurisdiction over endangerment cases. Thus, the State is caught in a Catch-22, and must either charge OVUII in district court or endangerment in family court. This bill will allow circuit and district courts to have concurrent

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From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: *Submitted testimony for SB322 on Jan 31, 2017 09:00AM*
Date: Saturday, January 28, 2017 12:03:47 PM

SB322

Submitted on: 1/28/2017

Testimony for JDL on Jan 31, 2017 09:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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