



The Judiciary, State of Hawai‘i

Testimony to the Senate Committee on Judiciary

Senator Karl Rhoads, Chair
Senator Glenn S. Wakai, Vice Chair

Tuesday, March 12, 2019 9:00 AM
Conference Room 016

WRITTEN TESTIMONY ONLY

by
Calvin Ching
Deputy Chief Court Administrator

Bill No. and Title: House Bill No. 903, House Draft 1 Relating to the Judiciary.

Purpose: Requires the Judiciary to establish a financial hardship task force. (HB903 HD1)

Judiciary's Position:

The Judiciary supports House Bill No. 903, House Draft1 and welcomes the opportunity to work with the Legislature to discuss other alternatives.

The Judiciary also offers the following information on past and current payment options for those with limited ability to pay:

The Judiciary offered traffic payment plans in the past, and they did not work. Instead, the Judiciary-managed program required a proof of compliance calendar where nonpayment of fines turned the Judiciary into a “debtor court.” Nonappearance on the payment calendar generated bench warrants for contempt of court or the issuance of a penal summons for failing to appear. This should not be function of the court, which is why the collection of outstanding fees and fines were instead referred to a private collection agency.

Currently, when a penalty is assessed for a traffic violation, whether decriminalized or a criminal offense, there are two schedules for payment. If the penalty is up to \$500, a party has up to three months to pay and up to six months if the penalty is more than \$500; otherwise, the unpaid portion is referred to a private collection service. Any arrangement for payment can be made with the collection service. Additionally, the Judiciary also already allows fines to be



House Bill No. 903, House Draft 1 Relating to the Judiciary
Senate Committee on Judiciary
Tuesday, March 12, 2019 9:00 AM
Page 2

converted to community service at the rate of \$10 per hour of community service and the ability to waive all administrative fees for financial hardship.

Notably, the Judiciary recently updated its traffic citation booklets statewide to state that, if the court imposes a monetary assessment as a result of the citation and the defendant is unable to pay because of financial hardship, the defendant may request that the court consider his or her ability to pay. The citation also informs defendants that the court may permit community service instead of payment or may make other adjustments to the monetary assessment.

Furthermore, in Hawai‘i, license suspensions are not imposed for nonpayment. Instead, when a defendant fails to comply with court-ordered fines or fees in the required time period, the court issues a license "stopper," which "stops" issuance of a new or renewal of a current Hawai‘i license until the non-compliance is addressed. See HRS 291D-10a. However, even in that circumstance, the court may permit the issuance of a restricted driver’s license when necessary for a party to maintain employment. See HRS 286-109(c).

Thank you for the opportunity to testify on this measure.

COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: (808) 927-1214 / kat.caphi@gmail.com



COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Glenn Wakai, Vice Chair

Tuesday, March 12, 2019

9:00 am

Room 016

SUPPORT for HB 903 HD1 - HARDSHIP PROGRAM; FINES AND FEES

Aloha Chair Rhoads, Vice Chair Wakai and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for more than two decades. This testimony is respectfully offered on behalf of the families of **ASHLEY GREY, DAISY KASITATI, JOEY O'MALLEY, JESSICA FORTSON AND ALL THE PEOPLE WHO HAVE DIED UNDER THE "CARE AND CUSTODY" OF THE STATE** as well as the approximately 5,400 Hawai'i individuals living behind bars or under the "care and custody" of the Department of Public Safety on any given day. We are always mindful that more than 1,600 of Hawai'i's imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

HB 903 HD1 requires the Judiciary to establish a financial hardship task force. Mahalo for hearing this important bill that Community Alliance on Prisons strongly supports.

In the United States, debtors' prisons were banned under federal law in 1833. A century and a half later, in 1983, the Supreme Court affirmed that incarcerating indigent debtors was unconstitutional under the Fourteenth Amendment's Equal Protection clause.

All 50 states impose court fees on defendants. Some states jail people for being unable – that's "unable," not "unwilling" – to pay fines. That used to be the case in Georgia, Missouri, and Alabama – until courts set them straight. Now a federal district court in another conservative state, Louisiana, has also eliminated that barbaric practice.

Community Alliance on Prisons urges the committee to pass this important bill to keep "top of mind" the circumstances with which many vulnerable members of our community are contending. People exiting incarceration are working to get their lives on track and are faced with daunting court fees, renewing drivers' licenses, rent, etc. that present significant barriers to their successful reintegration into their communities.

We urge the committee to pass this measure.

Mahalo for this opportunity to testify.

HB-903-HD-1

Submitted on: 3/11/2019 7:46:07 AM

Testimony for JDC on 3/12/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
David Deges	Testifying for Hawaii Island HIV/AIDS Foundation	Support	Yes

Comments:

HB-903-HD-1

Submitted on: 3/10/2019 7:43:02 PM

Testimony for JDC on 3/12/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Patrick F. Hurney	Testifying for Habitat for Humanity Hawaii Island, Inc.	Support	No

Comments:

Please support HB 903!

Mahalo

Patrick Hurney

HB-903-HD-1

Submitted on: 3/11/2019 9:00:54 AM

Testimony for JDC on 3/12/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:

HB-903-HD-1

Submitted on: 3/10/2019 11:17:27 AM

Testimony for JDC on 3/12/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Raelyn Reyno Yeomans	Individual	Support	No

Comments:

Strong Support!

HB-903-HD-1

Submitted on: 3/11/2019 8:40:23 AM

Testimony for JDC on 3/12/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Christian Lamb	Individual	Support	No

Comments:

I support HB 903 relating to the judiciary.

Thank you!

HB-903-HD-1

Submitted on: 3/11/2019 9:28:59 AM

Testimony for JDC on 3/12/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Toni Symons- HAPI	Individual	Support	No

Comments:

In STRONG support.

Mahalo

LATE

HB-903-HD-1

Submitted on: 3/11/2019 1:00:18 PM

Testimony for JDC on 3/12/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Diana Bethel	Individual	Support	No

Comments:

Bill HB 903 HD1 establishes a taskforce to assist people leaving incarceration who have financial hardship.

If, due to financial hardship, a person cannot pay the required fees to maintain their driver's license, their opportunities for getting a job may be more limited and they may be unable to sustain themselves in the community.

The goal is to help these people become self-sustaining productive citizens in the community.