



Supreme Court — THE JUDICIARY • STATE OF HAWAII

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JUDICIARY COMM. NO. 16

Mark E. Recktenwald
CHIEF JUSTICE

December 18, 2019

The Honorable Ronald D. Kouchi
President
Hawaii State Senate
State Capitol, Room 409
Honolulu, HI 96813

The Honorable Scott K. Saiki
Speaker
House of Representatives
State Capitol, Room 431
Honolulu, HI 96813

Dear President Kouchi and Speaker Saiki:

Please find enclosed the *Final Report of the Financial Hardship Task Force to the Thirtieth Legislature of the State of Hawaii*, pursuant to Act 112, Session Laws of Hawaii, 2019.

In accordance with Section 93-16, Hawaii Revised Statutes, we are also transmitting a copy of this report to the Legislative Reference Bureau Library.

The public may view an electronic copy of this report on the Judiciary's website at the following link: http://www.courts.state.hi.us/news_and_reports/reports/reports.html.

Should you have any questions regarding this report, please feel free to contact Karen Takahashi of the Judiciary's Legislative Coordinating Office at 539-4896, or via e-mail at Karen.T.Takahashi@courts.hawaii.gov.

Sincerely,

Mark E. Recktenwald
Chief Justice

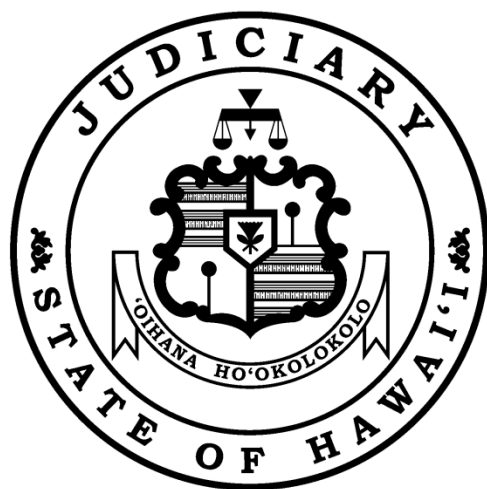
Enclosure

- c: Honorable Lono J. Lee, Chair, Act 112, SLH 2019 Financial Hardship Task Force
Legislative Reference Bureau Library
Office of the Clerk, Hawaii State Senate
Office of the Clerk, Hawaii House of Representatives

FINAL REPORT OF THE FINANCIAL HARDSHIP TASK FORCE

**TO THE THIRTIETH LEGISLATURE
2020 REGULAR SESSION**

Act 112, Session Laws of Hawai‘i, 2019



**Prepared by:
Financial Hardship Task Force**

December 2019

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TASK FORCE MEMBERSHIP

Many thanks to the following members and participants for their hard work and dedication to the effort and to the Judiciary's Legislative Coordinating Office for its facilitation.

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EXECUTIVE SUMMARY

Efforts to improve the current traffic system in Hawai‘i began as early as 1978 with the decriminalization of certain traffic offenses deemed non-serious, and continued through 1993 when a streamlined process was established to resolve non-criminal traffic infractions without the need for cited motorists to come to court for in-person appearances. Today, Hawai‘i’s traffic offenses remain categorized into two basic categories: traffic infractions and traffic crimes.

Traffic infractions are considered civil offenses, without the possibility of imprisonment as a penalty, and include more informal procedures for motorists to resolve their citations without having to come to court. Penalties for traffic infractions often include monetary assessments, such as fines, costs, fees and surcharges, but can also include community service and mandatory attendance at a driving class or other educational program.

Traffic crimes are considered more serious in nature than traffic infractions, and therefore carry more severe penalties, such as higher fine amounts, mandatory license suspension, or the possibility of imprisonment. A defendant charged with a traffic crime must appear in court on the date and time indicated by the law enforcement officer on the citation or on the receipt given to the defendant after posting bail. At the defendant’s first court appearance, the judge will inform the defendant of the charges and explain the defendant’s rights and options. The judge may also refer the defendant to the Office of the Public Defender for possible free legal representation.

Under the current system, there are options available if a motorist is unable to pay a traffic related monetary assessment or is otherwise experiencing financial hardship. The court may modify the monetary assessment based on a motorist’s ability to pay, unless statutorily prohibited from doing so; extend the time to pay the monetary assessment; issue a restricted license so the motorist can continue to drive while paying down the monetary assessment; convert the monetary assessment to community service; or make other adjustments. All fines collected are deposited into the State General Fund, unless otherwise designated (e.g., specific fees and surcharges). Therefore, the police departments, prosecuting attorney’s offices, office of the public defender, and the courts are not funded through the collection of traffic fines.

If a motorist fails to engage with the court to avail him or herself of one of the financial hardship options available or otherwise fails to satisfy the legal obligation, then the court sends the judgment to collections and a stopper is placed on the motorist’s license or registration, depending on the offense. A license stopper prevents the motorist from acquiring a new driver’s license or renewing the license until there is a satisfactory resolution of the traffic citation. When a traffic judgment is with collections, the motorist still has the option to pay in installments. Furthermore, upon request from the motorist, the judgment can also be recalled back to the court where the court can make adjustments to the amount owed or convert the monetary assessment to community service.

Although the current system provides options for cited motorists who are experiencing financial hardship, there are ways to build upon these options to improve the traffic system and remove barriers for motorists. Therefore, the Act 112 Financial Hardship Task Force makes the

following recommendations on possible ways to improve the current traffic system to address the needs of those motorists experiencing financial hardship:

1. Give the courts greater judicial discretion in setting traffic penalties.
2. Expand the restricted license program under Hawai'i Revised Statutes (HRS) § 286-109(c)(1), which is similar to a payment plan, to allow more motorists to qualify for the program.
3. Increase the community service conversion rates.
4. Create uniform procedures for taking into consideration a motorist's ability to pay a monetary assessment.
5. Further decriminalize traffic crimes that are deemed non-serious in nature.
6. Increase imprisonment conversion rates for those defendants with traffic crime cases who opt to satisfy their legal financial obligations as credit for time served.
7. Increase visibility of all financial hardship options that are available.

1. INTRODUCTION

The Thirtieth Legislature, 2019 Regular Session, State of Hawai‘i, passed House Bill No. 903, House Draft 1, Senate Draft 1, Conference Draft 1 (HB 903, HD1, SD1, CD1), requiring the Judiciary to establish a financial hardship task force. HB 903 HD1, SD1, CD1 became law on June 21, 2019 as Act 112, Session Laws of Hawai‘i 2019 (Act 112, SLH 2019) and is attached as Appendix A.

A. Legislative Mandate

Pursuant to Act 112, Chief Justice Mark E. Recktenwald established the Financial Hardship Task Force (hereinafter Task Force) to:

1. Examine the financial disparity imposed on low-income individuals in the court system;
2. Analyze other mechanisms regarding the nonpayment of fines rather than suspending driver’s licenses;
3. Coordinate with applicable agencies; and
4. Analyze any other programs deemed necessary.

Act 112 provided that the Task Force shall be composed of the following members or their designees:

1. The chief justice, who shall serve as chair;
2. The attorney general;
3. The director of public safety;
4. The director of transportation; and
5. The chief of police of each county.

Pursuant to Act 112, Chief Justice Mark E. Recktenwald convened the Task Force, chaired by the Honorable Lono Lee, Deputy Chief Judge, District Court of the First Circuit. The Task Force was required to submit a report to the Legislature of its findings and recommendations, including any proposed legislation, no later than twenty days before the convening of the regular session of 2020.

B. The Process

The Task Force met as a whole on August 2, September 6, October 4, and November 15, 2019. Each meeting included considerable discussion about the options that are currently available to address the needs of those who are unable to pay legal financial obligations for traffic offenses, and suggestions for ways to improve the status quo. While the Task Force included a diverse group of stakeholders, it was noted early in the process that the language of Act 112 did not grant the Task Force Chair with the authority to add additional Task Force members (e.g., Prosecuting Attorneys from each county or State Public Defender) who might provide valuable perspectives and input on matters pertinent to the Task Force. Nevertheless, those individuals were represented

on a separate, and somewhat related, task force and were invited to submit recommendations to the Act 112 Task Force for its consideration.¹

Prior to the last Act 112 Task Force meeting in November 2019, the American Civil Liberties Union (ACLU) submitted materials for the Task Force’s consideration and requested that the Task Force include as a recommendation the elimination of license stoppers for failure to pay traffic-related fines and fees. The ACLU also requested that the Task Force recommend that the Legislature adopt the statutory amendments included in Senate Bill 1344, Senate Draft 1, Session Laws of Hawai‘i 2019, which, if passed, would have eliminated the license stopper option for certain types of traffic offenses. The ACLU expressed concern about the impacts that license and registration stoppers have on motorists’ ability to drive legally, and noted that the stoppers could impact motorists’ ability to maintain gainful employment, obtain medical attention, or care for children and family members. Of particular concern was the impact that stoppers may have for motorists who did not satisfy their legal financial obligations because they were unable to afford the amount assessed. The Task Force took these concerns, and others, into consideration when fashioning its final recommendations.

2. HISTORY OF TRAFFIC DECRIMINALIZATION

Efforts to decriminalize non-serious traffic offenses began with the passage of Act 222, Session Laws of Hawai‘i 1978 (Act 222, SLH 1978). The purpose of Act 222 was to “decriminalize all traffic offenses, other than those of a serious nature, to the status of violations.” It was noted that Act 222 “eliminate[d] the criminal penalties of imprisonment, probation and restitution for all but serious traffic violations such as those concerning accidents involving death or personal injuries, false reports, or overtaking and passing a stopped school bus.” Attached as Appendix C is a copy of Act 222.

Due to the multitude of traffic offenses that exist, some offenses were overlooked or unintentionally missed under Act 222. The Legislature took further action with the enactment of Act 214, Session Laws of Hawai‘i 1993 (Act 214, SLH 1993), by decriminalizing additional non-serious traffic offenses. Act 214 sought “to improve the system by which traffic offenses presently are being processed in order to dispose expeditiously of these cases and thereby achieve efficient and effective use of limited judicial and law enforcement resources.” To that end, Act 214 established an informal process to maximize disposition of cases by mail, instead of personal court appearances, and to minimize the use of prosecutors and police, while still affording defendants the right to a full evidentiary hearing if the case could not first be disposed of informally. Instead of requiring a court appearance for non-criminal traffic offenses, defendants were able to submit written responses to traffic and parking citations through the process now found under HRS

¹ A Task Force established under House Concurrent Resolution 218 (2019) was tasked with reviewing and reporting on the establishment of fair and proportional fines for certain penalties in Hawai‘i to ensure a fair and meaningful deterrent to illegal behavior for individuals across the economic spectrum. HCR 218 provided that the task force was to be comprised of the following members or their designees: Chief Justice of the Hawai‘i Supreme Court, Attorney General, Public Defender, Prosecuting Attorney of each county, chair of the House of Representatives Committee on Judiciary, member of the Senate designated by the President of the Senate, and any others appointed by the chair of the task force. Attached as Appendix B is a copy of HCR 218 (2019).

Chapter 291D (relating to Adjudication of Traffic Infractions). Attached as Appendix D is a copy of Act 214.

The Legislature – recognizing the ongoing competing interests of traffic safety and the need to expeditiously, efficiently, and effectively dispose of traffic cases with limited judicial and law enforcement resources – proactively adopted resolutions calling for further analysis of whether other traffic offenses should be decriminalized. House Concurrent Resolution 261 (2004) tasked the Legislative Reference Bureau (LRB) with identifying, reviewing, and analyzing, to the extent possible, the statutes, ordinances, and rules relating to traffic matters that are criminal in nature. The LRB was also tasked with recommending “changes to the penalties imposed by the identified statutes and state rules that would make the penalties more consistent with the penalties imposed for decriminalized traffic infractions.” Attached as Appendix E is a copy of HCR 261 (2004) and as Appendix F is a copy LRB’s report “Decriminalization of Nonserious Offenses: A Plan of Action” (2005).

Building on the LRB’s recommendations from the 2005 report, “Decriminalization of Nonserious Offenses: A Plan of Action,” the Twenty-Eighth Legislature adopted Senate Concurrent Resolution No. 98, Senate Draft 1 (SCR 98, SD1) in 2015 which requested that the Judiciary, in collaboration with other stakeholders, including the Prosecuting Attorneys from each county and State Public Defender, “conduct a study to identify traffic offenses and crimes, petty misdemeanor offenses, and misdemeanor offenses, and other violations of law that cause a disproportionate workload for the Judiciary and that may be appropriate for decriminalization as infractions[.]” Pursuant to SCR 98, SD1 Chief Justice Mark E. Recktenwald established the Decriminalization of Traffic Offenses Feasibility Study Committee.

The Committee produced several recommendations on offenses, both traffic and non-traffic related, that may be appropriate for decriminalization as infractions, which to the knowledge of the Act 112 Task Force have not been adopted to date. Attached as Appendix G is a copy of SCR 98, SD1 (2015) and as Appendix H is a copy of the final report of the Decriminalization of Traffic Offenses Feasibility Study Committee (2015).

Thus, Hawai‘i’s efforts to improve the traffic system have been ongoing and continue today.

3. TRAFFIC PROCEDURE

Early decriminalization of many traffic offenses reduced the stigma of being a “criminal” for traffic offenses and established alternative options for resolving traffic matters, especially when someone is facing financial hardship. Hawai‘i’s traffic offenses are now categorized into two basic categories: traffic infractions, which are civil in nature and offer a more streamlined process for resolution, and traffic crimes, which remain criminal and often carry more severe penalties. This Task Force focused its discussions and recommendations on traffic infractions and touched briefly on traffic crimes, especially as it relates to driving without a license and driving without motor vehicle insurance offenses.

Given that a person’s rights and responsibilities vary greatly depending on whether the offense cited is a traffic infraction or a traffic crime, this report summarizes the general process for both types of offenses. This report will also review what options are currently available to resolve the matter, especially if a motorist is experiencing financial hardship and is unable to pay assessed fines, fees, costs, or surcharges (together, “monetary assessments”).

A. Traffic Infraction

Traffic infractions are adjudicated pursuant to the processes and procedures found under HRS Chapter 291D and the Hawai‘i Civil Traffic Rules (HCTR).² A “traffic infraction” is defined as “all violations of statutes, ordinances, or rules relating to traffic movement and control, including parking, standing, equipment, and pedestrian offenses, for which the prescribed penalties do not include imprisonment and that are not otherwise specifically excluded from coverage of [Chapter 291D].”³ Examples of traffic infractions include speeding up to 29 mph over the posted speed limit, running a stop sign, driving without a seat belt, having an expired safety check sticker, and parking where prohibited. In general, most traffic offenses in Hawai‘i are civil infractions.

Motorists⁴ cited for a civil traffic infraction are not subject to imprisonment,⁵ and prosecuting attorneys do not participate in traffic infraction proceedings, except in limited circumstances, such as trials when requested by the motorist pursuant to HRS § 291D-13.⁶ A motorist, on the other hand, may appear, answer and have judgment entered through an attorney.⁷

i. Notice of Traffic Infraction

A traffic infraction action is commenced when a law enforcement officer serves a written citation on the driver of a motor vehicle or affixes the notice conspicuously to the vehicle in the

² See HRS § 291D-3; HCTR Rule 2(a) (“These rules govern the practice and procedure in the District Courts of the State of Hawai‘i for all cases involving civil infractions except as otherwise provided by HRS Chapter 291D”).

³ HRS § 291D-2. See HCTR Rule 3(e).

⁴ Although the statutes and rules refer to an individual as a “defendant,” the term “motorist” is used in traffic infraction cases to reduce the stigma associated with being a party to a traffic infraction case. The term “motorist” helps to differentiate between a defendant in a criminal case and an individual who is cited for a non-serious, civil traffic infraction.

⁵ HRS § 291D-3(a).

⁶ HRS § 291D-14(d).

⁷ HCTR Rule 8(f)(2).

case of a parked vehicle.⁸ A motorist is deemed to have been notified of the infraction when the citation is issued.⁹ (See Appendix I).

HRS § 291D-5(d) prescribes the required basic elements for a citation, which includes a statement of the specific traffic infraction for which the notice was issued, a statement of the total amount to be paid for each traffic infraction, statement of options for answering the notice, and other elements.¹⁰ The current citation for moving infractions also notifies the motorist of the following options if the motorist is unable to pay: “If the court imposes a monetary assessment as a result of this citation and you are unable to pay because of financial hardship, you may request that the court consider your ability to pay. The court may permit community service instead of payment or may make other adjustments to the assessment.”

In issuing citations, law enforcement officers are able to select from pre-printed offenses listed on the citation that note the appropriate monetary assessment amounts. Alternatively, officers can handwrite in additional offenses and accompanying assessment amounts. Law enforcement officers are provided information from the Judiciary that notes the total monetary assessment amount for each offense or if a court appearance is required. The monetary assessment to be entered on the citation must correspond to the schedule of monetary assessments prescribed by the district court, except when there has been proceedings conducted pursuant to HRS § 291D-8 or a trial conducted pursuant to HRS § 291D-13.¹¹

No later than ten (10) calendar days after the date the citation was issued, the law enforcement officers or other authorized individual, is required to file the original citation with, or transmit an electronic copy to, the respective District Court and division in the circuit where the alleged infraction occurred.¹² The citation may not be amended by the court or the clerk, and a citation that does not allege a valid infraction shall be dismissed.¹³

ii. No Arraignment

Motorists who are issued a traffic infraction citation are not arraigned before the court nor are they required to make an in-court appearance.¹⁴ Although, there may be exceptions when a

⁸ HCTR Rule 6; HRS § 291D-5(e). Although the statutes and rules use “notice of traffic infraction,” “citation” is used in this report as a general term for the notice given to a motorist for any traffic infraction. “Citation” refers to both the Notice of Traffic Infraction and Notice of Parking Infraction. For traffic crimes, the Citation for Traffic Crime Arrest, which is the citation for traffic crimes, will be referred to as “TC Citation.”

⁹ HCTR Rule 9(a). Under HCTR Rule 3(f), “[a] notice of infraction is issued when it is handed to a person or left upon a motor vehicle.” Also valid is a citation that is generated by the use of electronic equipment or that bears the electronically stored image of any person’s signature, or both. HRS § 291D-5(c).

¹⁰ HRS § 291D-5(d) (listing the requirements for a citation).

¹¹ HRS § 291D-9(b).

¹² HCTR Rule 7.

¹³ HCTR Rule 10.

¹⁴ HRS § 291D-5(a) (noting that “[i]ndividuals to whom a notice of traffic infraction is issued under [Chapter 291D] need not be arraigned before the court, unless required by rule of the supreme court”).

motorist's appearance might be required,¹⁵ for most cases the motorist is only required to answer the citation through the procedures found below.

iii. Answer

A motorist who receives a citation must answer the notice within twenty-one (21) days from the date written on the citation.¹⁶ A pre-addressed envelope directed to the applicable district court is included with the citation to assist the motorist in answering the citation.¹⁷

A motorist who is issued a citation can answer in several ways: (a) admit to the infraction; (b) admit to the infraction and explain mitigating circumstances; or (c) deny the infraction.¹⁸ Except when a court appearance is necessary, a motorist who receives a citation can answer by mail or in-person at the respective District Court in the circuit and division where the infractions occurred without appearing in court.¹⁹ A motorist who is admitting to the infractions on the citation also has the option to pay by phone or online.²⁰

a. Admit

A motorist may admit to the commission of the infraction and pay by mail, in-person, by phone, or online.²¹ To answer via mail or in-person, the motorist should complete and submit the Answer to Traffic/Parking Infraction attached to the pre-addressed envelope.²² If submitting an answer by mail or in-person at the district court of the respective division and circuit, payment shall be made by check, money order, or credit or debit card.²³ Alternatively, a motorist may answer a citation by submitting payment of the total amount stated on the citation via internet or by an automated telephone system.²⁴ However, it should be noted that phone and on-line payment options are not available if more than twenty-one (21) days have elapsed since a motorist received the citation.

¹⁵ See, e.g., HCTR Rule 8(f)(3).

¹⁶ HRS § 291D-6(a).

¹⁷ See id.

¹⁸ HRS § 291D-6(b); HCTR Rule 8(b).

¹⁹ Id.

²⁰ HRS § 291D-6(b)(1)(B).

²¹ HRS § 291D-6(b)(1).

²² Id.

²³ Id.

²⁴ Id.

b. Admit but Explain Mitigating Circumstances

A motorist may also answer a citation by admitting to the commission of the infraction and requesting an opportunity to explain mitigating circumstances.²⁵ This can be done by completing the answer attached to the pre-addressed envelope and submitting it, either by mail or in-person, to the respective district court specified on the citation.²⁶

If the motorist’s answer admits to the commission of the infraction and requests an in-person hearing to explain mitigating circumstances, the court shall notify the motorist in writing of the date, time, and place of hearing.²⁷ At the hearing, “[a] person who requests to explain the circumstances shall not be permitted to contest the notice of traffic infraction” and “[t]he procedure shall be limited to the issue of mitigating circumstances.”²⁸ After the court receives the explanation, the court enters judgment in favor of the State and may assess a monetary assessment pursuant to HRS § 291D-9, together with any fees, costs, or surcharges.²⁹ Alternatively, if the explanation establishes that the infraction was not committed, the court can vacate the admission and enter judgment in favor of the motorist, by dismissing the citation or any count therein with prejudice.³⁰ Pursuant to HRS § 291D-8(b)(4), the motorist cannot appeal from a judgment entered by the court through this process.

In lieu of an in-person hearing, the motorist may also submit a written explanation of the mitigating circumstances.³¹ If this occurs, the court reviews the explanation and determines the total amount of the fine, fees, costs, or surcharges to be assessed, if any.³² The court then notifies the motorist of the total amount to be paid for the infraction, if any, and that this amount needs to be paid within thirty (30) days of the entry of judgment.³³ Again, the motorist cannot appeal from a judgment entered by the court pursuant to this process.³⁴

c. Deny

A motorist may deny the commission of the infraction and request a hearing to contest the infraction by completing the answer portion of the citation attached to the pre-addressed envelope,

²⁵ HRS § 291D-6(b)(3).

²⁶ Id.

²⁷ HRS § 291D-7(c)(1).

²⁸ HRS § 291D-8(b)(1).

²⁹ HRS § 291D-8(b)(2)

³⁰ HRS § 291D-8(b)(3).

³¹ HRS § 291D-6(b)(3).

³² HRS § 291D-7(c)(2).

³³ Id.

³⁴ Id.

and submitting it either by mail or in-person to the respective district court specified on the citation.³⁵

If the motorist denies the allegations and requests an in-person hearing to contest the infraction, the court shall notify the motorist in writing of the date, time, and place of the hearing.³⁶ At the hearing, in lieu of the personal appearance by the officer who issued the citation, the court shall consider the citation and any other written report provided by the officer together with any oral or written statement by the motorist or registered owner of the motor vehicle.³⁷ However, “[t]he court may compel by subpoena the attendance of the officer who issued the [citation] and other witnesses from whom it may wish to hear[.]”³⁸ The court must determine whether, by a preponderance of the evidence, the traffic infraction was committed.³⁹

After considering the evidence and arguments presented, if any, the court will determine whether the motorist committed the alleged traffic infraction.⁴⁰ If the alleged traffic infraction is not established, the court enters judgment in favor of the motorist and dismisses the citation or any count therein with prejudice.⁴¹ When it has been established that a traffic infraction was committed, the court shall enter judgment in favor of the State and assess a monetary assessment pursuant to HRS § 291D-9, together with any fees, costs, or surcharges.⁴² The court is required to also provide information to the motorist about the option to request a trial pursuant to HRS § 291D-13.⁴³

Alternatively, in lieu of appearing in-person at the hearing, the motorist may submit a written statement explaining the reasons and/or circumstances which the motorist contests the citation.⁴⁴ The court sets the written statement for a hearing date as provided in HRS § 291D-8(a).⁴⁵ Based on the written statement, the court determines by a preponderance of the evidence whether the alleged traffic infraction was committed by the motorist.⁴⁶ The court notifies the

³⁵ HRS § 291D-6(b)(2). If the pre-printed envelope and Answer form were not provided to the motorist at the time citation was issued, the motorist may request a contested or mitigation hearing in-person or by delivering or mailing any other writing to the court which requests a contested or mitigation hearing. Such request must be made or received within twenty-one (21) calendar days from the date the citation was issued. HCTR Rule 11(a).

³⁶ HRS § 291D-7(b)(1).

³⁷ HRS § 291D-8(a)(1).

³⁸ HRS § 291D-8(a)(2).

³⁹ HRS § 291D-8(a)(3).

⁴⁰ HRS § 291D-8(a)(4).

⁴¹ Id.

⁴² Id.

⁴³ Id.

⁴⁴ Under HRS § 291D-6(b)(2), the court considers this written statement to be a statement given in court pursuant to HRS § 291D-8(a).

⁴⁵ HRS § 291D-7(b)(2).

⁴⁶ HRS § 291D-8(a)(3).

motorist in writing of its decision.⁴⁷ If the court determines that the infraction was committed and judgment is entered in favor of the State, the notice of entry of judgment shall also advise the motorist that the motorist has the right to request a trial within thirty (30) days of entry of judgment, and that if a trial is not requested then the total amount assessed, if any, is due within thirty (30) days of the entry of judgment.⁴⁸

If a trial is requested to contest the citation, the State shall be represented at trial by a prosecuting attorney of the county in which the infraction occurred.⁴⁹ The prosecuting attorney shall orally recite the charged civil traffic infraction in court prior to commencement of the trial.⁵⁰ Proof of the motorist's commission of the traffic infraction shall be by a preponderance of the evidence,⁵¹ and appeals from judgments entered after a trial may be taken in the manner provided for appeals from district court civil judgments.⁵²

d. Default

If a motorist fails to answer within twenty-one (21) days of the issuance of the citation, the court shall enter judgment by default in favor of the State.⁵³ The court may also enter default if the motorist requests an in-person hearing pursuant to HRS § 291D-8, but then fails to appear.⁵⁴

If a default judgment is entered, the court shall mail a notice of entry of default judgment to the last known address provided by the motorist when the citation was issued or to the address stated in the answer, if any, or the address of the registered owner, in the case of parking infractions.⁵⁵ The notice shall state that payment of the judgment must be made within thirty (30) calendar days of entry of the default judgment, and explain the procedure to set aside the default judgment.⁵⁶ The court can set aside a default judgment upon written motion or request within ninety (90) days of the notice of entry of default judgment for good cause or when a motorist shows excusable neglect for the motorist's failure to take action necessary to prevent entry of judgment by default.⁵⁷

⁴⁷ Id.

⁴⁸ Id.

⁴⁹ HRS § 291D-13(b). In order for a defendant to have a right of trial to contest the citation, the defendant must have first answered by denying commission of the infraction pursuant to HRS § 291D-8 and then requested a trial within thirty (30) days of entry of judgment by the court. HRS § 291D-13(a).

⁵⁰ HRS § 291D-13(b).

⁵¹ Id.

⁵² HCTR Rule 19(d).

⁵³ See HRS § 291D-7(d); HCTR Rule 8(e).

⁵⁴ HRS § 291D-8(c).

⁵⁵ HRS § 291D-7(e).

⁵⁶ Id.; HCTR Rule 15(b).

⁵⁷ HRS § 291D-7(e); HCTR Rule 18(b). The defendant must also post an appearance bond equal to the amount of the judgment together with any delinquency charges. Id.

iv. Penalty

Penalties for traffic infractions could include monetary assessments, including fines, costs,⁵⁸ fees,⁵⁹ and surcharges;⁶⁰ community service; or mandatory attendance at a driving class or other educational program. Under HRS § 291D-9(a), a motorist found to have committed a traffic infraction is assessed a fine not to exceed the maximum amount specified in the statute defining the traffic infraction.⁶¹ The total monetary assessment owed may be a combination of the default fine amount, and any assessed costs, fees, and surcharges.⁶²

Motorists in Hawai'i have ninety (90) calendar days to pay monetary assessments under \$500, and 180 calendar days for monetary assessments over \$500, before the judgment goes to collections.⁶³ Payments are typically made all at once; however, in some instances, motorists may make partial payments to the court until their judgment is satisfied. In addition, pursuant to HRS § 291D-9(d), the court may grant a motorist claiming inability to pay, an extension of the period in which the monetary assessment shall be paid or may impose community service in lieu of payment.⁶⁴ Specific information about available options for a motorist who is unable to pay their monetary assessments can be found in Section 4, "Current Financial Hardship Options."

v. Results of Inaction or Non-Satisfaction of the Judgment

a. License or Registration Stopper

If a motorist fails to timely satisfy a judgment, whether it be through payment of the monetary assessment or completion of their community service and/or educational class, or does not take any action to communicate with the court, the court is required to cause an entry be made

For more information relating to submitting a Motion to Set Aside Default Judgment in a traffic infraction case, please see HRS § 291D-7(e) and HCTR Rule 18(b). User-friendly instructions and fillable forms are also available on the Judiciary website at <https://www.courts.state.hi.us/docs/IDP/IDP1191.pdf>.

⁵⁸ See, e.g., HRS § 607-4 (\$10-40 admin costs).

⁵⁹ See, e.g., HRS § 286G-3 (\$50 driver education assessment).

⁶⁰ See, e.g., HRS § 321H-4 and HRS § 291-11.5 (\$10 neurotrauma special fund).

⁶¹ HRS § 291D-9(a).

⁶² In addition to any monetary assessment imposed for a traffic infraction, the court may impose additional assessments for (1) failure to pay a monetary assessment by the scheduled date of payment; or (2) the cost of service of a penal summons issued pursuant to this chapter. HRS § 291D-9(c). The court generally does not impose an additional assessment for failure to timely pay monetary assessments. In addition, HRS §291C-161(e) allows the court to assess a sum not to exceed \$50 for the cost of issuing a penal summons; however, this is done on a case-by-case basis and the court has the option to waive this cost if, for instance, a motorist has opted to convert the monetary assessment to community service.

⁶³ HCTR Rule 20(c).

⁶⁴ HRS § 291D-9(d); HCTR Rule 17.

on the driver's license record to prevent the motorist from acquiring or renewing the license, pursuant to HRS § 291D-10.⁶⁵ This is commonly referred to as a license stopper.

License stoppers are automatically imposed for traffic infraction judgments, not involving parking, that have not been timely satisfied. Through the exchange of information via a computer interface between the courts and the counties, a stopper is placed on a driver's license to prevent the motorist from acquiring or renewing their driver's license until there is a satisfactory resolution of all citations either by paying the monetary assessments in full or by some other court ordered resolution.⁶⁶

Similar to a license stopper, if the registered owner of a vehicle is issued a citation and fails to pay the monetary assessment, the owner is prevented from obtaining or renewing the annual car registration or from transferring ownership of title of the vehicle until all citations issued on the vehicle have been satisfactorily resolved.⁶⁷ This is typically called a registration stopper.

A driver's license or registration stopper can be lifted upon satisfaction of the judgment, such as payment of the monetary assessment or by some other court ordered resolution. In addition, HRS § 286-109(c)(1) gives the court the authority to issue a restricted license that would allow the motorist to drive if a judgment remains outstanding, if (a) a motorist is gainfully employed in a position that requires driving and will be discharged if the motorist is unable to drive, or (b) the motorist has no access to alternative transportation and therefore must drive to work. More information about this option is found in Section 4, "Current Financial Hardship Options."

b. Referral to Collection Agency

When a motorist does not timely pay monetary assessments, the judgment is referred to collections.⁶⁸ Motorists have ninety (90) calendar days to satisfy judgments of \$500 or less,⁶⁹ or 180 calendar days if the judgment is more than \$500.⁷⁰ After the respective 90 days or 180 days, the judgments are referred to collection. The collection agency may charge motorists an additional collection fee that is separate from the court's ordered judgment. The additional collection fee is kept by the collection agency. The court receives only the court ordered judgment amount, which is deposited into the State General Fund, unless otherwise designated (i.e. specific fees and surcharges). The collection agency may work with the motorist to make payments in installments. At the request of a motorist, the court can also recall the judgments from the collection agency in

⁶⁵ See HCTR Rule 16(c); see also HCTR Rule 15(c). For example, defendants have thirty (30) days from the entry of a default judgment to pay the total amount assessed for the traffic infraction. HRS §§ 291D-7(b), -8(c). If the amount is not paid, the court is required to impose a stopper pursuant to HRS § 291D-10. *Id.*

⁶⁶ HRS § 291-10(a). The counties, on behalf of the Department of Transportation, are tasked with maintaining a statewide computer database of all driver's licenses and motor vehicles. The database is maintained in conjunction with information received via automatic computer interface from the courts.

⁶⁷ HRS § 291D-10(b).

⁶⁸ HCTR Rule 20(c).

⁶⁹ HCTR Rule 20(c)(i).

⁷⁰ HCTR Rule 20(c)(ii).

order to make alternative arrangements for the motorist to satisfy the court ordered judgment, such as conversion of the monetary assessment to community service.

B. Traffic Crime

A traffic crime is a violation of a statute, ordinance, or administrative rule relating to traffic movement and control for which the defendant can be sentenced to a possible term of imprisonment. Traffic crimes include petty misdemeanor, misdemeanor, or felony offenses that often come with their own penalties, such as maximum fine amounts and terms of imprisonment, mandatory driver's license suspension, surcharges and fees, or other requirements. Given the potential for imprisonment, the procedures for adjudicating a traffic crime are more formal than the procedures for traffic infractions to help protect the constitutional rights of defendants.

Traffic offenses that are deemed violations are handled in a similar manner as traffic crimes, but do not include the possibility of imprisonment. Examples of traffic crimes include driving without a license, driving under the influence of an intoxicant, and reckless driving. The first offense of driving without motor vehicle insurance is considered a traffic violation, but subsequent offenses are petty misdemeanors.

i. Citation for Traffic Crimes

In Hawai'i, law enforcement officers issue a "Citation for Traffic Crime(s) Arrest" or Traffic Crime citation (TC citation) to those who are ticketed with a traffic crime that requires a court appearance, but who do not need to be taken into custody or placed under arrest.⁷¹ The TC citation notifies the driver to answer to the complaint by appearing at the designated court location and the time provided on the TC citation.⁷² (See Appendix J)

The current TC citation also provides the defendant the following information regarding an inability to pay the court's judgment: "If the court imposes a monetary assessment as a result of this TC citation and you are unable to pay because of financial hardship, you may request that the court consider your ability to pay. The court may permit community service instead of payment or may make other adjustments to the assessment."

ii. Arraignment

A defendant charged with a traffic crime must appear in court on the date and time indicated by the law enforcement officer on the TC citation or on the receipt given to the defendant after posting bail.⁷³ Like other types of criminal offenses, failure to appear as directed may result in a

⁷¹ See HRS § 291C-165(a).

⁷² HRS § 291C-164.

⁷³ HRPP Rule 5(b)(1). The citation and oral recitation of the essential facts constituting the offense charged, as set forth in HRPP Rule 5(b)(1), shall be deemed the complaint "in any case where a defendant is accused of an offense that is subject to a maximum sentence of less than 6 months in prison (other than Operating a Vehicle Under the Influence of an Intoxicant) and is issued a citation in lieu of physical arrest pursuant to Section 803-6(b) of the

bench warrant being issued by a judge for the defendant's arrest.⁷⁴ At the defendant's first court appearance, the judge will inform the defendant of the charges and explain the defendant's rights and options.⁷⁵ The judge may also refer the defendant to the Office of the Public Defender for possible free legal representation.⁷⁶

iii. Penalty

If a defendant is found guilty of the traffic crime charged, then the court may impose a penalty.⁷⁷ Traffic crimes often come with their own statutorily set penalties.⁷⁸ Penalties for the underlying traffic crimes and non-compliance with other requirements, such as court appearances, are typically more severe than penalties for traffic infractions. Penalties for traffic crimes could include imprisonment, mandatory license suspension, fines, and other monetary penalties. In addition, defendants may be charged fees and surcharges set pursuant to statute.⁷⁹

In determining the amount and method of payment of a fine, the court takes into account the financial resources of the defendant and the potential financial burden that will be placed on the defendant if payment is imposed.⁸⁰ "When a defendant is sentenced to pay a fine, the court may grant permission for the payment to be made within a specified period of time or in specified installments."⁸¹ If no such permission is granted or ordered as part of the sentence, the fine shall be paid immediately by cash, check, or by a credit card approved by the court.⁸²

Hawai'i Revised Statutes and summoned to appear in court," notwithstanding any waiver of the recitation. HRPP Rule 7(a).

⁷⁴ HRS § 291C-169.

⁷⁵ HRS § 805-6; HRPP Rule 5(b)(1).

⁷⁶ Pursuant to HRS § 802-1, any indigent person who is arrested for, charged with, or convicted of an offense or offenses punishable by confinement in jail or prison or for which the person may be or is subject to the provisions of HRS Chapter 571; threatened by confinement, against the indigent person's will, in any psychiatric or other mental institution or facility; the subject of a petition for assisted community treatment under HRS Chapter 334; or the subject of a petition for involuntary medical treatment under HRS Chapter 353, shall be entitled to be represented by a public defender. "If, however, conflicting interests exist, or if the public defender for any other reason is unable to act, or if the interests of justice require, the court may appoint other counsel." Id.

⁷⁷ See HRS § 706-605.

⁷⁸ See, e.g., HRS § 291C-105; HRS § 431:10C-104 (penalties under HRS § 431:10C-117).

⁷⁹ For example, the traffic infraction of driving without a driver's license on person, under HRS § 286-116(a), has a \$75 default fine amount, \$40 administrative cost, and \$7 driver's education fee. The total default monetary assessment owed is, therefore, \$122. In addition, per HRS § 706-651, any payment shall be made in the following order of priority: (1) Restitution; (2) Crime victims compensation fee; (3) Probation services fee; (4) Human trafficking victim services fee; (5) Other fees, including but not limited to internet crimes against children fee and drug demand reduction assessment fee; (6) DNA analysis monetary assessment; and (7) Fines.

For traffic crimes, the compensation fee is assessed pursuant to HRS § 351-62.6; however, the fee shall be waived if the defendant is unable to pay. See HRS § 706-605(6).

⁸⁰ See HRS § 706-641.

⁸¹ HRS § 706-642(1).

⁸² Id.

Furthermore, the court may revoke or suspend, for a period not to exceed one year, the license of any driver convicted of a violation of any section or provision of the state traffic laws involving a vehicle in motion.⁸³ Some traffic crimes, such as HRS § 431:10C-104 (No-Fault Motor Vehicle Insurance), have statutorily established penalties, including mandatory license suspensions under certain circumstances.⁸⁴ In this case, license suspension is a statutorily-established penalty meant to deter motorists from driving without insurance, protect the public from uninsured motorists, and penalize motorists who have violated the law. This differs from driver's license and motor vehicle registration stoppers because the stoppers are related to a motorist's inaction or failure to engage with the court to work out a plan to satisfactorily resolve their outstanding judgments, rather than a punishment for committing the offense itself.

iv. Results of Inaction or Non-Satisfaction of the Judgment

If it appears that the defendant is experiencing financial hardship, the court may make an order allowing the defendant additional time for payment; reducing the amount of each installment; revoking the fee, fine, or any unpaid portion thereof in whole or in part; or converting the unpaid portion of the fee or fine to community service.⁸⁵ If those options and others are not utilized and the judgment is not satisfied, then the following may occur as a result:⁸⁶

a. License Stopper

Like traffic infractions, a license stopper may be imposed where a defendant failed to respond to a TC citation or summons, failed to appear in court after an arrest for a traffic-related offense, or otherwise failed to comply with the order of the court.⁸⁷ Please see Section 3(A)(v)(a) for more information.

b. Referral to Collection Agency

Like traffic infractions, defendants have ninety (90) calendar days to satisfy monetary judgments of \$500 or less, or 180 calendar days if the judgment is more than \$500. After the respective 90 days or 180 days, the judgments are referred to collection. Please see Section 3(A)(v)(b) for more information.

⁸³ HRS § 291C-170.

⁸⁴ See HRS § 431:10C-117.

⁸⁵ HRS § 706-644(4).

⁸⁶ Note that, in addition to any monetary assessment imposed for a traffic offense, the court has the authority to establish court rules to impose monetary penalties on outstanding traffic citations and judgments. Other requirements for such penalties are set forth in HRS § 291C-171(b), such as the requirement that all penalties collected for such outstanding citations and judgments are to be deposited in the State General Fund. It should be noted, however, that there are no court rules in place to impose this additional penalty. HRS §291C-171(b).

⁸⁷ HRS § 286-109(c).

c. Imprisonment Only When Contumacious

The courts have the statutory authority to sentence a defendant to imprisonment for non-satisfaction of monetary assessments, but only after first determining that the defendant's default was "contumacious." However, given the high burden needed to meet the contumacious standard, unpaid monetary assessments are primarily referred to collections rather than imprisonment.

HRS § 706-644(1) provides that "[u]nless the defendant shows that the default was not attributable to an intentional refusal to obey the order of the court or attributable to a failure on the defendant's part to make a good faith effort to obtain the funds required for the payment, the court shall find that the defendant's default was contumacious and may order the defendant committed until the fee, fine, restitution, or a specified part thereof is paid."⁸⁸

HRS § 706-644(1) also provides that if a defendant is ordered to pay a monetary assessment for the traffic crime, and the defendant defaults in the payment of the monetary assessment or of any installment, the court, upon the motion of the prosecuting attorney or upon its own motion, may require the defendant to show cause as to why the defendant's default should not be treated as contumacious.⁸⁹ The court may then issue a summons or a warrant of arrest for the defendant's appearance.⁹⁰ Per HRS § 706-644(3), a contumacious defendant committed for nonpayment of a fee or fine is given credit toward payment of the fee or fine for each day of imprisonment at a rate of \$25 per day.

4. CURRENT FINANCIAL HARDSHIP OPTIONS

For those defendants who are not able to pay monetary assessments, the court can consider a number of alternative options that may help them to satisfy their legal financial obligations. Both the traffic infraction citations and traffic crime citations were recently updated to notify defendants that, if they are experiencing financial hardship, they may request that the court take into account their ability to pay. It is also worth highlighting that, pursuant to HRS § 291C-171(a), all fines collected upon conviction are deposited into the State General Fund, unless otherwise designated (e.g., specific fees and surcharges). Therefore, the police departments, prosecuting attorney's offices, office of the public defender, and the courts are not funded through the collection of traffic fines.

For those defendants who are experiencing financial hardship, the following options are available to address outstanding monetary assessments:

A. Modification of Monetary Assessment

For traffic infractions, if a motorist is experiencing financial hardship and is unable to pay the monetary assessment, the motorist may petition the court to take ability to pay into

⁸⁸ HRS § 706-644(1).

⁸⁹ Id.

⁹⁰ Id.

consideration and request an adjusted fine amount. Some motorists will indicate their inability to pay in their written answer to the court, or verbally during an in-person proceeding if applicable.

For traffic crimes, if a defendant is ordered to pay a monetary assessment and defaults on payments, as long as the default is not contumacious, the defendant may at any time petition the court to reduce or waive the fine, fee, or any unpaid portion of it in whole or in part.⁹¹ Revocation is appropriate “[i]f it appears to the satisfaction of the court that the circumstances which warranted the imposition of the fine . . . have changed, or that it would otherwise be unjust to require payment.”⁹²

B. Extension of Time to Pay Monetary Assessment

For traffic infractions, motorists in Hawai`i have ninety (90) calendar days to pay traffic monetary assessments under \$500 before the judgment is referred to collections, and 180 calendar days for monetary assessments over \$500.⁹³ The court may nevertheless grant a person claiming inability to pay an extension of the period in which the monetary assessment is to be paid.⁹⁴ In addition, monetary assessments do not need to be paid at one time and can be paid in installments, which provides defendants with flexibility in making payments.

The option to extend the time period to pay off a monetary assessment is also available for traffic crimes. For traffic crimes, if a defendant is unable to pay off the monetary assessment and it appears that the defendant’s default is not contumacious, the court may make an order allowing the defendant additional time for satisfaction of the judgment or reducing the amount of each payment installment.⁹⁵

C. Restricted License

The district court has a restricted license program that permits a person to continue to drive while paying down the monetary assessment amount in installments, much like a payment plan. To qualify for the restricted license program, under HRS § 286-109(c)(1), an individual must (a) be gainfully employed in a position that requires driving and will be discharged if the person is unable to drive, or (b) have no access to alternative transportation and therefore must drive to work. The option for restricted licenses is available for both traffic infraction and traffic crimes.⁹⁶

To apply for a restricted license, an applicant must submit a written application to the court. Supporting documentation regarding the applicant's employment, access to alternative transportation, income, and expenses are required. Upon submission of an application, the court

⁹¹ HRS §§ 706-644(4), -645.

⁹² HRS § 706-645(2).

⁹³ HCTR Rule 20(c).

⁹⁴ HRS § 291D-9(d); HCTR Rule 21(b).

⁹⁵ HRS § 706-644(4).

⁹⁶ See HRS § 286-109(c)(1); HRS § 291D-12(6).

determines whether to set a hearing on the application. If a hearing is set, the court determines whether the statutory requirements are satisfied, whether clearance to enable the applicant to take the written and/or road test should be granted, and whether any additional conditions should be imposed. For example, the court may require that the applicant make all payments on time, complete community service on time, and maintain a clean driving record. If a restricted license is granted, a proof of compliance hearing is scheduled so that the court may monitor the motorist's progress and extend the restricted license where appropriate. If an individual fails to remain in full compliance with all conditions imposed by the court, the individual's restricted license is immediately revoked by the court.⁹⁷

D. Conversion to Community Service

For traffic infractions, the court may permit the motorist to perform community service in lieu of payment of the assessed fine.⁹⁸ Community service may be ordered at the motorist's request if the court finds that the motorist does not have the ability to pay the fine.⁹⁹ However, for infractions, community service may not be ordered in lieu of payment of costs and fees.¹⁰⁰ A motion to convert a monetary assessment to community service may be submitted at any time before a judgment is sent for collection.¹⁰¹

For traffic crimes, if it appears that the defendant's default in the payment of fines or fees is not contumacious, the court may make an order converting the unpaid portion of the fee or fine to community service.¹⁰²

For both traffic infractions and traffic crimes, community service compliance is monitored by either the Intake Service Center of the Department of Public Safety on the neighbor islands or the Judiciary's Community Service Sentencing Branch on O'ahu. Generally, the court imposes one hour of community service for every \$10 of ordered monetary assessment owed.¹⁰³

E. Recall Judgment from Collections

A motorist whose judgment is sent to collections still has several options available if facing financial hardship, such as working with the collection agency to make payments in installments. In addition, at the request of the motorist, the court can recall the judgment from the collection agency to convert the monetary assessment to community service or make other adjustments to

⁹⁷ HRS § 286-109(c)(1).

⁹⁸ HRS § 291D-9(d); HCTR Rule 17.

⁹⁹ Id.

¹⁰⁰ HCTR Rule 17.

¹⁰¹ HCTR Rule 18(c).

¹⁰² HRS § 706-644(4).

¹⁰³ To request that the court convert a monetary assessment to community service, individuals may use a fillable PDF form available on the Judiciary's website at <https://www.courts.state.hi.us/docs/1DP/1DP1221.pdf>.

help the motorist satisfy the court obligations. When a judgment is recalled to the court, the collection agency fee is not assessed or included.

The Volunteer Legal Services of Hawai‘i (VLSH) has a program in the First Circuit, called the Re-entry and Community Service Program (RACS), that helps many in this process. Through the RACS program, VLSH helps to draft court documents to recall outstanding judgments up to \$5,000 that have been sent to collections and outstanding bench warrants, where applicable. Once recalled back to the court, VLSH helps defendants through the process of petitioning the court to convert the judgments to community service or to make other appropriate adjustments.¹⁰⁴

F. Conversion to Imprisonment as Credit for Time Served (traffic crime only)

Defendants convicted of traffic crimes have the additional option of petitioning the court to convert a fine to imprisonment. These types of conversions are only considered upon request from criminal defendants, and help defendants satisfy outstanding traffic monetary assessments as credit for time served while being imprisoned for other criminal offenses.¹⁰⁵ Under HRS §706-644(3), “[a] person committed for nonpayment of a fee or fine shall be given credit toward payment of the fee or fine for each day of imprisonment, at the rate of \$25 per day.” Per HRS § 291D-3(a), conversion to imprisonment is only an option for offenses deemed traffic crimes, not traffic infractions.

5. RECOMMENDATIONS

After meeting several times, reviewing requested statistics, and discussing programs that are available in other jurisdictions, the Act 112 Task Force made the following recommendations on how to improve the current traffic system to address the needs of those who are experiencing financial hardship. The Task Force early on distinguished those who are flouting their legal obligations from those who are legitimately unable to pay traffic fines and fees. The Task Force believes that these recommendations will help those individuals while also upholding the public’s interest in safe roadways with accountable drivers:

A. Greater Judicial Discretion

The Legislature could enact statutory amendments to give judges more discretion to impose alternative sentences rather than mandatory penalties. For example, HRS § 431:10C-117 requires the imposition of the following basic penalties for individuals who fail to obtain motor vehicle insurance under HRS § 431:10C-104:

First conviction:

- \$500 fine, or, at the defendant’s request, the judge may grant community service in lieu of the fine for not less than seventy-five (75) hours; and

¹⁰⁴ A program similar to VLSH’s successful RACS program could be implemented on the neighbor islands. Additional financial resources may be needed to support expansion of such a program.

¹⁰⁵ HRS § 706-644(3).

- License suspension for three months, or require the driver or the registered owner to keep a nonrefundable motor vehicle insurance policy in force for six months.

Subsequent convictions occurring within five years of prior offense:

- Minimum of \$1,500 fine, or, at the defendant's request, the judge may grant community service in lieu of the fine for not less than two hundred (200) hours; and
- License suspension for one year, or require the driver or the registered owner to keep a nonrefundable motor vehicle insurance policy in force for six months.

Under HRS § 431:10C-117(a)(5), other penalties, including imprisonment of not more than thirty days, may be imposed if an individual receives multiple convictions within a 5-year period.¹⁰⁶ In addition, the statute provides some allowances to mitigate penalties,¹⁰⁷ but, in general, its sentencing structure limits the arrangements that the court can make with defendants if someone is experiencing financial hardship and is unable to pay the fine amount or perform the community service hours required.¹⁰⁸

In addition, if a defendant cannot keep or obtain motor insurance, the mandatory license suspension is commonly imposed.¹⁰⁹ When a defendant has no driver's license and continues to drive, the defendant would then be in violation of HRS § 286-102 (No Driver's License). If the driver's license was suspended or revoked, the defendant would be in violation of HRS § 286-132 (Driving While License Suspended or Revoked).

Both offenses fall under HRS § 286-136 for enhanced penalties. Under that statute, first and second offenses are petty misdemeanors with fines up to a \$1,000, up to 30 days imprisonment, or both.¹¹⁰ A third offense within five years of prior offense would result in a misdemeanor with a minimum fine of \$500 and maximum fine of \$1,000, up to a year imprisonment, or both.¹¹¹ This creates a cycle where an individual needs to work to pay off traffic-related monetary assessments, but cannot legally drive to work because of license suspensions or other stoppers imposed for non-payment.

To address this situation, the Legislature could amend penalties, such as HRS § 431:10C-117 and HRS § 286-136, to give judges greater discretion to fine defendants who violate traffic offenses at a reduced rate if the individual is unable to pay, or to impose other appropriate penalties based on the defendant's circumstances and ability to pay. In addition, an assessment should be

¹⁰⁶ HRS § 431:10C-117(a)(5).

¹⁰⁷ HRS § 431:10C-117(a)(4).

¹⁰⁸ See HRS §§ 431:10C-104; -117.

¹⁰⁹ Qualifying individuals may seek to obtain free no-fault insurance pursuant to HAR § 17-654-3. This is one resource available to qualifying defendants, and local non-profits or other governmental agencies with similar goals could be engaged to help connect defendants with this or other resources that can help.

¹¹⁰ HRS § 286-136(a).

¹¹¹ HRS § 286-136(b).

made as to other mandatory traffic fines and penalties that should be amended to give the courts greater discretion to adjust the amount owed based on a defendant's ability to pay.

B. Expansion of the Restricted License Program

The restricted license program, under HRS § 286-109(c), is a meaningful way for motorists to legally maintain their driving privileges, while remaining in compliance with court orders. The program allows a motorist to petition the court for a restricted license and pay down any monetary assessments in installments while still being monitored by the court.

Each circuit has developed forms that applicants can use to request the court issue a restricted license, and established certain requirements for what information the court needs to process the request. The Judiciary should continue utilizing this program.

To improve the restricted license program, the Legislature could expand the scope of the program by amending HRS § 286-109(c)(1) to apply to situations other than just employment. Currently, in order to qualify for a restricted license under HRS § 286-109(c)(1), the applicant must: (1) be gainfully employed in a position that requires driving and will be discharged if the applicant is unable to drive; or (2) have no access to alternative transportation and therefore must drive to work.¹¹² While those who are employed certainly benefit from the ability to maintain their driver's license while they work to pay off outstanding monetary assessments, there may be other categories of people who would also benefit from participation in the program. For example, the Legislature could amend the statute to permit issuance of a restricted license if a defendant has medical needs and needs to drive to the doctor, if a defendant is in school or vocational training, or if a defendant is the caregiver for an immediate family member and therefore needs to drive.

Expanding the scope of who qualifies for the restricted license program will give individuals a legal way to maintain their driving privileges and take care of their personal responsibilities while also remaining in compliance with court orders.

C. Increase Community Service Conversion Rates

HRS § 291D-9(d) and HRS § 706-644 provide that the court may impose community service in lieu of payment of court-imposed monetary assessments. The community service conversion rate is set by the district courts, and could be increased from \$10 per hour to \$15 per hour to give motorists the ability to satisfy the monetary assessments at an increased pace. Since the convening of the first task force meeting in August 2019, the First, Second, and Fifth judicial circuits have increased their community conversion rates to \$15 per hour, which is above the minimum wage of the State of Hawai'i.¹¹³ This increase benefits motorists convicted of both traffic infractions and traffic crimes.

¹¹² HRS § 286-109(c)(1).

¹¹³ HRS § 387-2 (the minimum wage in Hawai'i is \$10.10 per hour).

D. Uniform Ability to Pay Procedures

The court currently has the authority to take a defendant's ability to pay into consideration when assessing monetary assessments that are not mandatory by statute, and currently does so.¹¹⁴ However, to improve this process for the public, the Judiciary could establish a uniform procedure to adjust a defendant's monetary assessment when a defendant claims financial hardship. This procedure could include developing a uniform petition for ability to pay determinations, or a petition for non-hearing assessments of fine conversions.¹¹⁵

E. Further Decriminalization of Traffic Crimes

There are several traffic offenses that have not been decriminalized, and therefore still include imprisonment as a potential penalty.¹¹⁶ While outside the scope of the Act 112 Financial Hardship task force, the task force recommends that the Legislature reconsider decriminalizing certain traffic offenses as outlined in the 2005 "Decriminalization of Nonserious Offenses: A Plan of Action" and then the 2015 Final Report of the Decriminalization of Traffic Offenses Feasibility Study Committee. Decriminalization would allow a defendant to utilize the procedures under HRS Chapter 291D, which does not require an in-court appearance upon issuance of the citation and does not include the possibility of imprisonment as a penalty.

F. Increase Imprisonment Conversion Rates (traffic crime only)

For criminal traffic offenses, the statutory rate for converting a fine to imprisonment should be increased from its current rate of \$25 per day.¹¹⁷ These types of conversions are only considered upon request from defendants convicted of traffic crimes, and help defendants satisfy outstanding traffic monetary assessments as credit for time served while being imprisoned for other criminal offenses. While imprisonment is not the ideal way for defendants to satisfy legal financial obligations to the court, a conversion rate higher than the current \$25 a day rate would be appreciated by those who opt to satisfy their outstanding legal financial obligations in this way.

¹¹⁴ See HRS §§ 291D-12, 706-644.

¹¹⁵ Technology could be leveraged to streamline the ability to pay determination process. Washington developed a Legal Financial Obligation Calculator to help Washington State judges adjudicate cases and establish monetary assessments. The calculator provides users a centralized resource combining laws specific to the charged crimes, a person's ability to pay, and tools to determine reasonable payment options. Development of a similar tool could help to alleviate the burden of in-person hearings for ability to pay determinations, and assist judges in determining appropriate fine amounts to assess. Additional financial resources would be needed to develop such a tool.

In addition, partnerships could be established with other state agencies, such as Department of Labor and Industrial Relations, Department of Human Services, Department of Taxation, and the Child Support Enforcement Agency, to streamline the sharing of information, such as whether a person receives public benefits, to aid ability to pay determinations.

¹¹⁶ See, e.g., HRS § 291C-105 (Excessive Speeding).

¹¹⁷ See HRS § 706-644(3).

G. Increase Visibility of Financial Hardship Options

While there are many options available for motorists who face financial hardship and are unable to pay traffic monetary assessment (e.g., ability to pay determinations, community service conversion, restricted license, etc.), those options are not always known to the wider public. Information is currently available on the Judiciary website and on the citations themselves, but the public may benefit if information about the financial hardship options were made even more visible. More information could be made available on the Judiciary and partner websites, at district court, and in correspondence with motorists.

6. CONCLUSION

In conclusion, the Task Force appreciates the opportunity to make these recommendations on possible ways to improve the current traffic system for those cited motorists facing financial hardship, while also upholding the public's interest in safe roadways with accountable and engaged drivers. These recommendations build upon the foundation of financial hardship options that are currently available to cited motorists. It is the Task Force's hope these recommendations help to further remove barriers to satisfying traffic-related legal obligations, especially for those facing financial hardship.

APPENDICES

- A. Act 112, Session Laws of Hawai‘i (SLH) 2019
- B. HCR 218 (2019)
- C. Act 222, SLH 1978
- D. Act 214, SLH 1993
- E. HCR 261 (2004)
- F. LRB Report, “Decriminalization of Nonserious Offenses: A Plan of Action”
- G. SCR 98, SD1 (2015)
- H. Report of the Decriminalization of Traffic Offenses Feasibility Study Committee (2016)
- I. Citation Notice of Traffic Infractions (First, Second, Third, and Fifth Circuits)
- J. Citation for Traffic Crime(s) Arrest (First, Second, Third, and Fifth Circuits)



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

June 21, 2019

GOV. MSG. NO. 1214

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

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirtieth 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 21, 2019, the following bill was signed into law:

HB903 HD1 SD1 CD1

RELATING TO THE JUDICIARY.
ACT 112 (19)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO THE JUDICIARY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the imposition of
2 excessive fines and fees has dire consequences for low-income
3 individuals. Under Hawaii law, individuals who cannot afford to
4 pay court-ordered fines or fees may have their driver's licenses
5 suspended for failure to pay. For many individuals, especially
6 those living in more remote areas with minimal or no public
7 transportation, driver's license suspensions may deprive
8 individuals of their only means of transportation to and from
9 work. Furthermore, individuals with suspended driver's licenses
10 who are unable to find alternative means of transportation may
11 lose their employment. With limited or no income, individuals
12 are even less likely to pay fines or fees, which may lead to
13 greater penalties simply because those individuals are unable to
14 pay initial fines or fees in one lump sum.

15 The purpose of this Act is to address the financial
16 disparity imposed on low-income individuals who cannot afford to



1 pay court-ordered fines and fees by requiring the judiciary to
2 establish a financial hardship task force.

3 SECTION 2. (a) There is established within the judiciary
4 the financial hardship task force to:

- 5 (1) Examine the financial disparity imposed on low-income
6 individuals in the court system;
- 7 (2) Analyze other mechanisms regarding the nonpayment of
8 fines rather than suspending driver's licenses;
- 9 (3) Coordinate with applicable agencies; and
- 10 (4) Analyze any other programs deemed necessary.

11 (b) The task force shall be composed of the following
12 members or their designees:

- 13 (1) The chief justice, who shall serve as chair;
- 14 (2) The attorney general;
- 15 (3) The director of public safety;
- 16 (4) The director of transportation; and
- 17 (5) The chief of police of each county.

18 (c) Members of the task force shall serve without
19 compensation but shall be reimbursed for expenses incurred,
20 including travel expenses, necessary for the performance of
21 their duties.



1 (d) The task force shall be exempt from chapter 92, Hawaii
2 Revised Statutes.

3 (e) The task force shall submit a report to the
4 legislature of its findings and recommendations, including any
5 proposed legislation, no later than twenty days before the
6 convening of the regular session of 2020.

7 (f) The task force shall cease to exist on June 30, 2020.

8 SECTION 3. This Act shall take effect upon its approval.

APPROVED this 21 day of JUN, 2019



GOVERNOR OF THE STATE OF HAWAII



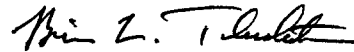
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2019
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2019.



Scott K. Saiki
Speaker
House of Representatives





Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI‘I

Date: April 30, 2019
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirtieth Legislature of the State of Hawai‘i, Regular Session of 2019.


President of the Senate


Clerk of the Senate

HOUSE CONCURRENT RESOLUTION

REQUESTING A TASK FORCE TO REVIEW AND REPORT ON THE
ESTABLISHMENT OF FAIR AND PROPORTIONAL FINES FOR CERTAIN
PENALTIES IN HAWAII TO ENSURE A FAIR AND MEANINGFUL
DETERRENT TO ILLEGAL BEHAVIOR FOR INDIVIDUALS ACROSS THE
ECONOMIC SPECTRUM.

1 WHEREAS, penalties for some violations and infractions in
2 all areas of law in Hawaii tend to be flat fines, including but
3 not limited to speeding, and negligent or reckless actions; and
4

5 WHEREAS, such actions can lead to serious injuries or death
6 and, in the case of traffic violations, are a leading cause of
7 vehicular accidents and manslaughter in Hawaii; and
8

9 WHEREAS, penalties for those violations and infractions
10 should serve as a meaningful deterrent to illegal behavior;
11 however, a flat fine often serves as a meaningful deterrent only
12 for those to whom it has a financial impact, making for an
13 unfair application of justice in Hawaii; and
14

15 WHEREAS, while a fine for \$200 may serve as a meaningful
16 deterrent to illegal behavior for an individual of average
17 means, it may require a \$2,000 fine to serve as a meaningful
18 deterrent to illegal behavior for a wealthy individual; now,
19 therefore,
20

21 BE IT RESOLVED by the House of Representatives of the
22 Thirtieth Legislature of the State of Hawaii, Regular Session of
23 2019, the Senate concurring, that a task force be established to
24 review and report on the establishment of fair and proportional
25 fines for certain penalties in Hawaii to ensure a fair and
26 meaningful deterrent to illegal behavior for individuals across
27 the economic spectrum; and
28



1 BE IT FURTHER RESOLVED that the task force is requested to
2 consist of:

- 3
- 4 (1) The Chief Justice of the Hawaii Supreme Court, or the
5 Chief Justice's designee, who shall chair the task
6 force;
- 7
- 8 (2) The Attorney General, or the Attorney General's
9 designee;
- 10
- 11 (3) The Public Defender, or the Public Defender's
12 designee;
- 13
- 14 (4) The Prosecuting Attorney of each county, or the
15 Prosecuting Attorney's designee;
- 16
- 17 (5) The Chair of the House of Representatives Committee on
18 Judiciary;
- 19
- 20 (6) One member of the Senate designated by the President
21 of the Senate; and
- 22
- 23 (7) Any others appointed by the chair of the task force;
24 and
- 25

26 BE IT FURTHER RESOLVED that the task force is requested to
27 submit a report of its findings and recommendations, including
28 any proposed legislation, to the Legislature no later than
29 December 1, 2019; and

30

31 BE IT FURTHER RESOLVED that certified copies of this
32 Concurrent Resolution be transmitted to the Governor; Chief
33 Justice of the Hawaii Supreme Court; Attorney General of the
34 State of Hawaii; Public Defender of the State of Hawaii; and
35 Prosecuting Attorney of each county.



ACT 222

ACT 222

H.B. NO. 1879-78

A Bill for an Act Relating to the Statewide Traffic Code Concerning Penalties.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to decriminalize all traffic offenses, other than those of a serious nature, to the status of violations. Pursuant to section 706-605(2) of the Hawaii Penal Code, the court may suspend the imposition of sentence on a person who has been convicted of a violation or may sentence him to pay a fine authorized by part III of chapter 605 of the Code. Thus this Act will eliminate the criminal penalties of imprisonment, probation and restitution for all but serious traffic violations such as those concerning accidents involving death or personal injuries, false reports, or overtaking and passing a stopped school bus.

SECTION 2. Section 291C-161, Hawaii Revised Statutes, is amended to read:

“Sec. 291C-161 Penalties. (a) It is a violation for any person to violate any of the provisions of this chapter except as otherwise specified in subsection (c) of this section and unless the violation is by other law of this State declared to be a felony, misdemeanor, or petty misdemeanor.

(b) Except as provided in subsection (c) of this section, every person who violates any provision of this chapter for which another penalty is not provided, shall for a first conviction thereof be fined not more than \$100; for conviction of a second offense committed within one year after the date of the first offense, the person shall be fined not more than \$200; for conviction of a third or subsequent offense committed within one year after the date of the first offense, the person shall be fined not more than \$500 provided that upon a conviction for a violation of section 291C-12, the person shall be sentenced in accordance with section 291C-12.

(c) Every person who violates section 291C-13, 291C-14, 291C-18, 291C-37, 291C-43, 291C-44, 291C-45, 291C-46, 291C-47, 291C-48, 291C-50, 291C-51, 291C-65, 291C-72, 291C-73, 291C-74 or 291C-95 of this chapter shall for a first conviction thereof be fined not more than \$100 or imprisoned not more than ten days; for conviction of a second offense committed within one year after the date of the first offense, the person shall be fined not more than \$200 or imprisoned not more than twenty days, or by both fine and imprisonment; for conviction of a third or subsequent offense committed within one year after the date of the first offense, the person shall be fined not more than \$500 or imprisoned not more than six months, or by both fine and imprisonment.

(d) The courts may assess a sum not to exceed \$25 for the cost of issuing a penal summons upon any person who fails to appear at the place within the time specified in the citation issued to him for any traffic violation.”

SECTION 3. Section 286-128, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“Sec. 286-128 Point system for evaluation of operating records of all persons operating motor vehicles and for determination of their continuing

qualifications. (a) There is established a point system for the evaluation of the operating records of all persons operating motor vehicles and for the determination of the continuing qualifications of such persons to operate motor vehicles. The system shall have as its basic element a graduated scale of points assigning relative values to the various violations of the traffic laws of the State and of traffic ordinances of its counties to be imposed by the district judge in accordance with the following schedule of minimum and maximum points:

- (1) Driving while under the influence of intoxicating liquor 4 to 8
- (2) Reckless driving 3 to 6
- (3) Driving while license suspended or revoked (includes court conviction as well as safety responsibility violations) 3 to 6
- (4) Fraudulent use of license 3 to 6
- (5) Excessive speeding (fifteen miles or more over the established speed limit) 3 to 6
- (6) Leaving scene of accident 3 to 6
- (7) Speeding (ten miles or more over the established speed limit) 1 to 4
- (8) Failure to report accident immediately 1 to 4
- (9) Driving on left side of roadway 0 to 4
- (10) Inattention to driving; negligent driving 1 to 4
- (11) Permitting unlicensed driver to drive 1 to 4
- (12) Following too closely 1 to 3
- (13) Disregarding stop signs 1 to 3
- (14) Right of way violations 0 to 3
- (15) Disregarding traffic control signals 1 to 3
- (16) Unlawful passing 0 to 3
- (17) Unsafe changing of lanes 0 to 3
- (18) Crossing solid or double lines 0 to 3
- (19) Impeding traffic 0 to 2
- (20) Improper turning 0 to 2
- (21) Unsafe emergence from parked position 0 to 2
- (22) Disregarding pavement markings 0 to 2
- (23) Unsafe movements 0 to 2
- (24) Stopping at medial openings 1 to 2
- (25) Improper emergence from private driveway 1 to 2
- (26) Unattended motor vehicle (if motor running) 1 to 2
- (27) Violation of pedestrian's right of way 1 to 2
- (28) Unsafe equipment on vehicle 0 to 2
- (29) Faulty brakes 0 to 2
- (30) Driving with improper lights 0 to 2
- (31) Operating or carrying a passenger on a motor scooter or motorcycle without safety helmet or, in absence of windscreen or windshield, without eye and face protective devices or other protective devices required by the state-highway safety coordinator 0 to 2
- (32) Driving after failure to renew license 0 to 2
- (33) Operating a motorcycle or motor scooter while carrying as a passenger or permitting to ride thereon a person under the age of seven years 0 to 2

- (34) Failure to report to the district court for a review of driving record or failure to attend required driving retraining course 0 to 2

SECTION 4. Section 286-128, Hawaii Revised Statutes, is amended by amending subsection (m) to read as follows:

“(m) Upon determination and order by a district judge that a person has accumulated six points within a twelve-month period, the licensee shall report in person for a review of his driving record with the judge as directed by the judge if the licensee is present in court. If the licensee is not present in court when the district judge makes a determination and order that the licensee has accumulated six points within a twelve-month period and is directed to report in person for a review of his driving record, then the clerk of the district court shall notify the licensee in writing by certified mail, return receipt requested, to addressee only, that the licensee is directed to report in person, within fifteen days after receipt of the notice to report, for a review of his driving record with the judge. At the review, the judge may order a licensee who has accumulated six points within a twelve-month period to attend a course of instruction in driving retraining by a designated driver instructor or driver training school. Any person who fails to report in person for a review of his driving record with the judge as required by this subsection or who fails to attend a course of instruction in driver retraining pursuant to the order of the judge as required by this subsection shall be fined not more than \$100 or shall have his license suspended not more than one year, or both.”

SECTION 5. Section 286G-3, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 286G-3 Fines.** (a) A fine of \$1 shall be levied on a finding that a violation occurred of a statute or county ordinance relating to vehicles or their drivers or owners, except (1) offenses relating to stopping (when prohibited), standing, or parking; (2) offenses relating to registration; and (3) offenses by pedestrians.

(b) The fine levied by subsection (a) shall be paid for each violation in addition to any fine imposed by the court, and whether or not such fine is suspended.

(c) The amount of the fine shall be transmitted by the clerk of the court for deposit in the driver education and training fund.”

SECTION 6. Section 291-23, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 291-23 Penalty.** Whoever is convicted of violating any of the provisions of section 291-22 shall be fined not more than \$100.”

SECTION 7. Section 291-24, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 291-24 Motorcycles, noisy mufflers; penalty.** Every motorcycle moving under its own power on a public highway shall at all times be equipped with a muffler in constant operation to prevent any excessive or unusual noise and no such muffler or exhaust system shall be equipped with a cutout, bypass, or similar device. No person shall modify the exhaust system of a motorcycle in a manner

which will amplify or increase the noise emitted by the motor of such motorcycle above that emitted by the muffler originally installed on the motorcycle. A muffler is a device consisting of a series of chambers or baffle plates, or other mechanical design, for the purpose of receiving exhaust gas from the engine of the motorcycle, and effective in reducing noise.

Whoever violates this section shall be fined not more than \$100.”

SECTION 8. Section 291C-22, Hawaii Revised Statutes, is repealed.

SECTION 9. Section 291C-23, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 291C-23 Obedience to police officers.** It shall be a petty misdemeanor for any person to wilfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control, or regulate traffic.”

SECTION 10. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.*

SECTION 11. This Act shall take effect upon its approval.

(Approved June 5, 1978.)

*Edited accordingly.

ACT 214

S.B. NO. 154

A Bill for an Act Relating to Traffic Violations Enforcement.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to improve the system by which traffic offenses presently are being processed in order to dispose expeditiously of these cases and thereby achieve efficient and effective use of limited judicial and law enforcement resources. This Act requires the judiciary to implement a program beginning on July 1, 1994, whereby the traffic offenses listed within this Act are decriminalized and drivers are offered opportunities to either pay or contest their fines in less confrontational settings. Toward that end, the judiciary is directed to prepare and submit to the legislature an implementation plan for this Act before January 1, 1994.

Currently, many traffic offenses, even minor ones, are technically classified as crimes. For example, riding a bicycle other than on a permanent and regular seat in violation of section 291C-143, Hawaii Revised Statutes, is a misdemeanor

punishable by one year in prison, a \$2,000 fine, or both. These offenses, and many other civil traffic offenses that are punishable only by a fine and traffic "points," often require the driver to appear in court one or more times. However, the vast majority of offenders eventually are required only to pay a fine, something that could be done much more expeditiously by mail.

As a result, the process of disposing of these offenses costs drivers a large amount of time and taxpayers a larger amount of money. Perhaps more importantly, disposition of these cases consumes important judicial and prosecutorial resources that should be expended on more serious cases and keeps police officers in court when they should be on patrol providing the protection that the public expects and deserves.

Accordingly, this Act proposes to decriminalize all but the most serious traffic offenses by making violators subject only to civil penalties such as fines and traffic points. This will permit those who do not wish to contest the citation to simply pay a fine by mail with no further action. Those who wish to admit the violation but want to explain the circumstances as well as those who wish to contest the citation will be afforded a hearing for those purposes. When issuing a citation for a moving or equipment violation, the officer will enter on the citation the applicable fine, according to a standard schedule established by the district court, and a court appearance date. On receipt of the citation, the driver will be required to choose one of three options within fifteen days: (1) pay the fine indicated on the citation; (2) admit the infraction and appear for a hearing on the date indicated to explain the circumstances prior to the imposition of the fine and traffic points; or (3) deny the infraction and appear at a hearing on the date indicated to dispute the citation.

If the driver chooses to admit the violation and submit payment, traffic points will be assessed according to the schedule. If assessment of points will cause the driver to equal or exceed a total of twelve points and thereby require the suspension of the driver's license, payment will be rejected and the case will be scheduled for trial. If not, payment will be accepted, points assessed, and the matter closed.

If the driver chooses to admit the violation but desires a hearing to explain the circumstances, the driver will be afforded a hearing limited to an explanation seeking mitigation of the fine and points. The driver will be allowed to explain the circumstances of the violation and request leniency but will not be allowed to challenge the citation itself. If assessment of points will cause the driver to equal or exceed a total of twelve, thereby requiring suspension of the driver's license, the driver's admission will be rejected and the case will be scheduled for trial. If not, the court will assess the appropriate fine and traffic points, if any, and the matter closed.

If the driver chooses to contest the citation, the driver will be afforded a hearing for that purpose. Since a prosecutor will not be present and there will be no possibility of a prison term, the driver will not need to retain counsel in most cases. Instead, the citation and the description of the violation contained therein will be admitted as evidence of the violation, the driver may explain the driver's side of the case, and usually no witnesses will be required. If the driver is dissatisfied with the outcome of the hearing, the driver may request a regular district court trial, pursuant to the Hawaii Rules of Penal Procedure, where a prosecutor will present evidence and the infraction must be proved beyond a reasonable doubt.

If a driver fails to respond to the citation within fifteen days, judgment by default will be entered for the State, points will be assessed, and the driver will be notified. If the driver does not pay the fine within an additional thirty days or otherwise take action to set aside the default, the county director of finance will be

notified, and the driver will not be able to renew his or her driver's license or register or acquire a motor vehicle until the matter is settled in court.

While recognizing the need to expedite disposition of traffic infractions through an informal process, the legislature also recognizes that an informal system may provide a greater opportunity to "fix" tickets. Therefore, this Act also increases the penalty for "ticket fixing" from a misdemeanor to a class C felony and provides for a minimum fine of \$1,000 and a maximum fine of \$10,000.

The legislature finds that these steps are necessary to ensure that judicial and law enforcement resources are concentrated on serious criminal offenders.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

"CHAPTER ADJUDICATION OF TRAFFIC INFRACTIONS

§ -1 **Purpose.** Act 222, Session Laws of Hawaii 1978, began the process of decriminalizing certain traffic offenses, not of a serious nature, to the status of violations. In response to a request by the legislature, the judiciary prepared a report in 1987 that recommended, among other things, further decriminalization of traffic offenses, elimination of most traffic arraignments, disposition of uncontested violations by mail, and informal hearings where the violation or the proposed penalty is questioned. The legislature finds that further decriminalization of certain traffic offenses and streamlining of the handling of those traffic cases will achieve a more expeditious system for the judicial processing of traffic infractions. The system of processing traffic infractions established by this chapter will:

- (1) Eliminate the long and tedious arraignment proceeding for a majority of traffic matters;
- (2) Facilitate and encourage the resolution of many traffic infractions through the payment of a monetary assessment;
- (3) Speed the disposition of contested cases through a hearing, similar to small claims proceedings, in which the rules of evidence will not apply and the court will consider as evidence the notice of traffic infraction, applicable police reports, or other written statements by the police officer who issued the notice, any other relevant written material, and any evidence or statements by the person contesting the notice of traffic infraction;
- (4) Dispense in most cases with the need for witnesses, including law enforcement officers, to be present and for the participation of the prosecuting attorney;
- (5) Allow judicial, prosecutorial, and law enforcement resources to be used more efficiently and effectively; and
- (6) Save the taxpayers money and reduce their frustration with the judicial system by simplifying the traffic court process.

The legislature further finds that this chapter will not require expansion of the current traffic division of the district courts, but will achieve greater efficiency through more effective use of existing resources of the district courts.

§ -2 **Definitions.** As used in this chapter:

"Hearing" means a proceeding conducted by the district court pursuant to section -8 at which a driver either contests the notice of traffic infraction or admits to the traffic infraction but offers an explanation to mitigate the monetary assessment or traffic points, or both, imposed.

“Traffic infraction” means all violations of statutes, ordinances, or rules relating to traffic movement and control, including parking, standing, equipment, and pedestrian offenses, for which the prescribed penalties do not include imprisonment.

“Trial” means a trial conducted by the district court pursuant to the Hawaii Rules of Penal Procedure and rules of the district court.

§ -3 Applicability. (a) Notwithstanding any other provision of law to the contrary, all traffic infractions shall be adjudicated pursuant to this chapter, except as provided in subsection (b). This chapter shall be applied uniformly throughout the State and in all counties. Penal sanctions except fines shall not apply to a violation of a county ordinance that would constitute a traffic infraction under this chapter. Traffic infractions shall not be classified as criminal offenses.

(b) Traffic infractions that involve an accident resulting in personal injury or property damage or are committed in the same course of conduct as a criminal offense for which the offender is arrested or charged shall not be adjudicated pursuant to this chapter, but shall be adjudicated by the appropriate district or circuit court of the circuit in which the traffic infraction was committed, whichever has jurisdiction pursuant to the applicable statute or rules of court. In no event shall section 701-109 preclude prosecution for a criminal offense where a traffic infraction committed in the same course of conduct has been adjudicated pursuant to this chapter.

§ -4 Venue and jurisdiction. (a) All violations of state law, ordinances, or rules designated as traffic infractions in this chapter shall be adjudicated in the district and circuit where the alleged infraction occurred, except as otherwise provided by law.

(b) Except as otherwise provided by law, jurisdiction is in the district court of the circuit where the alleged traffic infraction occurred. Except as otherwise provided in this chapter, district court judges shall adjudicate traffic infractions.

§ -5 Notice of traffic infraction; form; determination final unless contested. (a) The notice of traffic infraction shall include the complaint and summons for the purposes of this chapter. Whenever a notice of traffic infraction is issued to the driver of a motor vehicle, the driver’s signature, driver’s license number, and current address shall be affixed to the notice. If the driver refuses to sign the notice, the officer shall record this refusal on the notice and issue the notice to the driver. Individuals to whom a notice of traffic infraction is issued under this chapter need not be arraigned before the court, unless required by rule of the supreme court.

(b) The form for the notice of traffic infraction shall be prescribed by rules of the district court which shall be uniform throughout the State. Except in the case of traffic infractions involving parking, the notice shall include the following:

- (1) A statement of the specific traffic infraction, including a brief statement of facts, for which the notice was issued;
- (2) A statement of the monetary assessment, established for the particular traffic infraction pursuant to section -9, to be paid by the driver and the range of points that may be assessed by the court pursuant to section 286-128, both of which shall be uniform throughout the State;
- (3) A statement of the options provided in section -6(b) for answering the notice and the procedures necessary to exercise the options;
- (4) A statement that the person to whom the notice is issued must answer, choosing one of the options specified in section -6(b), within fifteen days;

- (5) A statement that failure to answer the notice of traffic infraction within fifteen days shall result in the entry of judgment by default for the State and a late penalty assessed and, if the driver fails to pay the monetary assessment within an additional thirty days or otherwise take action to set aside the default, notice to the director of finance of the appropriate county that the person to whom the notice was issued shall not be permitted to renew or obtain a driver's license or, where the notice was issued to a motor vehicle, the registered owner will not be permitted to register, renew the registration of, or transfer title to the motor vehicle until the traffic infraction is finally disposed of pursuant to this chapter;
 - (6) A statement that if, after receipt of the answer, the court determines that the assessment of points for the traffic infraction will cause the number of points on the person's traffic abstract to equal or exceed twelve, the matter will be scheduled for trial and that, if the person fails to appear for trial, a penal summons will be issued to bring the person before the court and the court will take action as provided in section -10;
 - (7) A statement that, at a hearing to contest the notice of traffic infraction conducted pursuant to section -8 or in consideration of a written statement contesting the notice of traffic infraction, no officer will be present unless the driver timely requests the court to have the officer present. The standard of proof to be applied by the court is whether a preponderance of the evidence proves that the specified traffic infraction was committed;
 - (8) A statement that, at a hearing requested for the purpose of explaining mitigating circumstances surrounding the commission of the infraction or in consideration of a written request for mitigation, the person will be considered to have committed the traffic infraction;
 - (9) A space in which the driver's signature, current address, and driver's license number may be affixed; and
 - (10) The date, time, and place at which the driver must appear in court if the driver chooses to go to hearing.
- (c) In the case of traffic infractions involving parking, the notice shall be affixed conspicuously to the vehicle as provided in section 291C-167 and shall include the information required by paragraphs (1) to (8) of subsection (b).

§ -6 Answer required. (a) A person who receives a notice of traffic infraction shall answer the notice within fifteen days of the date of the notice. There shall be included with the notice of traffic infraction a preaddressed, postage paid envelope directed to the traffic violations bureau of the applicable district court.

- (b) In an answer to a notice of traffic infraction, a person shall either:
 - (1) Admit the commission of the infraction by completing the appropriate portion of the notice of traffic infraction and submitting it, either by mail or in person, to the authority specified on the notice together with payment, except as provided in section -9(d), in the amount of the monetary assessment stated on the notice of traffic infraction. Payment by mail shall be in the form of a check, money order, or by approved credit card. Payment in person shall be in the form of United States currency, check, money order, or by approved credit card;
 - (2) Deny the commission of the infraction by completing the appropriate portion of the notice of traffic infraction and submitting it, either by mail or in person, to the authority specified on the notice. In lieu of a hearing, the person may submit a written statement of grounds on

which the person contests the notice of traffic infraction, which shall be considered by the court as a statement given in court pursuant to section -8(a); or

- (3) Admit the commission of the infraction and request a hearing to explain circumstances mitigating the infraction by completing the appropriate portion of the notice of traffic infraction and submitting it, either by mail or in person, to the authority specified on the notice. In lieu of a hearing, the person may submit a written explanation of the mitigating circumstances, which shall be considered by the court as a statement given in court pursuant to section -8(b).

(c) When answering the notice of traffic infraction, the person shall affix the person's signature to the answer and shall state the address at which the person will accept future mailings from the court. No other response shall constitute an answer for purposes of this chapter.

§ -7 Court action after answer or failure to answer. (a) When an admitting answer is received, the court shall review the driver's abstract and determine the number of points, if any, to be assessed pursuant to section 286-128. If the points to be assessed by the court do not cause the number of points on the person's abstract to equal or exceed a total of twelve, the court shall enter judgment in favor of the State in the amount of the monetary assessment specified in the notice of traffic infraction and assess the determined number of points. If the monetary assessment is not submitted with the answer, the court shall take action as provided in section -10. If the points to be assessed by the court cause the number of points on the person's abstract to equal or exceed a total of twelve, the court shall reject the admission and refund the monetary assessment and schedule the matter for trial. Also, the court shall notify the person of the date, time, and place of the trial and inform the person that if the person fails to appear for trial, a penal summons shall be issued to bring the person before the court, and that the court shall take action as provided in section -10.

(b) When a denying answer is received, the court shall proceed as follows:

- (1) In the case of a traffic infraction that does not involve parking, the court shall determine whether the assessment of points for the traffic infraction will cause the number of points on the person's traffic abstract to equal or exceed a total of twelve. If the assessment of points for the traffic infraction will cause the number of points on the person's abstract to equal or exceed a total of twelve, the court shall reject the request for a hearing, schedule the matter for trial, and notify the person in writing of the date, time, and place of the trial. If the assessment of points for the traffic infraction will not cause the number of points on the person's abstract to equal or exceed a total of twelve, the court shall proceed as provided in section -8(a).
- (2) In the case of a traffic infraction that involves parking, the court shall notify the person or registered owner or owners in writing of the date, time, and place of hearing to contest the notice of traffic infraction. The notice of hearing shall be sent within thirty days from the post-marked date of the answer to the address stated in the denying answer or, if none is given, to the address at which the vehicle is registered. The notification also shall advise the person that, if the person fails to appear at the hearing, the court shall enter judgment by default in favor of the State, as of the date of the scheduled hearing, that the monetary assessment must be paid within thirty days from notice of default, and, if it is not paid, that the court will take action as provided in section -10.

- (3) When a denying answer is accompanied by a written statement of the grounds on which the person contests the notice of the traffic infraction, the court shall determine whether the assessment of points for the traffic infraction will cause the number of points on the person's traffic abstract to equal or exceed a total of twelve. If the assessment of points for the traffic infraction will cause the number of points on the person's abstract to equal or exceed a total of twelve, the court shall reject the denial and request for a decision based on the written statement, schedule the matter for trial, and notify the person in writing of the date, time, and place of the trial. If the assessment of points for the traffic infraction will not cause the number of points on the person's abstract to equal or exceed a total of twelve, the court shall proceed as provided in section 8(a) and shall notify the person of its decision, including the amount of the monetary assessment or points, if any, by mailing it within thirty days of the post-marked date of the answer to the address provided by the person in the answer, or if none is given to the address given when the notice of traffic infraction was issued or, in the case of parking violations, to the address stated in the denying answer or, if none is given, to the address at which the vehicle is registered. The decision also shall advise the person, if it is determined that the infraction was committed, that the person has the right, within thirty days, to request a trial and shall specify the procedures for doing so. The notice of decision shall also notify the person, if a monetary assessment is assessed by the court, that if the person does not request a trial, the assessment shall be paid within thirty days. The notice shall warn the person that if the assessment is not paid within thirty days, the court shall take action as provided in section 10.

(c) When an answer admitting commission of the infraction but seeking to explain mitigating circumstances is received, the court shall proceed as follows:

- (1) In the case of a traffic infraction which does not involve parking, the court shall determine whether the assessment of points for the traffic infraction will cause the number of points on the person's traffic abstract to equal or exceed a total of twelve. If the assessment of points for the traffic infraction will cause the number of points on the person's abstract to equal or exceed a total of twelve, the court shall reject the admission and request to explain mitigating circumstances and notify the person in writing of the date, time, and place of the trial. If the assessment of points for the traffic infraction will not cause the number of points on the person's abstract to equal or exceed a total of twelve, the court shall proceed as provided in section 8(b).
- (2) In case of a traffic infraction which involves parking, the court shall notify the person in writing of the date, time, and place of the hearing. The notice shall be sent, within thirty days from the postmarked date of the answer, to the address at which the vehicle is registered. The notice of hearing on mitigating circumstances shall advise the person that the court will enter judgment for the State and the hearing will be limited to an explanation of the mitigating circumstances. The notice of hearing also shall state that if the person fails to appear at the hearing, the monetary assessment must be paid within thirty days of the scheduled hearing. The notice of hearing shall warn the person that if the monetary assessment is not paid within thirty days, the court shall take action as provided in section 10.

- (3) If a written explanation is included with an answer admitting commission of the infraction, the court shall determine whether the assessment of points for the traffic infraction will cause the number of points on the person's traffic abstract to equal or exceed a total of twelve. If the assessment of points for the traffic infraction will cause the number of points on the person's abstract to equal or exceed a total of twelve, the court shall reject the denial and request for a decision based on the written statement, schedule the matter for trial, and notify the person in writing of the date, time, and place of the trial. If the assessment of points for the traffic infraction will not cause the number of points on the person's abstract to equal or exceed a total of twelve, the court shall enter judgment for the State and, after reviewing the explanation, determine the amount of the monetary assessment and points to be assessed, if any. The court shall then notify the person of the monetary assessment to be paid and the points assessed for the infraction, if any. There shall be no appeal from the order. If the court assesses a monetary assessment, the court shall also notify the person that the assessment shall be paid within thirty days of the postmarked date of the decision. The notice shall also warn the person that if the monetary assessment is not paid within thirty days, the court shall take action as provided in section -10.

(d) If the person fails to answer within fifteen days of issuance of the notice of traffic infraction, the court shall take action as provided in subsection (e).

(e) Whenever judgment by default in favor of the State is entered, the court shall mail a notice of entry of judgment of default to the address provided by the person when the notice of traffic infraction was issued or, in the case of parking violations, to the address stated in the answer, if any, or the address at which the vehicle is registered. The notice shall advise the person that the monetary assessment shall be paid within thirty days and shall explain the procedure for setting aside a default judgment. The notice shall also warn the person that if the monetary assessment is not paid within thirty days, the court shall take action as provided in section -10. Judgment by default for the State entered pursuant to this chapter may be set aside pending final disposition of the traffic infraction upon written application of the person and posting of an appearance bond equal to the amount of the monetary assessment and any other assessment imposed pursuant to section

-9. The application shall show good cause or excusable neglect for the person's failure to take action necessary to prevent entry of judgment by default. Upon receipt of the application, the court shall take action to remove the restriction placed on the person's driver's license or the motor vehicle's registration and title imposed pursuant to section -10. Thereafter, the court shall determine whether good cause or excusable neglect exists for the person's failure to take action necessary to prevent entry of judgment by default. If so, the notice of traffic infraction shall be disposed of pursuant to this chapter. If not, the appearance bond shall be forfeited and the notice of traffic infraction shall be finally disposed. In either case, the court shall, within thirty days, determine the existence of good cause or excusable neglect and notify the person of its decision in writing.

§ -8 Hearings. (a) In proceedings to contest the issuance of a notice of traffic infractions:

- (1) In lieu of the personal appearance by the officer who issued the notice of traffic infraction, the court shall consider the notice of traffic infraction and any other written report made by the officer together with any oral or written statement by the driver, or in the case of

traffic infractions involving parking, the operator or registered owner of the motor vehicle;

- (2) The court may compel by subpoena the attendance of the officer who issued the notice and other witnesses from whom it may wish to hear;
 - (3) The standard of proof to be applied by the court shall be whether a preponderance of the evidence proves that the traffic infraction was committed; and
 - (4) After due consideration of the evidence and arguments, if any, the court shall determine whether commission of the traffic infraction has been established. Where the commission of the traffic infraction has not been established, an order dismissing the notice of traffic infraction with prejudice shall be entered in the records. Where it has been established that the traffic infraction was committed, the court shall enter judgment for the State and may assess a monetary assessment pursuant to section -9, and points, if applicable, pursuant to section 286-128. The court also shall inform the person of the right to request, within thirty days, a trial pursuant to section -13. If the person requests a trial at the hearing, the court shall provide the person with the trial date forthwith. If trial is elected, arraignment and plea shall be held at the time of trial.
- (b) In proceedings to explain mitigating circumstances:
- (1) The procedure shall be informal and shall be limited to the issue of mitigating circumstances. A person who requests to explain the circumstances shall not be permitted to contest the issuance of the notice of traffic infraction;
 - (2) After the court has received the explanation, the court shall enter judgment for the State and may assess a monetary assessment, pursuant to section -9, and points, if applicable, pursuant to section 286-128; and
 - (3) The court after receiving the explanation may vacate the admission and dismiss the notice of traffic infraction with prejudice where the explanation establishes that the infraction was not committed; and
 - (4) There shall be no appeal from the order.

(c) If a person for whom a hearing has been scheduled to contest the notice of traffic infraction or a hearing to explain mitigating circumstances fails to appear at the hearing, the court shall enter judgment by default for the State and take action as provided in section -7(e). If the monetary assessment is not paid within thirty days, the court shall take action as provided in section -10.

§ -9 Monetary assessments. (a) A person found to have committed a traffic infraction shall be assessed a monetary assessment not to exceed the maximum fine specified in the statute defining the traffic infraction.

(b) Notwithstanding section 291C-161 or any other law to the contrary, the district court of each circuit shall prescribe a schedule of monetary assessments for all traffic infractions, and any additional assessments to be imposed pursuant to subsection (c). The particular assessment to be entered on the notice of traffic infraction pursuant to section -5 shall correspond to the schedule prescribed by the district court. Except after proceedings conducted pursuant to section -8 or a trial conducted pursuant to section -13, monetary assessments assessed pursuant to this chapter shall not vary from the schedule prescribed by the district court having jurisdiction over the traffic infraction.

(c) In addition to any monetary assessment imposed for a traffic infraction, the court may impose additional assessments for:

- (1) Failure to pay a monetary assessment by the scheduled date of payment; or
- (2) The cost of service of a penal summons issued pursuant to this chapter.

(d) The court may grant to a person claiming inability to pay, an extension of the period in which the monetary assessment shall be paid or may impose community service in lieu thereof. If the assessment is not paid or the community service is not performed on or before the date established and the court has not extended the time, the court shall take action as provided in section -10.

§ -10 Restriction on driver's license and motor vehicle registration.

(a) When the person issued a notice of traffic infraction not involving parking fails to pay a monetary assessment that has been ordered, the court shall cause an entry to be made in the driver's license record so as to prevent the person whose assessment is outstanding from acquiring or renewing the person's driver's license until the outstanding assessment is paid or the notice of traffic infraction is otherwise disposed of pursuant to this chapter.

(b) In all cases where the registered owner of a motor vehicle to which a notice of traffic infraction has been issued fails to pay any monetary assessments that have been ordered, the court shall cause an entry to be made in the motor vehicle's record so as to prevent issuance or renewal of the motor vehicle's certificate of registration and transfer of title to the motor vehicle until the outstanding assessment is paid or the notice of traffic infraction is otherwise disposed of pursuant to this chapter.

§ -11 Time computation. In computing any period of time prescribed or allowed by this chapter, the day of the act, event, or default from which the period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, or legal holiday in which event the period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday. Intermediate Saturdays, Sundays, and legal holidays shall be included. Whenever an act required to be performed under this chapter may be accomplished by mail, the act shall be deemed to have been performed on the date of the postmark on the mailed article.

§ -12 Powers of the district court judge sitting in the traffic division.

A district court judge sitting in the traffic division and hearing cases pursuant to this chapter shall have all the powers of a district court judge under chapter 604, including the following powers:

- (1) To conduct traffic infraction hearings and to impose monetary assessments;
- (2) To permit deferral of monetary assessment or impose community service in lieu thereof;
- (3) To impose or to suspend the imposition of traffic violation points;
- (4) To dismiss a notice of traffic infraction or to set aside a judgment for the State;
- (5) To order temporary driver's license suspension or license reinstatement;
- (6) To order the director of finance not to issue or renew the driver's license or to register, renew the registration of, or issue title to a motor vehicle of any person who has not paid a monetary assessment or performed community service in lieu thereof;

- (7) To issue penal summonses and bench warrants and initiate contempt of court proceedings in proceedings conducted pursuant to section -13; and
- (8) To exercise other powers the court finds necessary and appropriate to carry out the purposes of this chapter.

§ -13 **Trial.** (a) If an admission made pursuant to section -6 or a determination made pursuant to section -8 that a person committed a traffic infraction would cause the number of traffic points on the person's abstract to equal or exceed a total of twelve, the notice of traffic infraction shall be adjudicated in a trial pursuant to the Hawaii Rules of Penal Procedure and rules of the district court.

(b) If, after proceedings to contest the notice of traffic infraction, a determination has been made that a person committed the traffic infraction, the person may request, within thirty days of the determination, a trial pursuant to the rules of penal procedure and rules of the district court, provided that arraignment and plea for such trial shall be held at the time of trial. If the person requests a trial at the conclusion of the proceedings to contest the notice of traffic infraction, the court shall provide the person with the trial date forthwith. Except as provided in subsection (a), a notice of traffic infraction shall not be adjudicated pursuant to this section until proceedings pursuant to section -8 have been completed.

(c) The result of the final determination or any admission made pursuant to -6 shall not be admissible in any trial conducted pursuant to -13.

§ -14 **Rules** (a) The supreme court may adopt rules of procedure for the conduct of all proceedings pursuant to this chapter.

(b) Chapter 626 shall not apply in proceedings conducted pursuant to this chapter, except for the rules governing privileged communications, and proceedings conducted under -13.

(c) Notwithstanding section 604-17, while the court is sitting in any matter pursuant to this chapter, the court shall not preserve the testimony or proceedings, except proceedings conducted pursuant to -13.

(d) The prosecuting attorney shall not participate in proceedings conducted pursuant to this chapter, except proceedings pursuant to section -13.

(e) Chapter 91 shall not apply in proceedings before the court."

SECTION 3. Section 286-25, Hawaii Revised Statutes, is amended to read as follows:

"§286-25 Operation of a vehicle without a certificate of inspection. Whoever operates, permits the operation of, causes to be operated, or parks any vehicle on a public highway without a current official certificate of inspection, issued under section 286-26, shall be fined not more than \$100 [or imprisoned not more than thirty days or both]."

SECTION 4. Section 286-61, Hawaii Revised Statutes, is amended to read as follows:

"§286-61 Penalty. Any person who violates [any of the provisions of] sections 286-41, 286-42, 286-44.5 to 286-56.5, and 286-58 to 286-60 shall be fined not less than \$5 nor more than \$1,000 [or imprisoned not more than one year, or both]; provided that any corporate owner of a motor vehicle who fails to register a motor vehicle as required by section 286-41(a) following a transfer of the vehicle between counties shall be fined \$1,000 for each violation. Any person who violates

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section 286-43, 286-44, or 286-57 shall be fined not less than \$5 and not more than \$1,000 or imprisoned not more than one year, or both.

SECTION 5. Section 286-82, Hawaii Revised Statutes, is amended to read as follows:

“§286-82 Penalty. Whoever violates this part shall be fined not more than \$1,000 [or imprisoned not more than one year, or both].”

SECTION 6. Section 286-128, Hawaii Revised Statutes, is amended by amending subsection (g) to read as follows:

“(g) Computation of points. In computing the total number of points charged to any person after a particular violation, those accrued as a result of violations [which] that have occurred during the twelve months’ period including and immediately preceding the last violation shall be counted at their full value; those accrued from twelve to twenty-four months preceding the last violation shall be counted at one-half their established value; and those resulting from violations more than twenty-four months prior to the last violation shall not be counted. If no violation has been charged against a person during the twenty-four month period, a total of six favorable points will be credited to the person’s account, which may be used to offset the points chargeable on accounts of violations. [Computation of points shall begin with offenses occurring only after May 25, 1961.] In the event that a district judge subsequent to the bail forfeiture does hear the case, the district judge may set aside the points resulting from the bail forfeiture and designate the points the district judge deems necessary; provided that no licensee shall twice be assigned points for the same traffic violation. The method of computing and crediting points under this subsection shall not apply if, at the time of computation, the person as to whom the computation is being made has outstanding any traffic infraction other than the one for which the computation is being made.”

SECTION 7. Section 286-136, Hawaii Revised Statutes, is amended to read as follows:

“§286-136 Penalty. Whoever violates [this part] section 286-102, 286-122, 286-130, 286-131, 286-132, 286-133, or 286-134 shall be fined not more than \$1,000 or imprisoned not more than one year, or both. Whoever violates any other section in this part shall be fined not more than \$1,000.”

SECTION 8. Section 286-138, Hawaii Revised Statutes, is amended to read as follows:

“§286-138 Prohibiting “fixing” of tickets and providing penalties therefor; nolle prosequi by prosecuting attorney only by motion and approval of court. (a) It shall be unlawful for any person, including any government-official or employee of the State or county, to “fix”, “void”, change, modify, adjust, tamper with, or otherwise dispose of any traffic citation, notice, or summons. Nothing in this subsection shall be construed to affect the powers of the judges of the several courts in the exercise of their judicial functions. Any person who intentionally or knowingly violates this subsection shall be [fined not more than \$1,000, or imprisoned for not more than one year, or both.] guilty of a class C felony; except that the person shall be fined not less than \$1,000 and not more than \$10,000. Any government official or employee of this State or any county who

violates [any of the provisions hereof] this subsection shall be summarily discharged from the official's or employee's office or employment.

(b) No nolle prosequi shall be entered in any case involving a violation of the traffic laws or ordinances of the State or of the several counties and no [such] case or any charge arising therefrom shall be stricken, amended, or reduced, except by consent of the court upon written motion of the prosecuting attorney stating the reasons therefor. The court may deny the motion if it deems the reasons insufficient."

SECTION 9. Section 286-210, Hawaii Revised Statutes, is amended to read as follows:

"[§286-210] Operation of a motor carrier vehicle without a safety inspection decal. Whoever operates, permits the operation of, causes to be operated, or parks any motor carrier vehicle on a public highway without a current motor carrier vehicle safety inspection decal, issued under section 286-209, shall be fined \$100 for each day of [said] the violation [or imprisoned not more than thirty days, or both]."

SECTION 10. Section 287-44, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Any person convicted of a violation of [this chapter] section 287-41 shall be fined not more than \$1,000 or imprisoned not more than one year, or both. Any person convicted of a violation of any other section in this chapter shall be fined not more than \$1,000."

SECTION 11. Section 290-12, Hawaii Revised Statutes, is amended to read as follows:

"§290-12 Leaving abandoned or derelict vehicles[; petty misdemeanor]. The registered owner of an abandoned vehicle, as defined in section 290-1, or a derelict vehicle, as defined in section 290-8, found on any roadway, alley, street, way, lane, trail, bridge, or highway or other public property[,] or on private property without authorization of the owner or occupant[,] shall be [guilty of a petty misdemeanor,] fined not more than \$1,000; provided that the registered owner shall not be [guilty] fined if the abandoned or derelict vehicle has been stolen or taken from the registered owner without permission or authorization."

SECTION 12. Section 291C-111, Hawaii Revised Statutes, is amended by:

(1) Amending its title to read as follows:

"§291C-111 Noncompliance with stopping, standing, or parking requirements [prohibited]."

(2) Amending subsection (a) to read as follows:

"(a) [The] With respect to highways under their respective jurisdictions, the director of transportation is authorized to and the counties by ordinance may [with respect to highways under their respective jurisdictions] prohibit or restrict the stopping, standing, or parking of vehicles where the stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would [unduly] interfere unduly with the free movement of traffic; provided that the violation of any law[,] or any ordinance, regardless of whether [or not] established under this or any other section, prohibiting or restricting the stopping, standing, or parking of vehicles[,] shall constitute a [violation under the

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Penal Code.] traffic infraction. The counties shall not provide any other penalty, civil or criminal, or any other charge, in the form of rental or otherwise, in place of[,] or in addition to[,] the fine to be imposed by the district court for any violation of any ordinance prohibiting or restricting the stopping, standing, or parking of vehicles.

The appropriate police department and county or prosecuting attorney, of the various counties[, as the case may be,] shall enforce any law or ordinance prohibiting or restricting the stopping, standing, or parking of vehicles, including[,] but not limited to[,] the issuance of parking tickets. Any person [convicted of] committing a violation of any law or ordinance, regardless of whether [or not] established under this or any other section, prohibiting or restricting the stopping, standing, or parking of vehicles[,] shall be subject to a fine to be enforced and collected by the district courts of this State and to be deposited into the state general fund for state use.”

SECTION 13. Section 291C-130, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Any person who violates this section shall be fined not more than \$500[, or imprisoned not more than six months, or both].”

SECTION 14. Section 291C-141, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) It is a [misdemeanor] traffic infraction for any person to do any act forbidden or fail to perform any act required in this part.”

SECTION 15. Section 291C-161, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Every person who violates section 291C-13[, or 291C-18[, 291C-37, 291C-43, 291C-44, 291C-45, 291C-46, 291C-47, 291C-48, 291C-50, 291C-51, 291C-65, 291C-72, 291C-73, 291C-74 or 291C-95 of this chapter shall], for a first conviction thereof, shall be fined not more than \$100 or imprisoned not more than ten days; for conviction of a second offense committed within one year after the date of the first offense, the person shall be fined not more than \$200 or imprisoned not more than twenty days[,] or [by] both [fine and imprisonment]; for conviction of a third or subsequent offense committed within one year after the date of the first offense, the person shall be fined not more than \$500 or imprisoned not more than six months[,] or [by] both [fine and imprisonment].”

SECTION 16. Section 291C-167, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§291C-167]]~~ **Summons or citation on illegally parked vehicle.** Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions contained in the state traffic laws, the officer finding [such] the vehicle shall take its registration number and may take any other information displayed on the vehicle [which] that may identify its registered owner[,] and [shall] conspicuously shall affix to [such] the vehicle a citation, as described in section 291C-165, for the registered owner of record to answer [to the charge against the registered owner within seven days during the hours and at a place specified in the citation.] as provided in chapter _____.”

SECTION 17. Section 291C-171, Hawaii Revised Statutes, is amended to read as follows:

“[§291C-171] Disposition of fines and forfeitures. All fines and forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any section or provision of the state traffic laws and all assessments collected relating to the commission of traffic infractions shall be paid to the director of finance of the State.”

SECTION 18. Section 291C-206, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) [Violation of this section shall be a petty misdemeanor.] Any person who violates this section shall be fined not more than \$500.”

SECTION 19. Section 291C-166, Hawaii Revised Statutes, is repealed.

SECTION 20. Section 291C-168, Hawaii Revised Statutes, is repealed.

SECTION 21. The administrative director of the courts shall prepare and submit a complete implementation plan to carry out the purposes of this Act to the legislature before January 1, 1994. In preparation of the implementation plan, the judiciary shall consult representatives from the following areas: judges, court administrators, court clerks, court cashiers, court budget and fiscal officers, court computer experts, court consultants, the attorney general, prosecuting attorneys, the public defender, and the agencies having jurisdiction over motor vehicles and licensing for each of the counties. The implementation plan shall address the following:

- (1) Transfer of the existing judges and personnel into the new system;
- (2) Job descriptions and responsibilities of all employees under the new system;
- (3) Timetable and schedule of training and implementation of the new system;
- (4) Specific court rules covering areas such as:
 - (A) Circumstances where the driver's record or nature of the infraction preclude disposition of a case through the normal monetary assessment process;
 - (B) When court appearances are necessary;
 - (C) Uniform traffic citations and notices;
 - (D) Monetary assessments; and
 - (E) Court and appeal procedures;
- (5) Applicability and integration of the judiciary's computer software systems with the new system created by this Act;
- (6) Public education with respect to the new system;
- (7) Additional offenses that should be adjudicated pursuant to this Act;
- (8) Additional facilities needed to implement the new system;
- (9) Statutes and rules requiring amendment; and
- (10) Itemized related costs.

The judiciary shall submit annual status reports on its findings to the legislature at least twenty days before the convening of the regular sessions of 1995, 1996, 1997, and 1998. The judiciary shall submit a final report of its findings and recommendations to the legislature at least twenty days before the convening of the regular session of 1999.

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SECTION 22. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 23. Statutory material to be repealed is bracketed.¹ New statutory material is underscored.

SECTION 24. This Act shall take effect on July 1, 1994; except that section 21 shall take effect upon approval.

(Approved June 10, 1993.)

Note

1. Edited pursuant to HRS §23G-16.5.

HOUSE OF REPRESENTATIVES
 TWENTY-SECOND LEGISLATURE,
 2004
 STATE OF HAWAII

H.C.R. NO. 261
 H.D. 1

S.D. 1

HOUSE CONCURRENT RESOLUTION

REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO REVIEW, ANALYZE, AND RECOMMEND CHANGES TO STATUTES and State RULES THAT CRIMINALIZE NON-SERIOUS OFFENSES AND requesting each county to review, analyze, and change COUNTY ORDINANCES and rules THAT CRIMINALIZE NON-SERIOUS OFFENSES.

WHEREAS, by Act 222, Session Laws of Hawaii 1978, the Legislature began the process of decriminalizing certain traffic offenses, not of a serious nature, to the status of violations in order to eliminate most traffic arraignments, dispose of uncontested violations by mail, provide for informal hearings where the violation or proposed penalty was questioned, and streamline the handling of traffic cases to achieve a more expeditious system of judicial processing of traffic infractions; and

WHEREAS, there are offenses established by statutes other than the Hawaii Penal Code, including those established by rule or county ordinance, that are described as misdemeanors or petty misdemeanors and therefore must be processed by the courts as criminal offenses, even though the offenses have penalties that include only fines; and

WHEREAS, there are other offenses established by statutes other than the Hawaii Penal Code, including those established by rule or county ordinance, that are not of a serious nature, but which have penalties that include imprisonment or fines exceeding \$1,000 and therefore must be processed by the courts as criminal offenses with the attendant right to court-appointed counsel or jury trial, or both; and

WHEREAS, the inconsistent treatment of these non-serious criminal offenses and the decriminalized traffic infractions causes confusion among the public, who are sometimes arrested for failing to appear in response to citations even when they admitted the offense and paid a fine by mail; and

WHEREAS, public perception of the fairness of the judicial system is enhanced when the penalties for violations of statutes, rules, or ordinances for non-serious offenses are more uniform throughout the State; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twenty-second Legislature of the State of Hawaii, Regular Session of 2004, the Senate concurring, that the Legislative Reference Bureau is requested to identify, review, and analyze, to the extent possible, all statutes (other than the Hawaii Penal Code) and state rules that:

- (1) Establish criminal offenses described as misdemeanors or petty misdemeanors but that are punishable only by fines; or
- (2) Establish criminal penalties of imprisonment or fines in excess of \$1,000, or both, for conduct that, in a common sense, plain meaning application of the provision, is non-serious; and

BE IT FURTHER RESOLVED that the Legislative Reference Bureau is requested to recommend changes to the penalties imposed by the identified statutes and state rules that would make the penalties more consistent with the penalties imposed for decriminalized traffic infractions; and

BE IT FURTHER RESOLVED that the Legislative Reference Bureau is requested to submit its findings and recommendations to the Legislature no later than twenty days prior to the convening of the Regular Session of 2005; and

BE IT FURTHER RESOLVED that each county is also urged to identify, review, and change all county ordinances and rules that:

- (1) Establish criminal offenses described as misdemeanors or petty misdemeanors but that are punishable only by fines; or
- (2) Establish criminal penalties of imprisonment or fines in excess of \$1,000, or both, for conduct that, in a common sense, plain meaning application of the provision, is non-serious; and

BE IT FURTHER RESOLVED that each county is requested to make the necessary changes to the penalties imposed by the identified county ordinances and rules that would make the penalties more consistent with the penalties imposed for decriminalized traffic infractions; and

BE IT FURTHER RESOLVED that the Judiciary, the Department of the Attorney General, state departments and agencies that have adopted rules establishing violations that are punishable as criminal offenses, the various county prosecutors, the various county police departments, and the Office of the Public Defender are requested to cooperate with the Legislative Reference Bureau for the purposes of this study, including, but not limited to, providing copies in paper and electronic form of all statutes, rules, ordinances, bail forfeiture schedules, and other relevant source material pertaining to criminal prohibitions and penalties; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Acting Director of the Legislative Reference Bureau, the Chief Justice of the Hawaii Supreme Court, the Administrative Director of the Courts, the Governor, the Attorney General, the county mayors, the various county prosecutors, the county police chiefs, and the State Public Defender.

Report Title:

Criminal Penalties; Decriminalization of Non-Serious Offenses

DECRIMINALIZATION OF NONSERIOUS OFFENSES: A PLAN OF ACTION

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FOREWORD

This report has been prepared in response to House Concurrent Resolution No. 261, H.D. 1, S.D. 1, Regular Session of 2004, which called for the Legislative Reference Bureau to review, analyze, and recommend changes to statutes and state rules that criminalize non-serious offenses, in order to make them more consistent with decriminalized traffic infractions. The Bureau conducted an extensive review of Hawaii law, including the Hawaii Revised Statutes and Hawaii Administrative Rules, and consulted with a variety of stakeholders in the executive and judicial branches of state government and in county prosecutors' offices charged with the day-to-day prosecution of violations of state law.

The Bureau would like to thank the many people who provided information in response to the Bureau's requests for assistance with this study.

Ken H. Takayama
Acting Director

January, 2005

FACT SHEET

Focus of Study

House Concurrent Resolution No. 261, H.D. 1, S.D. 1, Regular Session of 2004 (hereafter H.C.R. 261 or Resolution), entitled "Requesting the Legislative Reference Bureau to Review, Analyze and Recommend Changes to the Statutes and State Rules that Criminalize Non-Serious Offenses and Requesting each County to Review, Analyze and Change County Ordinances and Rules that Criminalize Non-Serious Offenses." The Resolution called upon the Legislative Reference Bureau (hereafter Bureau) to "identify, review, and analyze, to the extent possible, all statutes (other than the Hawaii Penal Code) and state rules" that establish misdemeanor and petty misdemeanor criminal offenses, but provide only for a fine, and those that establish criminal penalties of imprisonment, or fines in excess of \$1,000, or both, that, "in a common-sense, plain meaning application of the provision, is non-serious." The Resolution also called on the Bureau "to recommend changes to the identified statutes and state rules that would make the penalties more consistent with the penalties imposed for decriminalized traffic infractions."

Discussion

Where the demand on judicial resources continues to outstrip the supply, efforts to increase the use of non-judicial dispute resolution methods are necessary, not only to focus those limited resources on matters of the highest priority, but to instill in the public the confidence that those resources are being used fairly, efficiently, and quickly in those cases that must go to court. Widespread attention has been paid to alternative dispute resolution in the civil context – arbitration, mediation, private judges, etc. – but efforts to prioritize the use of judicial resources in criminal cases is less well known, and perhaps more controversial.

At least part of the pressure on judicial resources arises from the traditional legislative practice of trying to deter undesirable conduct by making it a criminal offense. While, at one time, the prospect of being convicted of a criminal offense might have dissuaded offenders from engaging in prohibited conduct, the proliferation of non-traditional criminal offenses outside the Hawaii Penal Code and an emerging jurisprudence that requires those offenses to be judicially processed in an increasingly tedious fashion has diluted the intended deterrent effect and made the prospect of actually having to suffer punitive consequences (i.e., incarceration) increasingly remote.

The Hawaii Legislature has undertaken efforts to decriminalize certain offenses that do not warrant the expenditure of significant judicial resources. Act 222, Session Laws of Hawaii 1978, decriminalized many traffic offenses. Act 214, Session Laws of Hawaii 1993, went even further, not only decriminalizing more traffic offenses but also establishing a less formal method of disposition so that the benefits of decriminalization could be realized with fewer court appearances for the public and consumption of fewer judicial, police, and prosecutorial resources as well.

Even with these efforts, numerous criminal offenses remain on the books outside the Penal Code that are routinely disposed of by a fine but which, because they are technically criminal, require at least one court appearance and all of the time and expense that goes with it. Some of these are traffic offenses but many are offenses that have become arcane, sometimes perceived as being irrelevant, with the passage of time. Ideally, and to be theoretically consistent, the full body of Hawaii law would be studied to purge it of this baggage but the lack of resources is not unique to the judicial branch.

Recommendations

Therefore, a simpler, more practical approach is recommended. If the judiciary takes the initiative to periodically identify those offenses that, despite the possibly serious penalties, are routinely and consistently being disposed of with fines or other monetary assessments, the Legislative Reference Bureau will work with the agencies having jurisdiction over the subject matter to determine if decriminalization can be accomplished without undermining the purpose for which the law originally was enacted. Thereafter, recommendations including proposed legislation, for decriminalizing these provisions, will be made to the Legislature accordingly. Furthermore, it is recommended that this process start by considering decriminalization of those criminal offenses relating to motor vehicles and traffic movement that remain in the HRS and that are similar in nature to those motor vehicle and traffic offenses already decriminalized. These are catalogued in Appendix D of this report.

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Chapter 1

INTRODUCTION

Purpose of the Resolution

During the Regular Session of 2004, the Legislature adopted House Concurrent Resolution No. 261, H.D. 1, S.D. 1 (hereafter H.C.R. 261 or Resolution), entitled "Requesting the Legislative Reference Bureau to Review, Analyze and Recommend Changes to the Statutes and State Rules that Criminalize Non-Serious Offenses and Requesting each County to Review, Analyze and Change County Ordinances and Rules that Criminalize Non-Serious Offenses." (See Appendix A.) The Resolution noted that the Legislature had previously undertaken to decriminalize non-serious traffic offenses in order to dispense with most court appearances and thereby to expedite and streamline disposition of these cases. The Resolution also noted that there are criminal offenses outside the Penal Code that are classified as misdemeanors or petty misdemeanors, even though the penalties include only fines, and offenses that impose fines in excess of \$1,000 and prison terms, even though these offenses are not of a serious nature. As a result, these offenses entail court appearances, appointed counsel, and sometimes jury trial. This stands in contrast to and is inconsistent with the treatment of traffic offenses that are similar in nature, resulting in confusion to members of the public, who may be subject to arrest for an offense they thought they had resolved by paying a fine by mail, and undermining the perceived fairness of the judicial system.

The Resolution called upon the Legislative Reference Bureau (hereafter Bureau) to "identify, review, and analyze, to the extent possible, all statutes (other than the Hawaii Penal Code) and state rules" that establish misdemeanor and petty misdemeanor criminal offenses, but provide only for a fine, and those that establish criminal penalties of imprisonment, or fines in excess of \$1,000, or both, that, "in a common-sense, plain meaning application of the provision, is non-serious." The Resolution also called on the Bureau "to recommend changes to the identified statutes and state rules that would make the penalties more consistent with the penalties imposed for decriminalized traffic infractions." The Resolution called upon the Judiciary and various state and county agencies to cooperate with the Bureau by doing such things as providing source materials pertaining to criminal prohibitions and penalties.

Support of and Opposition to the Resolution

The Resolution was prompted by the District Court Judges Traffic Group that has been meeting in an effort to standardize traffic case processing statewide. In its testimony in support of the Resolution, the Judiciary noted that penalties for similar conduct might be classified as an infraction or as a criminal offense depending, for example, whether the conduct took place on state park land or other public lands. As a result, one offender might be able to pay a fine by mail while another might have to be offered court-appointed counsel and a jury trial. The Judiciary also noted that this discrepancy makes it difficult to standardize procedures, forms, and practices across the State. The Resolution was also supported by the American Civil Liberties

Union, which noted that periodic review of criminal statutes is appropriate to determine "if they truly rise to the level of criminality, according to contemporary standards, and to see if they constitute a legitimate use of judicial and other scarce resources."

On the other hand, the Resolution was strongly opposed by the Director of Planning and Permitting of the City and County of Honolulu. He testified that, while the City had made effective use of civil penalties to enforce the City's land use, building, and related codes, criminal prosecution is sometimes necessary to remove or neutralize the threat of danger to community, health, safety, and welfare posed by egregious violations of these codes. In his view, decriminalization of non-serious offenses is inappropriate and would severely degrade the City's code compliance and enforcement program.

Methodology

In order to get a handle on the scope of the problem, the Bureau began with a search of the entire Hawaii Revised Statutes (hereafter HRS) for all statutes that:

- (1) Denominate, specifically as a misdemeanor or petty misdemeanor, conduct that violates either a provision of the HRS or an administrative rule adopted by authority of a provision of the HRS; or
- (2) Define an offense that constitutes a misdemeanor or petty misdemeanor because the penalty imposed for conduct that violates either a provision of the HRS or an administrative rule adopted by authority of a provision of the HRS requires classification of the offense as such under Section 701-107, HRS.¹

As discussed in greater detail below, this search revealed at least 350 such statutes (see Appendix B).² The actual number is much higher for several reasons. First, many penalty sections criminalize violation of other statutes in the same HRS chapter. (See, e.g., section 189-5, HRS ("any person violating this chapter...shall be guilty of a petty misdemeanor.)) In addition, certain offenses have not been designated as a misdemeanor or petty misdemeanor by the Legislature and do not provide for imprisonment but have been declared to be penal offenses by judicial decision.³

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1. As explained below, Section 701-107, HRS, classifies offenses as felonies, misdemeanors, petty misdemeanors, or violations based either on a specific denomination of the offense as such or on the length of the term of imprisonment authorized, if any.
 2. The Bureau did not find any offenses that were specifically denominated as a misdemeanor or petty misdemeanor but which prohibited imposition of any sentence other than a specified fine. Under Section 701-107, HRS, and by definition, an offense classified as a misdemeanor or petty misdemeanor is punishable by the term of imprisonment provided in Section 706-663, HRS. Where an offense is classified as either a misdemeanor or petty misdemeanor, but the only specific sentence set forth is a fine, we treated that offense as being punishable by the prison term specified by Section 706-663, HRS, even if the fine stated is different than what would otherwise be imposed for that class of offense pursuant to Section 706-640, HRS.
 3. See *State v. Simeona*, 10 Haw. App. 220, 864 P.2d 1109 (1994), *overruled on other grounds*, *State v. Ford*, 84 Hawaii 65, 929 P.2d 78 (1996)(ICA concluded that Legislature intended \$10,000 fine and loss of operating and

INTRODUCTION

This number also does not include the many hundreds of offenses defined by administrative rules that are punishable as misdemeanors or petty misdemeanors pursuant to authority conferred by the Legislature. (See, e.g., chapter 184, HRS.) These rules were intentionally excluded for several reasons. First, the scope of the task would have been overwhelming, given the Bureau's resources and the time frame within which the study had to be conducted. Second, the Resolution did not call upon agencies with jurisdiction to enforce these statutory provisions and to adopt and enforce administrative rules pursuant to these provisions to identify which offenses they believed could be decriminalized without undermining their enforcement programs. Third, the Bureau lacks specialized expertise in the subject matter areas regulated by these agencies. Finally, while legislation is not an appropriate means of amending rules, the Legislature can amend the statutory provisions authorizing adoption of the rules and specifying the penalty for violation thereof, thereafter requiring the agency with appropriate jurisdiction to amend the rules accordingly.⁴

The Bureau then tried to quantify the scope of the problem by identifying those offenses that most frequently come before the courts for treatment as serious offenses, even though similar conduct has been decriminalized and the courts typically impose sentences indicating that the offenses are actually more like those imposed for non-serious, decriminalized traffic offenses. The Judiciary, which is in the process of upgrading its information systems, was able to extract some offense statistics from its TRAVIS system. However, it was not able to extract a sampling of sentencing decisions for these offenses.

Organization

This chapter provides an overview of the purpose of the Resolution and the work required of the Bureau. Chapter 2 provides a historical overview of the development of penal offenses, generally and in Hawaii, and demonstrates how that process has left us with numerous offenses that are either inconsistent or out-of-date. Chapter 3 describes previous legislative efforts to address these problems and their limited success. Finally, Chapter 4 sets forth modest recommendations to continue these efforts in ways that will make an enormous task more manageable. The bulk of the study consists of appendices, including tables identifying offenses targeted by the Resolution and those that should be the subject of the Legislature's next efforts to address the problems that prompted the Resolution.

mooring privileges for up to two years for mooring, anchoring, or storing a vessel at a space or berth other than that to which it was properly assigned, in violation of HAR 19-62-17 (now HAR 13-231-17), to be criminal penalties and that violation of administrative rule is penal offense even though no prison term is authorized).

4. There may also be uncodified misdemeanor or petty misdemeanor offenses that appear only in the Session Laws of Hawaii. However, we are unaware of any and none were identified to us at this time as being a problem for the courts and the public of the sort that prompted this study in the first place.

Chapter 2

CRIMES INSIDE AND OUTSIDE THE PENAL CODE: HOW WE GOT HERE FROM THERE

At common law, most criminal offenses involved conduct that was *malum in se*, that is, conduct that was immoral and essentially evil, without regard to whether any law expressly prohibited it. These common law offenses would have included murder, larceny, etc. and comprised principles and rules of action regarding the security of persons and property that derived their authority solely from the fact that they were part of custom and usage since antiquity. These principles and rules may have been reinforced by declarations of courts, but did not originate in any legislative pronouncement. With development of more complex systems of government came the creation of offenses involving conduct that was *malum prohibitum*, that is, involving conduct that was not essentially immoral but wrong precisely because law expressly prohibited it. Examples of such offenses would have included failure to pay taxes or fees to the sovereign or violating rules of land tenure.

From very early times, offenses were graded as either a felony or a misdemeanor, the former being more serious than the latter. At common law, felony offenses were those for which forfeiture of land or goods were imposed, in addition to capital punishment in the most serious cases. Initially, this class of offenses was comprised of those that involved moral turpitude, i.e., those that were *malum in se*, but later the class was expanded to include many other types of offenses as well, including those that were *malum prohibitum*. Misdemeanors were those offenses for which punishment did not involve forfeiture of life, limb, and chattels. In modern times, felony offenses are generally those punishable by imprisonment for more than a year, usually in a state correctional institution. Misdemeanors are those punishable by less than a year of imprisonment, typically in a county jail. Both felonies and misdemeanors may be of various classes, with varying sentences for each class.

Broadly speaking, when common law offenses were incorporated into statutory declarations of law, *malum in se* offenses were placed in penal codes and *malum prohibitum* offenses were spread throughout codes otherwise regulating the conduct to which they related. Thus, felony and misdemeanor offenses were found throughout codes, not just in penal codes. Hawaii law reflects a similar pattern of development. Offenses which are considered *malum in se* are generally found in the Penal Code, which was adopted in 1972 and comprises Title 37 of the Hawaii Revised Statutes (hereafter HRS). At the same time, the Legislature has created numerous *malum in se* offenses that can be found throughout other parts of the HRS. As noted above, at least 350 misdemeanor or petty misdemeanor penal provisions can be found in the HRS outside the Penal Code. Creation of these offenses appears to reflect what is, in hindsight, an optimistic belief that conduct not inherently immoral but declared nonetheless undesirable would somehow cease with the threat of criminal penalties. Some notable examples include:

- Section 46-45, HRS, "Excessive expenditures; penalty." This offense, which is punishable by a fine of up to \$1,000 or imprisonment for not more than one year, or both, is classified as a misdemeanor pursuant to Section 701-107, HRS. Under its

terms, elected members of the county councils could be imprisoned for incurring liabilities in excess of the funds available to the county. First enacted in 1911, this section would appear to have been functionally superseded by theft and related provisions of the Penal Code, if not the power of the ballot box.

- Section 146-23, HRS, "Duty of vendor of butchered beef to disclose identity of person from whom obtained." Under the terms of this law, first enacted in 1923, anyone who sells beef must know and truthfully state the name and residence of the person from whom the vendor obtained the beef to anyone who asks. Failure to do so could net the clerk behind the meat counter at the local supermarket a fine of not more than \$500, imprisonment for not more than one year, or both. (See Section 146-24, HRS.) Curiously, vendors of pork, lamb, poultry and other meat products have not been required to know the pedigree of their offerings. In any event, if the purpose of this law is to prevent the sale of adulterated or mislabeled commodities, this conduct has since been prohibited by the Penal Code and is a misdemeanor. (See Section 708-870, HRS, "Deceptive business practices.")
- Section 577-18, HRS, "Parents allowing children in the street, prohibited when; penalty." First enacted in 1896, this law provides that any parent or guardian who permits a child under age sixteen to go to or remain in a public place between the hours of 10:00 p.m. and 4:00 a.m. unaccompanied by an adult shall be fined not more than \$100 or imprisoned not more than twenty days. While a curfew law permits the police to take action when appropriate, this law appears to prohibit even benign activities after 10:00 p.m., including neighborhood play, errands to the local store, or mid-evening movies. Behavior creating a genuine risk to unsupervised children, and warranting criminal sanctions, is prohibited by the Penal Code by Section 709-904, HRS, "Endangering the welfare of a minor in the second degree."¹

Although the Legislature did not attempt to gather all criminal offenses into the Penal Code when it was enacted, it did attempt to standardize classification of offenses and the penalties applied to all criminal offenses, wherever in the HRS they appeared. Section 701-107, HRS, entitled "Grades and classes of offenses," provides that crimes are of three grades, felonies, misdemeanors, and petty misdemeanors. A felony is an offense punishable by imprisonment for more than one year, a misdemeanor is an offense punishable by imprisonment for a term the maximum of which is one year, and a petty misdemeanor is an offense punishable by a term of imprisonment the maximum of which is less than one year. Of special importance for this study is Section 701-107(7), HRS, which provides that "[a]n offense defined by any statute of this State *other than this Code* shall be classified as provided in this section and the sentence that may be imposed upon conviction thereof shall hereafter be governed by this Code." As explained in the Commentary on Section 701-107:

1. A related and obsolete set of laws prohibit permitting a minor to attend, or accompanying a minor to, a dance hall where persons receive any remuneration or compensation, either directly or indirectly, for acting as dancing partners to the patrons of the dance hall. (See Sections 577-22 to -24, HRS.) These laws, first enacted in 1927, still call for sentences including imprisonment and fines, even though such dance halls no longer seem to exist and laws in the Penal Code, such as Endangering the welfare of a minor, have for the most part superseded them.

DECRIMINALIZATION OF NONSERIOUS OFFENSES

This section makes it clear that the Code retains the ancient distinction between felonies and misdemeanors, which is important for many procedural purposes. *Its main thrust, however, is to govern the classification of offenses defined outside the Code.* Subsection (7) declares that all offenses are hereafter to be classified according to this section and punished in accordance with this Code. The purpose is to rationalize the often anomalous classification and punishment of offenses that appear in many parts of the statutory laws. [Emphasis added.]

Unfortunately, adoption of the Penal Code alone was not sufficient "to rationalize the often anomalous classification and punishment of offenses that appear in many parts of the statutory laws." Not only did the Penal Code not expressly correct those anomalies, those anomalies were perpetuated by new enactments in the years that followed. In 1975, the Bureau drafted legislation to reconcile differences between offenses outside the Penal Code with the classification and penalty provisions of the Code in light of the mandate of Section 701-107, HRS. As the Bureau explained:

When the Penal Code took effect on January 1, 1973, it repealed or modified a great number of pre-existing statutes, many of which were specifically identified as repealed or modified. Others, however, were not so designated, and their continued presence in the statutes causes confusion and uncertainty. A group of statutes falling in the latter category consists of provisions designating various infractions of law as offenses and prescribing the penalties therefor.

The Bureau's draft legislation proposed, in over 200 sections, technical and substantive amendments to penal offenses outside the Penal Code to make their penalty classifications consistent with the Penal Code. However, no action was taken by the Legislature on the proposal.

Chapter 3

SMALL STEPS TO FIX THE PROBLEM: DECRIMINALIZING NON-SERIOUS TRAFFIC OFFENSES

Rather than undertaking a comprehensive review of the entire Hawaii Revised Statutes (hereafter HRS) to eliminate anomalies between criminal penalties inside and outside of the Penal Code, the Legislature in 1978 instead adopted the first of two proposals that sought to delete criminal penalties for non-serious traffic offenses. Act 222, Session Laws of Hawaii 1978,¹ declared that its purpose was "to decriminalize all traffic offenses, other than those of a serious nature, to the status of violations. . . . This Act will eliminate the criminal penalties of imprisonment, probation and restitution for all but serious traffic violations such as those concerning accidents involving death or personal injuries, false reports, or overtaking and passing a stopped school bus." Methodologically, the Act amended the penalty provision for the Statewide Traffic Code, Section 291C-161, HRS, by making it a violation, rather than a misdemeanor to violate any provision of Chapter 291C, HRS, other than certain offenses for which criminal penalties were retained. Likewise, the prison term for those who had accumulated a certain number of traffic "points" was deleted. Penalty provisions for Chapter 291, HRS (relating to traffic violations), were similarly decriminalized.

However, Act 222 hardly finished the job of decriminalizing "all traffic offenses," and the Legislature took further action in 1993. Specifically, Act 214, Session Laws of Hawaii 1993, decriminalized additional traffic offenses in Chapters 286 (relating to Highway Safety) and 291C, HRS (relating to Statewide Traffic Code).² Once again, the Legislature proclaimed its intent "to decriminalize all but the most serious traffic offenses." These included operating a motor carrier vehicle without a safety inspection decal, leaving vehicles derelict or abandoned, failure to use a triangular emblem on a vehicle designed to move at slow speeds, and all offenses relating to the operation of bicycles.

With the decriminalization of more traffic offenses came the need to make judicial proceedings less elaborate, because the potential benefit of decriminalizing traffic offenses could not be realized if drivers still had to come to court for proceedings involving prosecuting attorneys, police officers, and others. The larger goal of Act 214 was "to improve the system by which traffic offenses presently are being processed in order to dispose expeditiously of these cases and thereby achieve efficient and effective use of limited judicial and law enforcement resources." To that end, Act 214 established an informal process that attempted to maximize disposition of cases by mail, instead of personal court appearances, and minimize the use of prosecutors and police, while still affording drivers the right to a full evidentiary hearing if the case could not first be disposed of informally.

1. The bill, H.B. No. 1879, was originally part of the Judiciary's legislative package.

2. As the Legislature observed, riding a bicycle other than on a permanent and regular seat, a violation of Section 291C-143, HRS, was still a misdemeanor at the time.

Ten years further down the road, it is apparent that there remain many offenses outside the motor vehicle and traffic codes that still require court appearances, court-appointed counsel, and sometimes jury trial, despite being similar in substance and gravity to motor vehicle and traffic offenses. The Judiciary continues to report that offenses similar to decriminalized traffic offenses still carry the possibility of imprisonment and, therefore, cannot be resolved informally. For example, Section 264-64, HRS (relating to "Design of controlled-access facility and regulation, restriction, or prohibition of access; penalty"), under which "zipper lane" violations are prosecuted, authorizes a penalty of \$250 and not more than three months in prison. There has been a steady increase in citations issued for this offense, rising to 224 in 2003.³

Similarly, violation of Section 291-12, HRS (relating to "Inattention to driving," which involves operation of "any vehicle without due care or in a manner as to cause a collision with, or injury or damage to, as the case may be, any person, vehicle or other property"), requires that the offender "be fined not more than \$500 or imprisoned not more than thirty days, or both." For one thing, negligent injury is already a criminal offense under the Penal Code. (See Sections 707-705 and -706, HRS.) For another, Section 291-12, HRS, appears to permit citation of a driver who causes injury or property damage even if the person acts without negligence or other criminally culpable state of mind, making it a "strict liability offense." (See Sections 702-212 and -213, HRS.) Consequently, a fine routinely disposes of these cases. However, in 2003, 530 of them had to be processed as if they were criminal offenses requiring court appearances and the possibility of court-appointed counsel.⁴

Another prevalent offense is a violation of Section 291-31.5, HRS (relating to "Blue lights prohibited for motor vehicles, motorcycles, motor scooters, bicycles, mopeds"), which may be punished by "a fine not exceeding \$1,000, or by imprisonment not exceeding one year, or both." Clearly, the concern here is to prevent anyone from impersonating a law enforcement officer, but the offense does not require that the light flash or rotate in a way that would reasonably cause one to believe it is being operated by law enforcement vehicle. In practice, these offenses are routinely amended to a non-criminal county traffic ordinance or dismissed if the violator forfeits the light to the State. Moreover, any person actually impersonating a police officer by the use of such a light can be charged under either Section 710-1016.6 or -1016.7, HRS (relating to "impersonation of a police officer" in the first or second degree, respectively). Nevertheless, in 2002, 1214 cases under Section 291-31.5, HRS, had to be disposed of in court proceedings, instead of a fine paid by mail. Similarly, a violation of Section 286-30, HRS, (relating to the use of a counterfeit certificate of inspection for a motor vehicle or one that is intended for a different vehicle) is punishable by a fine of \$1,000, imprisonment for not more than thirty days, or both, but the charge is routinely amended by prosecutors to a violation of Section 286-25, HRS (involving operation of a motor vehicle without a current certificate of inspection), which is punishable by a maximum \$100 fine. Instances of actual fabrication or alteration of an inspection certificate, especially in cases of mass production, can be charged as

3. Drawn from TRAVIS statistics provided by the Judiciary.

4. See n. 8.

forgery under Section 708-852 or -853, HRS. Still, an average of more than 1,500 such citations under Section 286-30, HRS, have been issued each of the past five years.⁵

However, probably the single largest source of cases involving conduct of a nature that has been decriminalized elsewhere in the HRS is the administrative rules adopted by various state departments and agencies to regulate movement and parking of motor vehicles and equipment on state land under state jurisdiction. For example, Section 184-5, HRS, authorizes the Department of Land and Natural Resources to adopt rules governing the use and protection of the state park system. Violation of any provision of Chapter 184, HRS, or any rule adopted thereunder, is declared to be a petty misdemeanor, with mandatory fines escalating for subsequent offenses. Using the authority accorded to it by Section 184-5, HRS, the Department of Land and Natural Resources adopted Chapter 13-146, Hawaii Administrative Rules, governing the use and protection of all lands in the state park system. These rules regulate or prohibit, among other things, the movement and parking of vehicles, the presence and control of animals, and recreational activities such as camping, swimming, boating, picnicking, golfing, skating, and skateboarding. Violation of any of these rules is a petty misdemeanor, even though some rule violations are clearly more serious than others.⁶ This "one-size-fits-all-approach" to setting penalties creates unintended consequences. For example, the act of parking a car out of a marked stall that would net the vehicle owner a fine payable by mail if it is committed in a municipal parking lot could land that same owner in court, and potentially in jail, if the parking lot happened to be on state park land. Even if the chance of a prison term is remote, the potential of its imposition necessitates a court appearance and the potential appointment of counsel, procedural encumbrances long since dispensed with in the case of most motor vehicle and traffic code offenses.

5. See n. 8.

6. As demonstrated by State v. Ford, *supra*, n. 3, the Legislature may prescribe penalties with one type of offense in mind that apply to many other, less serious types of violations of statutes or rules. In 1987, the Legislature increased the fine for violation of any rule adopted under Chapter 266, HRS, from \$1,000 per violation to \$10,000. The Hawaii Supreme Court noted that the amendment was prompted by the Legislature's concern over the serious threat to public health and safety posed by unlawful sewage disposal by interisland cruise vessels. However, the same increased penalty applied to the unlawful mooring of vessels at issue in that case. State v. Ford, *supra*, 84 Hawaii at 72, 929 P.2d at 85.

Chapter 4

SERIOUSNESS IS IN THE EYE OF THE BEHOLDER: WHERE DO WE GO FROM HERE?

As discussed above, the Resolution called upon the Bureau to identify criminal offenses described as misdemeanors or petty misdemeanors that are punishable only by fines and those that authorize imprisonment or fines in excess of \$1,000, or both, but that are non-serious in the plain language, common meaning of the term. Thereafter, the Bureau was to recommend changes to the identified statutes and rules that would make them more consistent with the penalties imposed for decriminalized traffic offenses. As previously noted, the Bureau did not find any offenses meeting the first set of criteria. Although some offenses are denominated as either misdemeanors or petty misdemeanors, none could be said to prohibit imposition of any penalty other than a fine. Rather, the statute typically denominates an offense as, for example, a misdemeanor and provides that the offender shall be fined a specific amount.¹ In the Bureau's view, such language does not limit the penalty to a fine, but rather authorizes any term of imprisonment or probation provided by Chapter 706, HRS, pursuant to Section 701-107, HRS, and requires that, *regardless of whatever other sentence may be imposed*, the specified fine be levied.²

What remains, then, is to discern what constitutes a "non-serious" offense in the common sense, plain language meaning of that term. One measure of seriousness is that used by the courts to determine if an offense is one that is so serious as to trigger the constitutional right to jury trial. As the Hawaii Supreme Court explained in State v. Ford, *supra*, n. 3:

We analyze three factors to determine whether an offense is constitutionally petty or serious: (1) the treatment of the offense at common law; (2) the gravity of the offense; and (3) the authorized penalty. Under the first factor, we consider the "traditional treatment" of the offense and whether the offense was indictable at common law, or tried summarily without a jury. Under the second factor, we consider whether an offense affects the public at large, reflects moral delinquency, or carries a sufficient disgrace to require labeling the offense as constitutionally serious. In applying the second factor, the legislature's perception of an offense as reflected by its statements in legislative history, often provides a strong indication of society's view of the gravity of an offense. Finally, the third factor focuses on the authorized penalty for the offense. We consider not only the maximum possible prison term, but also the possible additional statutory "mix of penalties" that may attach to the offense. . . . [A]n offense is not automatically deemed serious upon satisfaction of *any one* of the factors set out in our case law.

1. See, e.g. Section 150A-14, HRS, which provides that "[a]ny person who violates any provision of this chapter . . . or who violates any rule adopted under this chapter . . . shall be guilty of a misdemeanor and fined not less than \$100."
2. Some persons have taken the position that such language authorizes only a fine because the mandatory "shall" applies only to the fine. The only way to reach this conclusion is to deem the language classifying the offense as a misdemeanor or petty misdemeanor to be surplusage and to ignore the mandate of Section 701-107, HRS, which the Bureau declines to do.

State v. Ford, 84 Hawaii at 69-70, 929 P.2d at 82-83. Of course, not all offenses are serious enough to warrant a jury trial or prison time even if they are serious enough to be deemed criminal. Such was the case with the rule at stake in both Simeona and Ford. Implicated in those cases is Rule 13-231-17, Hawaii Administrative Rules (relating to penalties for violation of department of transportation rules), that, pursuant to Section 266-25, HRS, provides for a fine of not more than \$10,000 and deprives the offender of the privilege of operating or mooring any vessel in state waters for a period of not more than two years. While the offense was not deemed so serious as to trigger the right to jury trial, it was deemed serious enough to be classified as a penal offense, notwithstanding the fact that no prison term is authorized.³

Another measure of seriousness is the threat of harm to be prevented by enforcement of the statute or rule establishing the offense. As noted by the Director of Planning and Permitting of the City and County of Honolulu in his testimony opposing the Resolution, criminal prosecution is sometimes necessary to remove or neutralize the threat of danger to community, health, safety, and welfare posed by egregious violations of land use, building, and related codes. However, the Bureau has no special knowledge to determine whether any particular state statute or rule that seeks to promote the community health, safety, and welfare by regulating or prohibiting specified conduct establishes an offense that is not so serious as to warrant criminal penalties--if only for second or subsequent offenses. The last measure of seriousness the Bureau considered was to examine how the Judiciary treats the most common offenses that otherwise fall within the parameters set by the Resolution. Specifically, we hoped to see a pattern emerge that certain offenses, while nominally criminal, are traditionally treated as civil in nature, i.e. only fines are imposed even though a prison term is also authorized. Unfortunately, as noted above, the Judiciary was not able to extract a sampling of sentencing decisions for these offenses from its information system.

Given the scope of the task, the Bureau decided to focus on that conduct that is most like the traffic offenses previously decriminalized by the Legislature. The Bureau believes that the Legislature's prior decisions in this area provide the best evidence of what constitutes a non-serious offense in the common sense, plain reading of that term.

Recommendations

The Bureau recommends that:

- (1) The Legislature direct the Bureau to work with the Judiciary and executive agencies on an ongoing basis to develop proposals to decriminalize offenses that are more appropriately disposed of through fines. Under this approach:
 - (A) The Judiciary would be requested to take the initiative to identify those offenses that require court appearances and, potentially, court-appointed

3. The Court also considered a number of other factors, mostly procedural, in concluding that the offense was, indeed, criminal.

DECRIMINALIZATION OF NONSERIOUS OFFENSES

counsel and jury trial because of the possibility of a prison sentence, but that are routinely disposed of by imposition only of a fine;

- (B) The Bureau would then work with the Judiciary and contact the state executive departments or agencies having jurisdiction over the identified offenses and request their input as to whether the offenses can be decriminalized without undermining their ability to enforce laws within their jurisdiction; and
 - (C) Thereafter, the Bureau will prepare legislation periodically, as dictated by the quantity and complexity of offenses identified by the Judiciary and the nature of information received from state departments and agencies in response to the Bureau's request for input on the offenses identified by the Judiciary. Legislation to accomplish this purpose is attached as Appendix C.
- (2) The Bureau further recommends that this process start by considering decriminalization of those criminal offenses relating to motor vehicles and traffic movement that remain in the HRS and that are similar in nature to those motor vehicle and traffic offenses already decriminalized (see Appendix D). The departments and agencies with jurisdiction to enforce the identified statutes and rules should advise the Bureau whether the offenses could be decriminalized without undermining their ability to enforce the provisions. This could be accomplished by amending the statutory penalty section to exclude offenses involving motor vehicles and traffic movement as previously done by the Legislature in Section 109-7(c), HRS.⁴ It could also include a scheme of graduated penalties in which criminal penalties attach only to subsequent offenses. Thereafter, the Bureau will draft legislation to further the goal of decriminalizing non-serious offenses. Departments and agencies that have adopted rules to implement statutes creating criminal offenses will then need to modify their enforcement actions to reflect the changes made by the Legislature.

4. Section 109-7, HRS, provides as follows:

§109-7 Enforcement; penalty. (a) Any law enforcement officer who has police powers to arrest offenders and issue citations, including any police officer of the counties, shall have the authority to enforce any rule promulgated pursuant to section 109-2(4).

(b) Any person violating any rule of the stadium authority regulating conduct on the stadium or Kapolei recreational sports complex premises shall be guilty of a petty misdemeanor punishable by a fine not exceeding \$1,000, or imprisonment not exceeding thirty days, or both.

(c) Any person violating any rule of the stadium authority regulating parking or traffic on the stadium or Kapolei recreational sports complex premises shall have committed a traffic infraction as set forth in chapter 291D, the adjudication of which shall be subject to the provisions contained therein.

Appendix A

HOUSE OF REPRESENTATIVES
TWENTY-SECOND LEGISLATURE, 2004
STATE OF HAWAII

H.C.R. NO. 261
H.D. 1
S.D. 1

HOUSE CONCURRENT RESOLUTION

REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO REVIEW, ANALYZE, AND RECOMMEND CHANGES TO STATUTES AND STATE RULES THAT CRIMINALIZE NON-SERIOUS OFFENSES AND REQUESTING EACH COUNTY TO REVIEW, ANALYZE, AND CHANGE COUNTY ORDINANCES AND RULES THAT CRIMINALIZE NON-SERIOUS OFFENSES.

WHEREAS, by Act 222, Session Laws of Hawaii 1978, the Legislature began the process of decriminalizing certain traffic offenses, not of a serious nature, to the status of violations in order to eliminate most traffic arraignments, dispose of uncontested violations by mail, provide for informal hearings where the violation or proposed penalty was questioned, and streamline the handling of traffic cases to achieve a more expeditious system of judicial processing of traffic infractions; and

WHEREAS, there are offenses established by statutes other than the Hawaii Penal Code, including those established by rule or county ordinance, that are described as misdemeanors or petty misdemeanors and therefore must be processed by the courts as criminal offenses, even though the offenses have penalties that include only fines; and

WHEREAS, there are other offenses established by statutes other than the Hawaii Penal Code, including those established by rule or county ordinance, that are not of a serious nature, but which have penalties that include imprisonment or fines exceeding \$1,000 and therefore must be processed by the courts as criminal offenses with the attendant right to court-appointed counsel or jury trial, or both; and

WHEREAS, the inconsistent treatment of these non-serious criminal offenses and the decriminalized traffic infractions causes confusion among the public, who are sometimes arrested for failing to appear in response to citations even when they admitted the offense and paid a fine by mail; and

I do hereby certify that the within document
is a full, true and correct copy of the original
on file in this office.


Chief Clerk
House of Representatives
State of Hawaii

WHEREAS, public perception of the fairness of the judicial system is enhanced when the penalties for violations of statutes, rules, or ordinances for non-serious offenses are more uniform throughout the State; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twenty-second Legislature of the State of Hawaii, Regular Session of 2004, the Senate concurring, that the Legislative Reference Bureau is requested to identify, review, and analyze, to the extent possible, all statutes (other than the Hawaii Penal Code) and state rules that:

- (1) Establish criminal offenses described as misdemeanors or petty misdemeanors but that are punishable only by fines; or
- (2) Establish criminal penalties of imprisonment or fines in excess of \$1,000, or both, for conduct that, in a common sense, plain meaning application of the provision, is non-serious; and

BE IT FURTHER RESOLVED that the Legislative Reference Bureau is requested to recommend changes to the penalties imposed by the identified statutes and state rules that would make the penalties more consistent with the penalties imposed for decriminalized traffic infractions; and

BE IT FURTHER RESOLVED that the Legislative Reference Bureau is requested to submit its findings and recommendations to the Legislature no later than twenty days prior to the convening of the Regular Session of 2005; and

BE IT FURTHER RESOLVED that each county is also urged to identify, review, and change all county ordinances and rules that:

- (1) Establish criminal offenses described as misdemeanors or petty misdemeanors but that are punishable only by fines; or
- (2) Establish criminal penalties of imprisonment or fines in excess of \$1,000, or both, for conduct that, in a

common sense, plain meaning application of the provision, is non-serious; and

BE IT FURTHER RESOLVED that each county is requested to make the necessary changes to the penalties imposed by the identified county ordinances and rules that would make the penalties more consistent with the penalties imposed for decriminalized traffic infractions; and

BE IT FURTHER RESOLVED that the Judiciary, the Department of the Attorney General, state departments and agencies that have adopted rules establishing violations that are punishable as criminal offenses, the various county prosecutors, the various county police departments, and the Office of the Public Defender are requested to cooperate with the Legislative Reference Bureau for the purposes of this study, including, but not limited to, providing copies in paper and electronic form of all statutes, rules, ordinances, bail forfeiture schedules, and other relevant source material pertaining to criminal prohibitions and penalties; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Acting Director of the Legislative Reference Bureau, the Chief Justice of the Hawaii Supreme Court, the Administrative Director of the Courts, the Governor, the Attorney General, the county mayors, the various county prosecutors, the county police chiefs, and the State Public Defender.

Appendix B

Table of Criminal Offenses Outside the Penal Code

Legend

The following table comprises the result of the Bureau's search of the Hawaii Revised Statutes for provisions that include the terms "misdemeanor," "petty misdemeanor," "prison," "imprisoned," and "imprisonment." Provisions of Hawaii law found elsewhere (such as in Session Laws or in administrative rules) do not appear here or appear only as cross-references. Information pertaining to HRS sections reflects legislative action taken through the 2004 session and reflects the law as it is in effect at the time of publication (by virtue of prior legislative action, some HRS provisions cited in the table will be amended as of a date subsequent to publication).

HRS Chapter Title

Provided to briefly inform the reader of the subject matter.

HRS Section No. and Title

Provided to permit the reader to consult the text of the appropriate section. In limited instances, this also includes other sections incorporated by reference in the cited section. In certain instances, subsection designations are also listed to distinguish between different classes of offense set forth in the same section. This distinction is carried forward in the "Class of Offense," "Maximum Prison Term," and "Maximum Fine" columns where appropriate.

Related Administrative Rule(s)

Provided to permit the reader to consult the Hawaii Administrative Rules to determine how the cited HRS section was implemented and what conduct has been identified as subject to the criminal penalties authorized by the Legislature. The reader may also wish to refer to the Bureau's 2004 publication, "Hawaii Administrative Rules 2004 Table of Statutory Sections Implemented *and* Directory," 2004 Supplement to 2001 Cumulative Edition, for additional information.

Class of Offense (PM/M)

Provided to identify the class of offense created by the cited HRS section. "PM" stands for "petty misdemeanor" and "M" stands for misdemeanor. Where the offense designation is enclosed in parentheses, the classification of the offense was determined by reference to section

701-107, HRS. Where the class of the offense is denominated by the cited HRS section, the designation does not appear in parentheses. In certain instances, the denomination of the offense by the cited HRS section conflicts with the classification that would be determined by application of section 701-107, HRS, based on the penalty provided.

Maximum Prison Term

Provided to illustrate the longest prison term a sentencing court can impose, since the maximum term determines the grade of the offense, if it is not otherwise specified, and because it is an indicator of "seriousness" both in the common sense, plain language meaning of the term and in the constitutional sense, i.e. whether it is a jury triable offense. Where the indicated prison term appears in parentheses, the term has been determined using the classification given to the offense by the cited HRS section and applying the criteria found in section 701-107, HRS. Where the indicated prison term does not appear in parentheses, the cited HRS section explicitly states the term. In certain instances, where both the grade of the offense and the prison term are explicitly stated in the cited HRS section, the prison term provided by the cited HRS section conflicts with the term that is established by section 701-107, HRS, for the that grade of offense.

Maximum Fine

Provided to illustrate the largest fine that can be imposed for the offense identified in the cited HRS section. Where the indicated fine appears in parentheses, the fine has been determined using the classification given to the offense by the cited HRS section and applying section 706-640, HRS. Where the indicated fine does not appear in parentheses, the cited HRS section explicitly states the fine. In certain instances, where both the grade of the offense and the fine are explicitly stated in the cited HRS section, the fine provided by the cited HRS section conflicts with the fine that is established by section 706-640, HRS, for the that grade of offense.

Other Penalty

Provided to illustrate the other penalties a sentencing court can impose, since the mix of penalties is an indicator of "seriousness" both in the common sense, plain language meaning of the term and in the constitutional sense, i.e. whether it is a jury triable offense.

Dept.

Provided to indicate what department or agency has jurisdiction over the subject matter or is responsible for enforcing the relevant law, or both. This is not intended as an exclusive list of stakeholders, but is merely an aid to determining with which department or agency the Bureau would begin consulting in determining whether, pursuant to the recommendations made herein, the offense should be decriminalized. If no department is listed, the offense is one of general application as to which law enforcement agencies--police, prosecutors, and the attorney general--have principal responsibility.

Includes Traffic Offenses

The term "traffic offense" is used broadly to refer to conduct involving the operation and parking of motor and other vehicles. Provided to indicate those offenses that are of the type the Legislature has already indicated an intent to decriminalize. It is with these offenses that the Bureau would begin in determining whether, pursuant to the recommendations made herein, the offense should be decriminalized. This should not be construed as an indication that the Bureau has any position as to whether the listed offenses should be decriminalized or not.

TABLE OF CRIMINAL OFFENSES OUTSIDE THE PENAL CODE

HRS Chapter Title	HRS Section No. & Title	Related Administrative Rule(s)	Class of Offense (PM/M)	Maximum Prison Term	Maximum Fine	Other Penalty	Dept.	Includes Traffic Offenses
Protection of Caves	6D-12: Criminal penalties	No	PM	30 days	\$1,000 (first offense)	\$1,500 (subsequent offense)	Dept. of Land and Natural Resources (DLNR)	No
Kahoolawe Island Reserve	6K-8: Penalty	HAR Title 13, Chapter 261	PM	30 days	\$1,000	No	(same)	No
Elections; Voting Procedures	11-132: Two hundred foot radius; admission within polling place	No	M	(1 year)	(\$2,000)	No	Office of Elections	No
Elections; Expenses; Campaign Contributions and Expenditures	11-229: Criminal Prosecution	No	M	(1 year)	(\$2,000)	Disqualification from public office for four years	Office of Elections	No
Election Offense	19-6: Misdemeanors	No	M	(1 year)	(\$2,000)	No	Office of Elections	No
Legislative Hearings and Procedure	21-15: Penalties	No	(M)	1 year	\$1,000	No	Legislature	No
Auditor; Office of the Auditor Proper	23-10: Penalty for violation and false evidence	No	(M)	12 months (minimum 1 month is prison imposed)	\$1,000 (minimum \$100 if tax imposed)	No	Auditor	No
Reapportionment	25-4: Penalty for violation and false evidence	No	(M)	12 months	\$1,000	No	Legislature	No
Counties; General Provisions; Fiscal Administration	46-45: Excessive expenditures; penalty	No	(M)	1 year	\$1,000	No		No
Collective Bargaining in Public Employment	89-18: Penalty	No	(M)	1 year	\$500	No	Labor Relations Board	No
Public Agency Meetings and Records; Meetings	92-13: Penalties	No	M	(1 year)	(\$2,000)	Summary removal from board	Office of Information Practices (OIP)	No

TABLE OF CRIMINAL OFFENSES OUTSIDE THE PENAL CODE

HRS Chapter Title	HRS Section No. & Title	Related Administrative Rule(s)	Class of Offense (PM/M)	Maximum Prison Term	Maximum Fine	Other Penalty	Dept.	Includes Traffic Offenses
Uniform Information Practices Act; Freedom of Information	92F-17: Criminal penalties	No	M	(1 year)	(\$2,000)	No	(same)	No
Concessions on Public Property	102-16: Penalty	No	(M)	1 year	\$1,000	No		No
Expenditure of Public Money and Public Contracts	103-9: False certificates or approval; penalty 103-53: Contracts with the State or counties; tax clearances, assignments	No	(M)	1 year	\$500	No		No
Hawaii Public Procurement Code: Inventory Management; State & County Property	103D-1210: Penalty; jurisdiction	No	(PM)	6 months	\$500	No	Dept. of Accounting and General Services (DAGS); Procurement Policy Board	No
Government Motor Vehicles	105-5: Penalties; dismissal	No	(PM)	10 days	\$50	Discharge/ dismissal of appointed officer or public employee	DAGS	No
Stadiums and Recreational Facilities	109-7: Enforcement; penalties	HAR Title 3, Chapter 70	109-7(b): PM	109-7(b): 30 days	109-7(b): \$1,000	No	DAGS; Stadium Authority	109-7(c): violating any rule regulating parking or traffic is a traffic infraction under chapter 291D
Militia; National Guard	121-33: Interference by civilian, penalty	No	M	1 year	\$25	No	Dept. of Defense (DOD)	No

TABLE OF CRIMINAL OFFENSES OUTSIDE THE PENAL CODE

HRS Chapter Title	HRS Section No. & Title	Related Administrative Rule(s)	Class of Offense (PM/M)	Maximum Prison Term	Maximum Fine	Other Penalty	Dept.	Includes Traffic Offenses
	121-34: Right-of-way on street, violation, and penalty	No	M	1 year	\$100	No	(same)	No
	121-37: Failure to return arms, etc.	No	M	30 days	\$50	No	(same)	No
	121-38: Wearing of uniform for private purposes	No	M	30 days	\$25	No	(same)	No
Procurement and Control of Distribution of Necessary Commodities	125-7: Fraud, misdemeanor	No	PM	6 months	\$1,000	No	Governor	No
Procurement, Control, Distribution and Sale of Petroleum Products; General Powers and Procedures During a Shortage	125C-10: Fraud; misdemeanor	No	M	1 year	\$2,000	No	Governor	No
Civil Defense and Emergency Act	128-32: Misdemeanors	No	M	\$5,000/ \$1,000	1 year/90 days	No	Director of Civil Defense	No
Environmental Response Law	128D-3: Reportable quantities; duty to report	No	M	(\$2,000)	(1 year)	No	Dept. of Health (DOH)	No
Hawaii Emergency Planning and Right-to-Know Act	128E-11: Penalties and fines	No	M	\$25,000	1 year	No	(same)	No
Fire Protection	132-13: Penalty	No	(PM)	30 days	\$500	No	Dept. of Labor and Industrial Relations; State Fire Council; County Fire Chiefs	No

TABLE OF CRIMINAL OFFENSES OUTSIDE THE PENAL CODE

HRS Chapter Title	HRS Section No. & Title	Related Administrative Rule(s)	Class of Offense (PM/M)	Maximum Prison Term	Maximum Fine	Other Penalty	Dept.	Includes Traffic Offenses
Fireworks	132D-8.6: Requirements of licensee	No	PM: 25 or less of fireworks M: more than 25 and up to 300 pounds	(30 days) (1 year)	(\$1,000) (\$2,000)	No	County police and fire departments	No
	132D-14: Penalty	No	M: less than 25 pounds; extracting contents to build other fireworks	(1 year)	(\$2,000)	No	(same)	No
Firearms, Ammunition, and Dangerous Weapons	134-7: Ownership or possession prohibited, when; penalty	No	M: 134-7 (c), (d), (e), (f), or (g)	(1 year)	(\$2,000)	No		No
	134-8: Ownership, etc., of automatic firearms, silencers, etc., prohibited; penalties	No	M: 134-8(c)	(1 year)	(\$2,000)	No		No
	134-17: Penalties	No	PM: 134-17(b) (134-33(a) and (b)) M: 134-17(c) (134-2, -4, -10, -15, 16(a)) (M)	(30 days) (1 year) 1 year	(\$1,000) (\$2,000) \$1,000	134-3(b): confiscation and disposal of unregistered firearm No		No No No
	134-33: Punishment for violations of section 134-32	No						
	134-52: Switchblade knives; prohibitions; penalty	No	M: 134-52(a)	(1 year)	(\$2,000)	No		No
	134-53: Butterfly knives; prohibitions; penalty	No	M: 134-53(a)	(1 year)	(\$2,000)	No		No
Laser Pointing Devices	136-6: Penalties	No	(PM)	30 days	\$500	No		No

TABLE OF CRIMINAL OFFENSES OUTSIDE THE PENAL CODE

HRS Chapter Title	HRS Section No. & Title	Related Administrative Rule(s)	Class of Offense (PM/M)	Maximum Prison Term	Maximum Fine	Other Penalty	Dept.	Includes Traffic Offenses
Animals, Brands, and Fences	142-12: Penalties (Animal Diseases and Quarantine)	HAR Title 4, Chapters 17, 22, 28, and 29	M	1 year	\$1,000	Confiscation of offending object	Dept. of Agriculture	No
	142-14: Sale of diseased animals; penalty	No	PM	(30 days)	(\$1,000)	No	(same)	No
	142-48: Felonious branding; penalty	HAR Title 4, Chapter 27	(M)	1 year	\$200	No	(same)	No
	142-61: Lawful fence; penalty	No	(M)	1 year	\$500	No	(same)	No
	142-62: Breaking, etc., of fence; penalty	No	(M)	1 year	\$100	No	(same)	No
	142-95: Rabbits, Belgian hares, to be kept off ground; penalty	No	(PM)	6 months	\$100	No	(same)	No
	143-2.6: Animal desertion	No	PM	(30 days)	(\$1,000)	No		No
	143-12: Seizure and disposal of diseased dogs; penalty	No	M	(1 year)	(\$2,000)	No		No
	144-12: Penalties	No	M	(1 year)	(\$2,000)	No	Dept. of Agriculture	No
	145-5: Reports of consignment sales	No	M	(1 year)	(\$2,000)	No	(same)	No
145-12: Misdemeanor	No	(M)	1 year	\$1,000	No	(same)	No	
146-24: Violations; penalty	No	(M)	1 year	\$500	No	(same)	No	
147-2: Duties of department; violations; proceedings; penalties	HAR Title 4, Chapter 41	(M)	1 year	\$1,000	No	(same)	No	
147-79: Penalties (chicken eggs)	HAR Title 4, Chapter 46	(M)	1 year	\$1,000	No	(same)	No	

TABLE OF CRIMINAL OFFENSES OUTSIDE THE PENAL CODE

HRS Chapter Title	HRS Section No. & Title	Related Administrative Rule(s)	Class of Offense (PM/M)	Maximum Prison Term	Maximum Fine	Other Penalty	Dept.	Includes Traffic Offenses
Hawaii Pesticide Law	149A-41: Violations, warning notice, and penalties	No	M	1 year	149A-41(c)(1): \$25,000 149A-41(c)(2): \$1,000	No	(same)	No
Plant and Non-Domestic Animal Quarantine and Microorganism Import	150A-14: Penalty (Regulation of Importation)	HAR Title 4, Chapter 71	M	(1 year)	\$10,000	\$25,000 for subsequent offense within 5 years	(same)	No
	150A-15: Failure to obey summons	No	M	\$500	6 months	No	(same)	No
	150A-47: Penalties (Importers)	No	M	\$10,000	(1 year)	No	(same)	No
Milk Control Act; Remedies, Violations, Compacts, Construction	157-41: Remedies; penalties	No	M	1 year	\$1,000	No	(same)	No
Hawaii Meat Inspection Act; Violations, Penalties, Prosecution, Compacts, Construction	159-52: Penalties; prosecution	No	(e), (g), (h), (j): (M)	1 year	\$1,000	No	(same)	No
	159-57: Failure to obey summons	No	M	6 months	\$500	No	(same)	No
Poultry Inspection	161-47: Penalties; prosecution	No	(e): M (g), (h), and (j): (M)	(1 year) 1 year	(\$2,000) \$1,000	No	(same)	No
	161-52: Failure to obey summons	No	M	6 months	\$500	No	(same)	No
Land Commission Awards; Surveys	172-13: Destruction, defacing or removal of survey monuments; penalty	No	(PM)	4 months	\$500	No	DLNR	No

TABLE OF CRIMINAL OFFENSES OUTSIDE THE PENAL CODE

HRS Chapter Title	HRS Section No. & Title	Related Administrative Rule(s)	Class of Offense (PM/M)	Maximum Prison Term	Maximum Fine	Other Penalty	Dept.	Includes Traffic Offenses
Forest Reserves, Water Development, Zoning	183-18: Penalty	HAR Title 13, Chapter 104	M	1 year	\$1,000	No	(same)	Yes (HAR 13-104-11)
Wildlife	183D-5: Penalties	HAR Title 13, Chapters 121 to 123	183D-5(a): PM (183D-21, 183D-25, 183D-33, or 183D-63)	30 days	(\$1,000)	Increased mandatory fines and forfeiture of firearms for subsequent offenses; mandatory separate fine per bird/mammal; forfeiture of hunting license; 3 year disqualification from hunting for subsequent offenses	(same)	No
			183D-5(b): M (183D-25.5, 183D-26, 183D-27, 183D-32, 183D-62, or 183D-64)	1 year	(\$2,000)	(same)	(same)	No
			183D-5(c): PM (183D-35, 183D-36, 183D-37, 183D-38, 183D-39, 183D-40, or 183D-42)	30 days	(\$1,000)		(same)	No

TABLE OF CRIMINAL OFFENSES OUTSIDE THE PENAL CODE

HRS Chapter Title	HRS Section No. & Title	Related Administrative Rule(s)	Class of Offense (PM/M)	Maximum Prison Term	Maximum Fine	Other Penalty	Dept.	Includes Traffic Offenses
	183D-27.5: Harassment of hunters; prohibition	No	(PM)	30 days	\$500	No	(same)	No
State Parks and Recreation Areas	184-5: Rules and enforcement; penalty	HAR Title 13, Chapter 146	PM	(30 days)	(\$1,000) (mandatory minimum \$100 fine for first offense)	Restoration of damaged park property; confiscation of tools, equipment, and illegally removed materials; increased mandatory minimum fines for subsequent offenses	(same)	Yes (HAR 13-146-29, -36, and -40)
	184-5.3: Failure to obey summons	No	PM	(30 days)	(\$1,000)	No	(same)	No
Land Fire Protection Law	185-7: Fire danger periods, burning permits, setting fires, penalties	HAR Title 13, Chapter 104	M	(1 year)	\$4,000 (\$250 mandatory minimum fine)	Restitution for any suppression costs and damages to public or private property	(same)	No
Aquatic Resources	187A-5: Rules	HAR Title 13, Chapters 28, 56, 60, 60.3, 62, 74, 75, 83, 84, 85, 89, 90, 91, 92, 93, 94, 95, 99, 100	PM	(30 days)	(\$1,000) (mandatory minimum fine of \$100 for first offense per Sec. 188-70, HRS))	Increased mandatory minimum fines for subsequent offenses per Sec. 188-70, HRS	(same)	No
	187A-12.4: Misrepresentation or false statement in receipts and reports	All rules adopted pursuant to Chapters 187 to 191, HRS	PM	(30 days)	(\$1,000)	No	(same)	No

TABLE OF CRIMINAL OFFENSES OUTSIDE THE PENAL CODE

HRS Chapter Title	HRS Section No. & Title	Related Administrative Rule(s)	Class of Offense (PM/M)	Maximum Prison Term	Maximum Fine	Other Penalty	Dept.	Includes Traffic Offenses
	187A-13: General penalty	HAR Title 13, Chapters 47, 56, 75, 89, 93, 94, 95, 100	PM	(30 days)	(\$1,000) (mandatory minimum \$250 fine for first offense)	Increased mandatory minimum fines for subsequent offenses	(same)	No
Fishing Rights and Regulations	188-70: Penalties	HAR Title 13, Chapters 47 to 58, 60, 60.3, 61 to 64, 75, 83 to 85, 89 to 95, and 99 to 100	PM	(30 days)	(\$1,000) (mandatory minimum \$100 fine for first offense)	Increased mandatory minimum fines for subsequent offenses	(same)	No
	188-71: Harassment of fishermen; prohibition	No	(PM)	30 days	\$500	No	(same)	No
Commercial Fishing	189-4: Penalties	HAR Title 13, Chapters, 74, 94, and 95	PM	(30 days)	(\$1,000) (mandatory minimum \$250 finer for first offense)	Increased mandatory minimum fines for subsequent offenses	(same)	No
	189-14: Rights of entry, penalties	No	PM	(30 days)	(\$1,000) (mandatory minimum \$250 finer for first offense)	Increased mandatory minimum fines for subsequent offenses	(same)	No
Marine Life Conservation Program	190-5: Penalties	HAR Title 13, Chapters 28 to 38	PM	(30 days)	(\$1,000) (mandatory minimum \$250 finer for first offense)	Increased mandatory minimum fines for subsequent offenses	(same)	No
Natural Area Reserves System	195-8: Penalty	HAR Title 134, Chapter 209	M	1 year	\$1,000	No	(same)	No

TABLE OF CRIMINAL OFFENSES OUTSIDE THE PENAL CODE

HRS Chapter Title	HRS Section No. & Title	Related Administrative Rule(s)	Class of Offense (PM/M)	Maximum Prison Term	Maximum Fine	Other Penalty	Dept.	Includes Traffic Offenses
Conservation of Aquatic Life, Wildlife, and Land Plants	195D-9: Penalty	HAR Title 13, Chapters 107, 121, 124, and 125	M	1 year	(\$2,000) (mandatory minimum fine of \$250 for first offense)	Increased mandatory minimum fines for subsequent offenses; \$5,000 for each specimen of a threatened species and \$10,000 for each specimen of an endangered species intentionally, knowingly, or recklessly killed or removed from its original growing location	(same)	No
Ocean Recreation and Coastal Areas program	200-25: Fines and penalties	HAR Title 13, Chapters 242, 243, 245, and 252	(PM)	30 days	\$1,000 (if fine imposed, may not be less than \$50)	Offender deprived of the privilege of operating any vessel in the waters of the State for a period of not more than thirty days	(same)	No
Housing and Community Development Corporation of Hawaii (HCDCH)	200-26: Arrest or citation 201G-458: Abuse of assistance	HAR Title 13, Chapter 242 HAR Title 15, Chapters 188 and 192	M	(1 year)	(\$1,000)	No	(same)	No
Hawaii Community Development Authority (HCDA)	206E-22: Violations and penalty	HAR Title 15, Chapters 16, 22, and 23	(PM)	30 days	\$1,000	No	HCDA	No

TABLE OF CRIMINAL OFFENSES OUTSIDE THE PENAL CODE

HRS Chapter Title	HRS Section No. & Title	Related Administrative Rule(s)	Class of Offense (PM/M)	Maximum Prison Term	Maximum Fine	Other Penalty	Dept.	Includes Traffic Offenses
Administration of Taxes	231-5: Deceased officers, duties of personal representatives, etc.	No	M	(1 year)	(\$2,000)	No	Dept. of Taxation	No
	231-11: Police to aid assessing or collecting officers	No	M	(1 year)	(\$2,000)	No	(same)	No
	231-15.5: Disclosure by return preparers	No	M	1 year	\$1,000	No	(same)	No
	231-35: Willful failure to file return, supply information, or secure a license	No	M	1 year	\$25,000	Probation	(same)	No
	231-36: False and fraudulent statements; aiding and abetting	No	M	1 year	\$2,000	Probation	(same)	No
	231-37: Neglect of duty, etc., misdemeanor	No	M	(1 year)	(\$2,000)	No	(same)	No
Income Tax Law	235-116: Disclosure of returns unlawful; penalty	No	(M)	1 year	\$500	No	(same)	No
	235-128: Returns; shareholder agreements; mandatory payments	No	M	(1 year)	(\$2,000)	No	(same)	No
General Excise Tax Law	237-34: Filing of returns; disclosure of returns unlawful, penalty; destruction of returns	HAR Title 18, Chapter 237	M	(1 year)	(\$2,000)	No	(same)	No
	237-43: Filing of returns; disclosure of returns unlawful, penalty; destruction of returns	No	M	1 year	\$5,000	No	(same)	No
Transient Accommodations Tax	237D-13: Disclosure of returns unlawful; destruction of returns	No	M	(1 year)	(\$2,000)	No	(same)	No

TABLE OF CRIMINAL OFFENSES OUTSIDE THE PENAL CODE

HRS Chapter Title	HRS Section No. & Title	Related Administrative Rule(s)	Class of Offense (PM/IM)	Maximum Prison Term	Maximum Fine	Other Penalty	Dept.	Includes Traffic Offenses
Fuel Tax Law	243-3: Retail dealers, permits; certificates	No	(M)	1 year	\$5,000	No	(same)	No
Cigarette Tax and Tobacco Tax Law	245-37: Sale or purchase of packages of cigarettes without stamps; fines and penalties	No	M	(1 year)	(\$2,000)	No	(same)	No
County Vehicular Taxes	249-13: Determination of rate	No	PM	(30 days)	(\$1,000)	No	County Motor Vehicle Depts.	No
Rental Motor Vehicle and Tour Vehicle Surcharge Tax	251-3: Certificate of registration	HAR Title 18, Chapter 3	M	(1 year)	(\$2,000)	(NB: section references Section 231-34 but that section is a class C felony with imprisonment up to 5 years and a fine of up to \$100,000)	Dept. of Taxation	No
Aeronautics	251-12: Disclosure of returns unlawful; destruction of returns 261-17.5: Arrest or citation	No	M	(1 year)	(\$2,000)	No	(same)	No
	261-21: Penalties	No	M	6 months	\$1,000	No	Dept. of Transportation (DOT)	No
		HAR Chapter 19-11, 13, 14, 15.1, 16.1, 20, 20.1, 26.1, 30, 33, 34, and 38.1	(a): M (b): "offense" (motor vehicles and traffic control) (c): parking violations are traffic infractions under Chapter 291D, HRS	(1 year) none	(\$2,000) \$500	No	(same)	No Yes Yes

TABLE OF CRIMINAL OFFENSES OUTSIDE THE PENAL CODE

HRS Chapter Title	HRS Section No. & Title	Related Administrative Rule(s)	Class of Offense (P/M/M)	Maximum Prison Term	Maximum Fine	Other Penalty	Dept.	Includes Traffic Offenses
	261-91: Trespass to aircraft; penalty	No	(PM)	3 months	\$250	No	(same)	No
Airport Zoning Act	262-10: Enforcement and remedies	HAR Title 19, Chapter 12	(PM)	90 days	\$1,000	No	(same)	No
Uniform Aeronautics Act	263-9: Dangerous flying a misdemeanor; penalty	No	M	1 year	\$1,000	No		No
	263-10: Hunting from aircraft; penalty	No	M	1 year	\$1,000	No		No
	263-11: Reckless operation of aircraft a misdemeanor	No	M	1 year	\$1,000	No		No
Highways	264-12: Penalty for violations (of Section 264-6, HRS)	No	(PM)	3 months	\$250	No	DOT	No
	264-64: Design of controlled-access facility and regulation, restriction, or prohibition of access; penalty	No	(PM)	3 months	\$250	No	(same)	Yes
	264-77: Penalty	HAR Title 19, Chapter 103	(PM)	1 month	\$500 (minimum fine, if any is imposed, is \$25)	No	(same)	No
	264-102: Penalty	No	PM	30 days	\$1,000	No	(same)	Yes (parking on state highway to sell things, service, etc.)
Harbors	266-24.1: Arrest or citation	HAR Title 19, Chapter 42	M	6 months	\$1,000	No	(same)	No

TABLE OF CRIMINAL OFFENSES OUTSIDE THE PENAL CODE

HRS Chapter Title	HRS Section No. & Title	Related Administrative Rule(s)	Class of Offense (P/M/M)	Maximum Prison Term	Maximum Fine	Other Penalty	Dept.	Includes Traffic Offenses
Motor Carrier Law	271-8.5: Advertising	HAR Title 6, Chapter 48	M	(1 year)	(\$2,000)	No	Public Utilities Commission (PUC)	No
	271-27: Unlawful operation	HAR Title 6, Chapters 62 and 68	M	(1 year)	(\$2,000)	civil penalties	(same)	No
Hawaii Water Carrier Act	271G-19: Unlawful operation	HAR Title 6, Chapter 68	(c): M	(1 year)	(\$2,000)	civil penalties	(same)	No
Railway Law	273-14: Penalty for violating	No	(PM)	(30 days (only on default of fine payment))	\$25	No	DLNR	No
Liabilities and Offenses Connected with Telephones, Wire Communications, and Cable Television Systems	275-6: Party line; refusal to yield in an emergency	No	M	(1 year)	(\$2,000)	No		No
Intoxicating Liquor	281-2: Excepted articles; penalty	No	(PM)	6 months (per 281-102)	\$1,000 (per 281-102)	No	County liquor commission	No
	281-53: Application for false statements; penalty	No	M	6 months (per 281-102)	\$1,000 (per 281-102)	No	(same)	No
	281-73: Quality of liquor; penalty	No	M	6 months (per 281-102)	\$1,000 (per 281-102)	No	(same)	No
	281-76: Tampering with samples; penalty	No	(M)	1 year	\$2,000	No	(same)	No
	281-78: Prohibitions	No	M	6 months (per 281-102)	\$1,000 (per 281-102)	No	(same)	No
	281-79: Entry for examination; obstructing liquor commission operations; penalty	No	(M)	1 year	\$2,000	No	(same)	No

TABLE OF CRIMINAL OFFENSES OUTSIDE THE PENAL CODE

HRS Chapter Title	HRS Section No. & Title	Related Administrative Rule(s)	Class of Offense (P/M/I)	Maximum Prison Term	Maximum Fine	Other Penalty	Dept.	Includes Traffic Offenses
	281-84: Exclusion of intoxicated person from premises; penalty	No	M	6 months (per 281-102)	\$1,000 (per 281-102)	No	(same)	No
	281-101: Manufacture or sale without license; penalty	No	(M)	1 year	\$2,000	No	(same)	No
	281-101.5: Prohibitions involving minors; penalty	No	(a): M (b) or (c): PM	(1 year) (30 days)	(\$1,000)	No	(same)	No
	281-102: Other offenses; penalty	No	(PM)	6 months	(\$1,000)	No	(same)	No
	281-110: Arrest; abettors	No	M	6 months (per 281-102)	\$1,000 (per 281-102)	No	(same)	No
	281-111: Condemnation of property or liquor; disposition	No	M	6 months (per 281-102)	\$1,000 (per 281-102)	No	(same)	No
Motor and Other Vehicles	286-8: Rules and regulations	HAR Title, 19, Chapters 121 and 125 to 130	(M)	1 year	\$1,000	No	DOT	Yes
	286-10: Arrest or citation	HAR Title 19, Chapter 129	M	(1 year)	(\$2,000)	No	(same)	No
	286-29: Improper representation as official inspection station	No	(M)	1 year	\$1,000	No	(same)	No
	286-30: False certificates	No	(PM)	30 days	\$1,000	No	(same)	No
	286-52: Procedure when title of vehicle transferred; delivery of certificate mandatory	No	(f): M	1 year (per section 286-61)	\$1,000 (if fine is imposed, may not be less than \$5 (per section 286-61))	No	(same)	No

TABLE OF CRIMINAL OFFENSES OUTSIDE THE PENAL CODE

HRS Chapter Title	HRS Section No. & Title	Related Administrative Rule(s)	Class of Offense (P/M/M)	Maximum Prison Term	Maximum Fine	Other Penalty	Dept.	Includes Traffic Offenses
	286-61: Penalty (incorporates sections 286-43, -44, and -57)	No	(M)	1 year	\$1,000 (if fine is imposed, may not be less than \$5)	No	(same)	No
	286-136: Penalty (incorporates 286-102, 286-122, 286-130, 286-131, 286-132, 286-133, or 286-134)	No	(PM)	30 days	\$1,000	For third offense in 5 years, 1 year, minimum fine of \$500 but not more than \$1,000, or both; minor under age 18 barred from driving until age 18 or must pay \$500	(same)	No
	286-181: Pupil transportation safety	HAR Title, Chapter 28 and Title 19, Chapter 243	(g): (PM)	6 months	\$500	No	(same)	No
	286-213: Improper representation as official inspection station	No	(M)	1 year	\$1,000	No	(same)	No
	286-214: False certificates	No	(M)	1 year	\$1,000	No	(same)	No
	286-249: Penalty	No	(M)	1 year	\$1,000 (not less than \$500 if fine imposed)	Disqualified from driving a commercial motor vehicle for a period of not less than one year and up to life	(same)	No

TABLE OF CRIMINAL OFFENSES OUTSIDE THE PENAL CODE

HRS Chapter Title	HRS Section No. & Title	Related Administrative Rule(s)	Class of Offense (PM/M)	Maximum Prison Term	Maximum Fine	Other Penalty	Dept.	Includes Traffic Offenses
Motor Vehicle Safety Responsibility Act	287-44: Penalties	No	(a): M (violation of section 287-41) (c): (M) (d) and (e): (PM)	1 year 1 year 6 months	\$1,000 \$1,000 \$500	No	County police chief or director of finance	No
Common Carriers, Compulsory Insurance	288-8: Penalty	No	(M)	1 year	\$1,000	No	PUC	No
Traffic Violations	291-2: Reckless driving of vehicle or riding of animals; penalty	No	(PM)	30 days	\$1,000	No		Yes
	291-3.1: Consuming or possessing intoxicating liquor while operating motor vehicle or moped	No	(PM)	30 days	\$2,000	No		Yes
	291-3.2: Consuming or possessing intoxicating liquor while a passenger in a motor vehicle	No	PM	(30 days)	(\$1,000)	No		No
	291-12: Inattention to driving	No	(PM)	30 days	\$500	No		Yes
	291-31.5: Blue lights prohibited for motor vehicles, motorcycles, motor scooters, bicycles, mopeds	No	(M)	1 year	\$1,000	No		Yes
	291-51.4: Fraudulent verification of an applicant as a person with a disability; penalty	No	PM	(30 days)	(\$1,000)	No		No
Statewide Traffic Code	291C-12.6: Accidents involving bodily injury	No	M	(1 year)	(\$2,000)	\$100 neurotrauma fund surcharge		Yes

TABLE OF CRIMINAL OFFENSES OUTSIDE THE PENAL CODE

HRS Chapter Title	HRS Section No. & Title	Related Administrative Rule(s)	Class of Offense (PM/IM)	Maximum Prison Term	Maximum Fine	Other Penalty	Dept.	Includes Traffic Offenses
	291C-13: Accidents involving damage to vehicle or property	No	(PM)	10 days	\$100	\$200 maximum fine and 20 day maximum imprisonment for second conviction within one year of first; \$500 maximum fine or six months maximum imprisonment for third conviction within one year of first conviction		Yes
	291C-18: False reports	No	(M)	1 year	\$1,000	No		No
	291C-103: Racing on highways	No	(a): (PM) (per subsection (c)) (f): (M)	30 days 1 year	\$500 \$1,000	(f): 1 year license suspension for second offense within 5 years; 3 year license suspension and vehicle forfeiture for third offense within five years		Yes
	291C-204: Defacing serial numbers, etc., of mopeds	No	M	(1 year)	\$500	No		No
	291C-205: Unlawful to possess certain mopeds and moped parts	No	M	(1 year)	\$500	No		No
Use of Intoxicants while Operating a Motor Vehicle	291E-47: Failure to surrender number plates	No	M	(1 year)	(\$2,000)	No		No

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HRS Chapter Title	HRS Section No. & Title	Related Administrative Rule(s)	Class of Offense (PM/IM)	Maximum Prison Term	Maximum Fine	Other Penalty	Dept.	Includes Traffic Offenses
	291E-61: Operating a vehicle under the influence of an intoxicant	No	(b)(1): (PM) (b)(2): (PM) (b)(3): PM	5 days 14 days (at least 48 consecutive hours) 30 days (at least 48 consecutive hours)	\$1,000 \$1,500 (not less than \$500) \$2,500 (not less than \$500)	License suspension/revocation substance abuse rehabilitation, community service; neurotrauma fund surcharge		Yes
	291E-62: Operating a vehicle after license and privilege have been suspended or revoked for operating a vehicle under the influence of an intoxicant; penalties	No	(b)(1): (PM) (b)(2): (PM) (b)(3): (PM)	30 days (3 day mandatory minimum) 30 days 1 year	\$1,000 (\$250 mandatory minimum) \$1,000 \$2,000	Add'l 1 year license revocation Add'l 2 year license revocation Permanent license revocation		Yes
Bicycles	293-1: Defacing serial numbers, etc., of bicycles	No	M	(1 year)	\$500	No		No
Education	302A-428: Penalty (incorporates sections 302A-424 to 302A-427)	No	M	90 days	\$100	No	Dept. of Education	No (NB: section 302A-424, -426, and -427 do not appear to state an offense of any kind)

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HRS Chapter Title	HRS Section No. & Title	Related Administrative Rule(s)	Class of Offense (P/M/M)	Maximum Prison Term	Maximum Fine	Other Penalty	Dept.	Includes Traffic Offenses
	302A-1135: Penalty	HAR Title 8, Chapter 101	PM	(30 days)	(\$1,000)	No		No
Health	321-15.7: Penalty	HAR Title 11, Chapter 100	M	(1 year)	(\$2,000)	No	DOH	No
	321-18: Penalty	HAR Title 11, Chapters 11, 12, 17, 18, 22, 26, 29, 36, 93, 95, 97, 98, 100, 114, 157, and 164	M	(1 year)	(\$2,000)	No	(same)	No
Health Planning and Resources Development and Health Care Cost Control	323D-50: Certificates of need, penalties	No	M	(1 year)	(\$2,000)	No	(same)	No
Medical Research; Morbidity and Mortality Information	324-34: Penalty	No	M	(1 year)	(\$2,000)	No	(same)	No
	324-44: Penalty	No	M	(1 year)	\$500	No	(same)	No
Infectious and Communicable Diseases	325-8: Infected persons and quarantine	HAR Title 11, Chapter 156	M	(1 year)	(\$2,000)	No	(same)	No
	325-14: Penalty	HAR Title 11, Chapter 157	M	(1 year)	(\$2,000)	No	(same)	No
	325-37: Fraud; wilful misrepresentation; failure to comply; penalties (incorporates section 325-32 to -34)	HAR Title 11, Chapter 157	(PM)	30 days	\$25	No	(same)	No
Medical and Research Use of Bodies	327-38: Prohibitions; penalty	No	(M)	1 year	\$2,000	No	(same)	No
Food, Drugs, and Cosmetics	328-29: Penalty; exceptions (incorporates section 328-6)	HAR Title 11, Chapters 15, 29, and 36	(M)	1 year	\$500	No	(same)	No
	328-51: Causing preventable deterioration of; penalty	No	(PM)	3 months	\$200	No	(same)	No

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HRS Chapter Title	HRS Section No. & Title	Related Administrative Rule(s)	Class of Offense (PM/M)	Maximum Prison Term	Maximum Fine	Other Penalty	Dept.	Includes Traffic Offenses
	328-76: Penalty (incorporates sections 328-71 to -75)	No	(PM)	100 days	\$500	No	(same)	No
	328-116: Penalty; exceptions	No	(PM)	1 year	\$500	No	(same)	No
Intoxicating Compounds	328E-5: Misdemeanor	No	M	(1 year)	(\$2,000)	No		No
Uniform Controlled Substances Act	329-62: Proper identification	Title 3, Chapter 201	(PM)	30 days	\$5,000	No	Dept. of Public Safety (PSD)	No
	329-65: Penalty	Title 3, Chapter 201	(a): (PM)	30 days	\$5,000	\$100,000 fine for subsequent offense	(same)	No
			(e): (M)	1 year	\$5,000			
	329-68: Protection of records; divulging confidential information prohibited; penalties	HAR Title 3, Chapter 201	(PM)	30 days	\$5,000	No	(same)	No
	329-128: Fraudulent misrepresentation; penalty	HAR Title 23, Chapter 202	(a): PM	(30 days)	\$500	No	(same)	No
			(b): M	(1 year)	(\$2,000)			
Imitation Controlled Substance Act	329C-2: Offenses	No	(a): M	(1 year)	(\$1,000)	No		No
			(c): PM	(30 days)				
Poisons, Sale of	330-3: Penalty for violations	No	(PM)	6 months (1 month minimum if prison imposed)	\$500 (not less than \$50 if fine imposed)	No	DOH	No
	330-9: Penalty	No	(PM)	3 months	\$100	No	(same)	No
Hawaii Poison Prevention Packaging Act	330C-7: Penalties	No	M	(1 year)	(\$2,000)	No	(same)	No

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HRS Chapter Title	HRS Section No. & Title	Related Administrative Rule(s)	Class of Offense (P/M/M)	Maximum Prison Term	Maximum Fine	Other Penalty	Dept.	Includes Traffic Offenses
Mattresses, Manufacture, etc., and Sale of	332-7: Penalty	No	(P/M)	6 months (3 months minimum if prison imposed)	\$100 (\$20 minimum if fine imposed)	No		No
Mental Health, Mental Illness, Drug Addiction, and Alcoholism	334-22: Penalty	No	(PM)	6 months	\$1,000	No	DOH	No
Utilization Review and Managed Care of Mental Health, Alcohol, or Drug Abuse Treatment	334B-6: Penalty for violation	No	M	(1 year)	\$1,000	No	DOH	No
Vital Statistics	338-30: Penalties	No	(b): (PM)	6 months	\$1,000	No	DOH	No
Wastewater Treatment Personnel	340B-10: Criminal penalties	No	(d): M	(1 year)	\$1,000	No	(same)	No
Hawaii Law for Mandatory Certification of Public Water System Operators	340F-10: Citation	HAR Title 11, Chapter 25	M	(1 year)	(\$2,000)	No	(same)	No
Air Pollution Control	342B-45: Citation	No	M	(1 year)	(\$2,000)	No	(same)	No
Water Pollution	342D-32: Negligent violations	HAR Title 11, Chapter 55	(M)	(1 year)	\$25,000 (\$2,500 minimum if fine imposed)	No	(same)	No
Noise Pollution	342F-10: Citation	HAR Title 11, Chapter 46	M	(1 year)	(\$2,000)	No	(same)	No
Special Wastes Recycling	342J-8: Penalties	HAR Title 11, Chapter 279	M	(1 year)	(\$2,000)	No	(same)	No
Hazardous Waste	342J-9: Penalties	HAR Title 11, Chapter 279	(c)(3) and (4): M	(1 year)	\$25,000	No	(same)	No

TABLE OF CRIMINAL OFFENSES OUTSIDE THE PENAL CODE

HRS Chapter Title	HRS Section No. & Title	Related Administrative Rule(s)	Class of Offense (P/M/M)	Maximum Prison Term	Maximum Fine	Other Penalty	Dept.	Includes Traffic Offenses
Underground Storage Tanks	342L-7: Authority to obtain information and data, inspect, and require and conduct activities; penalties for disclosure	No	(M)	1 YEAR	\$5,000	No	(SAME)	No
Asbestos and Lead	342P-22: Negligent violations	No	(M)	1 year	\$25,000 (\$2,500 minimum if fine is imposed)	No	(same)	No
	342P-25: False statements	No	M	(1 year)	(\$2,000)	No	(same)	No
Department of Human Services	346-34: Frauds, penalties	HAR Title 17, Chapters 604.1, 675, 681, 794, and 1404	(a), (b): PM (c) - (g): M	(30 days) (1 year)	(\$2,000)	No	Dept. of Human Services (DHS)	No
	346-40: Maintenance and availability of records; penalty	HAR Title 17, Chapters 1736 and 1737	M	(1 year)	(\$2,000)	No	(same)	No
	346-146: Penalty	HAR Title 17, Chapter 1423	M	(1 year)	(\$2,000)	No	(same)	No
	346-224: Reports	HAR Title 17, Chapter 1421	PM	(30 days)	(\$1,000)	No	(same)	No
	346-225: Confidentiality of reports	HAR Title 17, Chapter 1421	M	(1 year)	(\$2,000)	No	(same)	No
Nursing Facility Tax	346E-9: Records to be kept; examination; penalties	No	M (penalties set forth in section 231-34; NB: that section establishes a class C felony offense))	(1 year?)	(\$100,000)	No	(same)	No

TABLE OF CRIMINAL OFFENSES OUTSIDE THE PENAL CODE

HRS Chapter Title	HRS Section No. & Title	Related Administrative Rule(s)	Class of Offense (PM/M)	Maximum Prison Term	Maximum Fine	Other Penalty	Dept.	Includes Traffic Offenses
	346E-10: Disclosure of returns unlawful, destruction of returns	No	M	(1 year)	(\$2,000)	No	(same)	No
Blind and Visually Handicapped Persons	347-18: Penalty (incorporates 347-16 and -17)	No	(PM)	6 months	\$100	No	(same)	No
Executive Office on Aging	349-14: Retaliatory acts by facilities or facility employees	No	M	(1 year)	(\$2,000)	No	(same)	No
Child Abuse	350-1.2: Nonreporting; penalty	No	PM	(30 days)	(\$1,000)	No	(same)	No
	350-1.4: Confidentiality	No	M	(1 year)	(\$2,000)	No	(same)	No
Corrections	353-11.5: Restricted access to correctional facilities	No	M	(1 year)	(\$2,000)	No	PSD	No
Hawaii Correctional Industries	354D-16: Penalties	No	M	(1 year)	(\$2,000)	No	(same)	No
Civil Rights Commission (HCRC)	368-5: Penalties	No	(PM)	90 days	\$500	No	DLIR	No
Department of Labor and Industrial Relations	371-9: Penalties	No	(PM)	6 months	\$250	No	(same)	No
Commercial Employment Agencies	373-20: Penalties	No	(PM)	6 months	\$1,000	No	Dept. of Commerce & Consumer Affairs (DCCA)	No
Hawaii Employment Relations Act	377-15: Penalty	No	(M)	1 year	\$500	No	Hawaii Labor Relations Board	No
Employment Practices Recruiting and Hiring of Employees During Labor Disputes	378-29.3: Penalties 379-4: Penalty	No No	(M) (M)	1 year 1 year	(\$1,000) \$1,000	No No	HCRC	No No
Picketing of Residence or Dwelling Place	379A-2: Penalty	No	(PM)	6 months	\$200	No		No

TABLE OF CRIMINAL OFFENSES OUTSIDE THE PENAL CODE

HRS Chapter Title	HRS Section No. & Title	Related Administrative Rule(s)	Class of Offense (PM/M)	Maximum Prison Term	Maximum Fine	Other Penalty	Dept.	Includes Traffic Offenses
Labor Disputes; Public Utilities	381-11: Penalties	No	Public utility: (PM) Public utility employee: (PM) Third party: (PM)	6 months 6 months 6 months	\$5,000 \$100 \$100	No	DLIR	No
Hawaii Employment Security Law	383-141: Falsely obtaining benefits, etc.	No	M (benefits valued less than \$300) (PM)	(1 year)	(\$2,000)	No	(same)	No
	383-142: Employing units	No	(PM)	60 days	\$200 (minimum \$20 if fine is imposed)	No	(same)	No
	383-143: General penalty	No	(PM)	60 days	\$200 (minimum \$20 if fine is imposed)	No	(same)	No
	383-144: Unlawful disclosures	No	(PM)	90 days	\$200 (minimum \$20 if fine is imposed)	No	(same)	No
	383-161: Waiver of rights void	No	(PM)	6 months	\$1,000 (\$100 minimum if fine imposed)	v	(same)	No
	383-162: Limitation of fees	No	(PM)	6 months	\$500 (\$50 minimum if fine imposed)	No	(same)	No

TABLE OF CRIMINAL OFFENSES OUTSIDE THE PENAL CODE

HRS Chapter Title	HRS Section No. & Title	Related Administrative Rule(s)	Class of Offense (PM/M)	Maximum Prison Term	Maximum Fine	Other Penalty	Dept.	Includes Traffic Offenses
Additional Unemployment Compensation Benefits Law	385-11: Recovery of additional unemployment benefits; penalties	No	(PM)	30 days	\$200 (minimum \$20 if fine is imposed)	No	(same)	No
Worker's Compensation Law	386-98: Fraud violations and penalties	HAR Title 12, Chapter 10	(d)(2): M (loss under \$300) (d)(3): PM (no monetary loss)	(1 year) (30 days)	(\$2,000) (\$1,000)	No	(same)	No
	386-121: Security for payment of compensation; misdemeanor	HAR Title 12, Chapter 10; Title 16, Chapter 94	M	(1 year)	(\$2,000)	No	(same)	No
Wage and Hour Law	387-7: Willful violations; penalty	No	(PM)	90 days	\$500	No	(same)	No
	387-12: Penalties; collection of unpaid wages; injunctions; etc.	No	(M)	1 year	\$500 (\$50 minimum if fine is imposed)	No	(same)	No
Wages and Other Compensation, Payment of	388-10: Penalties	No	(M)	\$10,000 (\$100 minimum if fine is imposed)	No	No	(same)	No
Child Labor Law	390-7: Child labor crime	No	M	(1 year)	(\$2,000)	No	(same)	No
Temporary Disability Insurance	392-101: Limitation of fees	No	(PM)	6 months	\$500 (\$50 minimum if fine is imposed)	No	(same)	No
Occupational Safety and Health	396-9: Explosives	HAR Title 12, Chapter 58	(M)	1 year	\$1,000	No	(same)	No

TABLE OF CRIMINAL OFFENSES OUTSIDE THE PENAL CODE

HRS Chapter Title	HRS Section No. & Title	Related Administrative Rule(s)	Class of Offense (PM/M)	Maximum Prison Term	Maximum Fine	Other Penalty	Dept.	Includes Traffic Offenses
	396-10: Violations and penalties	HAR Title 12, Chapter 51	(g): (PM) (1 st offense) (M) (2 nd offense) (i): (PM) (m): (M)	6 months 1 year 6 months 1 year	\$70,000 \$70,000 \$1,000 \$10,000	Add'l prison term and fine for commission of crime against State employee acting in scope of duties under chapter	(same)	No
Boiler and Elevator Safety Law	397-8: Violations and penalties	HAR Title 12, Chapters 220 and 229	(PM)	6 months	\$10,000	Add'l prison term and fine for commission of crime against State employee acting in scope of duties under chapter	(same)	No
Family Leave	398-29: Penalty	No	PM	(30 days)	(\$1,000)	No	(same)	No
Code of Financial Institutions	412-2-104: Confidentiality of information possessed by commissioner	HAR Title 16, Chapters 25 and 26	M	(1 year)	(\$2,000)	No	DCCA	No
	412-2-601: Violation of chapter	HAR Title 16, Chapter 27	M	(1 year)	(\$2,000)	No	(same)	No
	412-2-603: Disclosures of records of Hawaii financial institutions	HAR Title 16, Chapters 25 and 28	M	(1 year)	(\$2,000)	No	(same)	No
	412-2-604: Concealment	No	M	(1 year)	(\$2,000)	No	(same)	No
	412-2-607: Deception; false statements	No	M	(1 year)	(\$2,000)	No	(same)	No
	412-2-608: Misapplication of funds	No	M (amount not exceeding \$300)	(1 year)	(\$2,000)	No	(same)	No

TABLE OF CRIMINAL OFFENSES OUTSIDE THE PENAL CODE

HRS Chapter Title	HRS Section No. & Title	Related Administrative Rule(s)	Class of Offense (PM/M)	Maximum Prison Term	Maximum Fine	Other Penalty	Dept.	Includes Traffic Offenses
	412:5A-213: Improper fixing of commodity prices	No	M	(1 year)	(\$2,000)	No	(same)	No
Agricultural Cooperative Associations	421-19: Misdemeanor to induce breach of marketing contract to cooperative association; spreading false reports about the management or finances thereof	No	(M) (NB: although title denominates offense a misdemeanor, operative language of section does not use the term)	(1 year)	(\$2,000)	No	(same)	No
Insurance Code	431:2-203: Enforcement	No	(M)	1 year	\$10,000 (\$100 minimum if fine is imposed)	No	(same)	No
Accident and Sickness Insurance Contracts	431:10A-131: Insurance fraud; penalties	No	M (for benefits valued at \$300 or less)	(1 year)	(2,000)	No	(same)	No
Motor Vehicle Insurance	431:10C-117: Penalties	HAR Title 16, Chapter 23	(PM)	30 days	\$5,000 (Mandatory minimum fine of \$100)	No		No
	431:10C-307.7: Insurance fraud; penalties	No	M (for benefits valued at \$300 or less)	(1 year)	(\$2,000)	No	DCCA	No

TABLE OF CRIMINAL OFFENSES OUTSIDE THE PENAL CODE

HRS Chapter Title	HRS Section No. & Title	Related Administrative Rule(s)	Class of Offense (PM/M)	Maximum Prison Term	Maximum Fine	Other Penalty	Dept.	Includes Traffic Offenses
Motorcycle and Motor Scooter Insurance	431:10G-108: Penalties	No	(PM)	30 days	\$1,000 (\$100 minimum if fine is imposed)	1 year driver's license suspension		No
Insurers Supervision, Rehabilitation, and Liquidation	431:15-106: Cooperation of officers and employees	No	(M)	1 year	\$10,000	No	DCCA	No
Title Insurance and Title Insurers	431:20-111: Loans to officers, etc.	No	M	(1 year)	(\$2,000)	No	(same)	No
Benefit Societies	432:1-105: Penalty	No	(M)	1 year	\$1,000	No	(same)	No
	432:1-106: Insurance fraud; penalties	No	M (for benefits valued at \$300 or less)	(1 year)	(\$2,000)	No	(same)	No
	432:2-703: Penalties	No	(M)	1 year (minimum 30 days if prison is imposed)	\$500 (minimum \$100 if fine is imposed)	No	(same)	No
Health Maintenance Organization Act	432D-18.5: Insurance fraud; penalties	No	M (for benefits valued at \$300 or less)	(1 year)	(\$2,000)	No	(same)	No
Uniform Professional and Vocational Licensing Act	436B-27: Civil and criminal sanctions for unlicensed activity; fines; injunctive relief; damages; forfeiture	No	M	1 year	\$1,000	Forfeiture of tools, implements, etc.	DCCA	No
Motor Vehicle Industry Licensing Act	437-35.5: Misdemeanor	No	M	1 year	\$1,000	No	(same)	No
Regulation of Motor Vehicle Repairs	437B-11.3: Aiding or abetting	No	M	(1 year)	(\$2,000)	No	(same)	No

TABLE OF CRIMINAL OFFENSES OUTSIDE THE PENAL CODE

HRS Chapter Title	HRS Section No. & Title	Related Administrative Rule(s)	Class of Offense (PM/M)	Maximum Prison Term	Maximum Fine	Other Penalty	Dept.	Includes Traffic Offenses
	437B-22: Failure to comply with chapter; misdemeanor	No	M	(1 year)	(\$2,000)	No	(same)	No
Barbering, Practice of	438-13: Penalties	HAR Title 73, Chapter 47	(PM)	6 months	\$100	No	(same)	No
Beauty Culture	439-22: Penalty		(PM)	90 days	\$100	No	(same)	No
Boxing Contests	440-34: Violations; penalty	HAR Title 16, Chapter 74	(M)	1 year	\$5,000	No	(same)	No
Chiropractic	442-19: Violations, penalty	HAR Title 16, Chapter 76	(PM)	90 days	(\$1,000)	No	(same)	No
Contractors	444-7.5: Asbestos contractors	HAR Title 16, Chapter 77	M	(1 year)	(\$2,000)	No	(same)	No
	444-9.2: Advertising	(same)	M	(1 year)	(\$2,000)	No	(same)	No
	444-10.6: State of disaster; acting as a contractor without a license; penalty	No	(M)	1 year	\$10,000	No	(same)	No
	444-10.7: Enhanced penalties when elderly persons are targeted	No	(M)	1 year	\$10,000	No	(same)	No
County Licenses	445-96: Penalty	No	M	(1 year)	(\$2,000)	No	(same)	No
	445-121: Penalty	No	(PM)	1 month	\$500 (\$25 minimum if fine imposed)	No	(same)	No
	445-235: Prohibitions; penalty	No	M	(1 year)	(\$2,000)	No	(same)	No
Debt Adjusting	446-2: Debt adjusting prohibited; penalty; contracts void	No	(PM)	6 months	\$500	No	(same)	No

TABLE OF CRIMINAL OFFENSES OUTSIDE THE PENAL CODE

HRS Chapter Title	HRS Section No. & Title	Related Administrative Rule(s)	Class of Offense (P/M/M)	Maximum Prison Term	Maximum Fine	Other Penalty	Dept.	Includes Traffic Offenses
Dentistry	448-21: Criminal penalties	No	(PM)	6 months	\$500	1 year/\$1,000 for subsequent offense; forfeiture of tools, implements, etc.	(same)	No
Elevator Mechanics	448H-10: Penalties	HAR Title 16, Chapter 81	(M on 2 nd off)	1 year	\$1,000	No	(same)	No
Hearing Aid Dealers and Fitters	451A-19: Penalties		(PM)	90 days	\$500	No	(same)	No
Massage	452-19: Penalties	HAR Title 16, Chapter 84	M	(1 year)	(\$2,000)	No	(same)	No
Medicine and Surgery	452-23: Penalties 453-13: Penalty	(same) No	M (PM)	(1 year) 6 months	(\$2,000) \$500	Forfeiture of tools, implements, etc.	(same) (same)	No No
Mortgage Brokers and Solicitors	454-8: Penalty, contracts void	No	(M)	1 year	\$1,000	No	(same)	No
Notaries Public	456-7: Acts prohibited; penalty	No	(M)	1 year	\$500	No	(same)	No
Nurses	457-14: Violations of chapter, penalties	No	M	1 year for subsequent offense	\$500 (1 st offense)	No	(same)	No
Nursing Home Administrators Act	457B-12: Penalties	No	(M) (subsequent offense)	1 year for subsequent offense	\$500 (1 st offense)	No	(same)	No
Opticians, Dispensing	458-15: Penalties	No	(M)	1 year	\$500	No	(same)	No
Optometry	459-14: Penalty	No	(PM)	6 months	\$500	No	(same)	No
Osteopathy	460-16: Penalties	No	M	(1 year)	\$250	No	(same)	No

TABLE OF CRIMINAL OFFENSES OUTSIDE THE PENAL CODE

HRS Chapter Title	HRS Section No. & Title	Related Administrative Rule(s)	Class of Offense (PM/M)	Maximum Prison Term	Maximum Fine	Other Penalty	Dept.	Includes Traffic Offenses
Pest Control Operators	460J-27.5: Advertising	No	M	(1 year)	(\$2,000)	No	(same)	No
	460J-29: Penal sanctions	No	(PM)	6 months	\$2,500	No	(same)	No
Pharmacists and Pharmacy	461-17: Penalties	HAR Title 16, Chapter 95	(PM)	6 months	\$500	No	(same)	No
Pilgrimage	462A-10: Piloting without a license	No	M	(1 year)	(\$2,000)	No	(same)	No
Private Investigators and Guards	463-15: Penalties	HAR Title 16, Chapter 97	(PM) (M)	6 months 1 year	\$100 \$500	No	(same)	No
Podiatrists	463E-11: Penalty	No	M	(1 year)	(\$2,000)	No	(same)	No
Professional Engineers, Architects, Surveyors and Landscape Architects	464-14: Unlicensed activity; penalties	No	(M)	1 year	\$500	No	(same)	No
Psychologists	465-15: Prohibited acts; penalties	No	(M)	1 year	\$1,000	No	(same)	No
Public Accountancy	466-11: Injunctions against prohibited acts	No	M	(1 year)	\$1,000	No	(same)	No
Radiologic Technology	466J-9: Violations of chapter; penalties	No	M	(1 year)	(\$2,000)	No	(same)	No
Real Estate Brokers and Salespersons	467-20: False statement	No	M	(1 year)	(\$2,000)	No	(same)	No
Solicitation of Funds from the Public	467B-10: Penalties	No	(PM) (1 st offense)	6 months	\$500 (\$100 minimum if fine imposed)	No	(same)	No
Speech Pathologists and Audiologists	468E-16: Penalties	No	(M) (subsequent offense)	1 year	\$1,000 (minimum \$500 if fine imposed)	No	(same)	No
Travel Agencies	468L-29: Violation of charter tour operator provisions	No	PM	(30 days)	\$1,000	No	(same)	No
		No	M	(1 year)	(\$2,000)	No	(same)	No

TABLE OF CRIMINAL OFFENSES OUTSIDE THE PENAL CODE

HRS Chapter Title	HRS Section No. & Title	Related Administrative Rule(s)	Class of Offense (P/M/M)	Maximum Prison Term	Maximum Fine	Other Penalty	Dept.	Includes Traffic Offenses
Undertakers, Embalmers, Funeral Directors	469-8: Penalty	HAR Title 11, Chapter 22	(PM)	90 days (minimum 30 days if prison imposed)	\$250 (minimum \$50 if fine imposed)	No	(same)	No
Veterinary Medicine	471-15: Criminal penalties	No	M	6 months	\$500	Forfeiture of tools, implements, etc.	(same)	No
Credit Sales	476-27: Fraudulent injury, concealment, removal, or sale; penalty	No	(M)	1 year	\$500	No	(same)	No
Interest and Usury	478-6: Usury; penalty	No	(M)	1 year	\$250	No	(same)	No
Monopolies; Restraint of Trade	480-18: Investigation	No	(I) and (x): (M)	1 year	\$1,000	No	Atty Gen'l	No
Check Cashing	480F-6: Penalties	No	(PM)	30 days	\$500	No		No
Trademarks, Service Marks, and Trade Names, Registration and Protection of	482-3.5: Penalty	No	M	(1 year)	\$500	No		No
Copyrights in Sound Recordings	482C-5: Penalty	No	M	(1 year)	(\$2,000)	No		No
Gold and Silver Stamping	482D-7: Violation of fineness standards and stamping requirements	No	M	(1 year)	(\$2,000)	No		No
	482D-8: Violation of trademarking requirement	No	M	(1 year)	(\$2,000)	No		No
Measurement Standards	486-29: Hindering or obstructing an officer or inspector; bribery; penalties	No	M	(1 year)	(\$2,000)	No	Board of Agriculture	No
	486-32: Offenses and penalties	HAR Title 4, Chapters 89, 93, 94, and 101	M	(1 year)	(\$2,000)	No	(same)	No

TABLE OF CRIMINAL OFFENSES OUTSIDE THE PENAL CODE

HRS Chapter Title	HRS Section No. & Title	Related Administrative Rule(s)	Class of Offense (PM/M)	Maximum Prison Term	Maximum Fine	Other Penalty	Dept.	Includes Traffic Offenses
	486-87: Penalties	HAR Title 4, Chapter 101	M	(1 year)	(\$2,000)	No	(same)	No
	486-136: Offenses and penalties	HAR Title 4, Chapter 89	M	(1 year)	(\$2,000)	No	(same)	No
Pawnbrokers and Secondhand Dealers	486M-7: Penalties	No	M	(1 year)	(\$2,000)	No		No
International Matchmaking Organizations	489N-4: Penalties	No	(PM)	30 days	\$500	No		No
Bureau of Conveyances; Recording	502-54: Penalty for false certificate	No	(M)	1 year	\$1,000	No	DLNR	No
Condominium Property Regimes	514A-49: Penalties	No	M	1 year	\$10,000	No		No
	514A-98: False statement	No	M	(1 year)	(\$2,000)	No		No
	514A-107.6: False statement	No	M	1 year	\$2,000	No		No
	514A-134: False statement	No	M	(1 year)	(\$2,000)	No		No
Residential Leaseholds	516-5: Penalty	HAR Title 15, Chapter 178	(M)	1 year	\$5,000	(Minimum \$1,000 if fine imposed)	HCDCH	No
Unclaimed Property	523A-34: Interest and penalties	No	M	(1 year)	(\$2,000)	No		No
Family Courts	571-52: Assignment by court order of future income for payments of support	No	M	(1 year)	(\$2,000)	No	Judiciary	No
Child Support Enforcement	576D-17: Violations; penalties	No	PM	(30 days)	(\$1,000)	No	Att'y Gen'l	No
Administrative Process for Child Support Enforcement	576E-16: Income withholding	No	M	(1 year)	(\$2,000)	No	Att'y Gen'l	No
Children	577-18: Parents allowing children in street, prohibited when; penalty	No	(PM)	20 days	\$100	No		No
	577-23: Parent et al. responsibility, penalty	No	(PM)	30 days	\$50	No		No

TABLE OF CRIMINAL OFFENSES OUTSIDE THE PENAL CODE

HRS Chapter Title	HRS Section No. & Title	Related Administrative Rule(s)	Class of Offense (P/M/M)	Maximum Prison Term	Maximum Fine	Other Penalty	Dept.	Includes Traffic Offenses
	577-24: Escort's responsibility; penalty	No	(PM)	90 days	\$100	No		No
Annulment, Divorce, and Separation	580-10: Restraining orders; appointment of master	No	M	(1 year)	\$1,000	No		No
Domestic Abuse and Protective Orders	586-4 : Temporary restraining order	No	M	(1 year)	\$1,000	No		No
	586-11: Violation of an order for protection	No	M	(1 year)	\$1,000	No		No
District Courts	604-10.5: Power to enjoin and temporarily restrain harassment	No	M	(1 year)	(\$2,000)	No		No
Jurors	612-13: Juror qualification form	No	(PM)	30 days	\$500	No		No
	612-25: Protection of jurors' employment	No	PM	(30 days)	(\$1,000)	No		No
Civil Remedies and Defenses and Special Proceedings	651-48: Same, penalty [Levy on and execution sale of investment securities; garnishment the proper procedure when the security is subject to right of possession of third party]	No	(M)	1 year	\$1,000	No		No
Civil Relief for State Military Forces	657D-21: Eviction or distress during military service; stay; penalty for noncompliance; allotment of pay for payment	No	M	(1 year)	(\$2,000)	No		No
	657D-22: Installment contracts for purchase of property	No	M	(1 year)	(\$2,000)	No		No

TABLE OF CRIMINAL OFFENSES OUTSIDE THE PENAL CODE

HRS Chapter Title	HRS Section No. & Title	Related Administrative Rule(s)	Class of Offense (P/M/M)	Maximum Prison Term	Maximum Fine	Other Penalty	Dept.	Includes Traffic Offenses
	657D-23: Mortgages, trust deeds, and other securities	No	M	(1 year)	(\$2,000)	No		No
	657D-25: Termination of leases by lessees	No	M	(1 year)	(\$2,000)	No		No
Tort Actions	663-1.6: Duty to assist	No	PM	(30 days)	(\$1,000)	No		No
Arrest, Search Warrants	803-10: Penalty	No	(M)	1 year	\$500	No		No
Uniform Criminal Extradition Act	832-11: Penalty	No	M	6 months	\$500	No		No
Hawaii Criminal Justice Data Center, Civil Identification	846-36: Violations; penalties	No	(PM)	6 months	\$5000	No	Atty Gen'l	No
Obstruction of Ingress or Egress	852-2: Penalty	No	(PM)	6 months	\$200	No		No

Appendix C

Report Title:

Criminal Offenses

Description:

Requires the legislative reference bureau to conduct an ongoing study of penal offenses to determine which offenses can be decriminalized. Requires the bureau to seek input from state departments and agencies with jurisdiction over offenses identified by the judiciary as requiring court appearances, even though only fines are typically imposed, and to prepare legislation accordingly.

A BILL FOR AN ACT

RELATING TO CRIMINAL OFFENSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 23G, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§23G- Decriminalization of statutes. The legislative
5 reference bureau shall conduct a systematic and continuing
6 review of the laws of Hawaii for the purpose of developing
7 legislation to decriminalize misdemeanor, petty misdemeanor, and
8 other penal offenses, as identified by the judiciary, that
9 require court appearances and, potentially, court-appointed
10 counsel and jury trial, but that are routinely disposed of by
11 imposition only of a fine. For these purposes, the legislative
12 reference bureau shall:

13 (1) Contact the state departments or agencies that have
14 jurisdiction over the offenses identified by the
15 judiciary and request their input as to whether the
16 offenses can be decriminalized without undermining

.B. NO.

1 their ability to enforce laws within their
2 jurisdiction; and
3 (2) Prepare legislation periodically, as dictated by the
4 quantity and complexity of offenses identified by the
5 judiciary and the nature of the information received
6 from state departments and agencies, to implement the
7 purposes of this section."

8 SECTION 2. New statutory material is underscored.

9 SECTION 3. This Act shall take effect upon its approval.

10

11

INTRODUCED BY: _____

Appendix D

Table of Criminal Traffic Offenses

The following table consists of those statutory provisions identified in Appendix B, Table of Criminal Offenses Outside the Penal Code, as imposing criminal penalties for traffic offenses. As noted in the Legend to Appendix B, the term "traffic offense" is used broadly to refer to conduct involving the operation and parking of motor and other vehicles.

TABLE OF CRIMINAL TRAFFIC OFFENSES

HRS Chapter Title	HRS Section No. & Title	Related Administrative Rule(s)	Class of Offense (PM/IM)	Maximum Prison Term	Maximum Fine	Other Penalty	Dept.
Forest Reserves, Water Development, Zoning State Parks and Recreation Areas	183-18: Penalty	HAR Title 13, Chapter 104	M	1 year	\$1,000	No	DLNR
	184-5: Rules and enforcement; penalty	HAR Title 13, Chapter 146	PM	(30 days)	(\$1,000) (mandatory minimum \$100 fine for first offense)	Restoration of damaged park property; confiscation of tools, equipment, and illegally removed materials; increased mandatory minimum fines for subsequent offenses	(same)
Aeronautics	261-21: Penalties	HAR Chapter 19-11, 13, 14, 15.1, 16.1, 20, 20.1, 26.1, 30, 33, 34, and 38.1	(b): "offense" (motor vehicles and traffic control) (c): parking violations are traffic infractions under Chapter 291D, HRS	none	\$500	No	DOT
Highways	264-64: Design of controlled-access facility and regulation, restriction, or prohibition of access; penalty	No	(PM)	3 months	\$250	No	(same)
Motor and Other Vehicles	264-102: Penalty	No	PM	30 days	\$1,000	No	(same)
	286-8: Rules and regulations	HAR Title, 19, Chapters 121 and 125 to 130	(M)	1 year	\$1,000	No	(same)
Traffic Violations	291-2: Reckless driving of vehicle or riding of animals; penalty	No	(PM)	30 days	\$1,000	No	(same)

TABLE OF CRIMINAL TRAFFIC OFFENSES

HRS Chapter Title	HRS Section No. & Title	Related Administrative Rule(s)	Class of Offense (PM/M)	Maximum Prison Term	Maximum Fine	Other Penalty	Dept.
	291-3-1: Consuming or possessing intoxicating liquor while operating motor vehicle or moped	No	(PM)	30 days	\$2,000	No	
	291-12: Inattention to driving	No	(PM)	30 days	\$500	No	
	291-31.5: Blue lights prohibited for motor vehicles, motorcycles, motor scooters, bicycles, mopeds	No	(M)	1 year	\$1,000	No	
Statewide Traffic Code	291C-12.6: Accidents involving bodily injury	No	M	(1 year)	(\$2,000)	\$100 neurotrauma fund surcharge	
	291C-13: Accidents involving damage to vehicle or property	No	(PM)	10 days	\$100	\$200 maximum fine and imprisonment for second conviction within one year of first; \$500 maximum fine or six months maximum imprisonment for third conviction within one year of first conviction	
	291C-103: Racing on highways	No	(a): (PM) (per subsection (c)) (f): (M)	30 days 1 year	\$500 \$1,000	(f): 1 year license suspension for second offense within 5 years; 3 year license suspension and vehicle forfeiture for third offense within five years	

TABLE OF CRIMINAL TRAFFIC OFFENSES

HRS Chapter Title	HRS Section No. & Title	Related Administrative Rule(s)	Class of Offense (P/M)	Maximum Prison Term	Maximum Fine	Other Penalty	Dept.
Use of Intoxicants While Operating a Motor Vehicle	291E-61: Operating a vehicle under the influence of an intoxicant	No	(b)(1): (PM) (b)(2): (PM)	5 days 14 days (at least 48 consecutive hours) 30 days (at least 48 consecutive hours)	\$1,000 \$1,500 (not less than \$500) \$2,500 (not less than \$500)	License suspension/revocation substance abuse rehabilitation, community service; neurotrauma fund surcharge	
	291E-62: Operating a vehicle after license and privilege have been suspended or revoked for operating a vehicle under the influence of an intoxicant; penalties	No	(b)(1): (PM) (b)(2): (PM) (b)(3): (PM)	30 days (3 day mandatory minimum) 30 days 1 year	\$1,000 (\$250 mandatory minimum) \$1,000 \$2,000	Add'l 1 year license revocation Add'l 2 year license revocation Permanent license revocation	

SENATE CONCURRENT RESOLUTION

REQUESTING THE JUDICIARY TO CONDUCT A STUDY TO IDENTIFY TRAFFIC OFFENSES AND CRIMES, PETTY MISDEMEANOR OFFENSES, AND MISDEMEANOR OFFENSES THAT CAUSE A DISPROPORTIONATE WORKLOAD FOR THE JUDICIARY AND THAT MAY BE APPROPRIATE FOR DECRIMINALIZATION AS INFRACTIONS.

1 WHEREAS, the District Courts of the Hawaii State Judiciary
 2 are overwhelmed daily with hearing cases that should not be
 3 deemed as criminal cases; and
 4

5 WHEREAS, in recognition that traffic cases are usually not
 6 a criminal offense, the Legislature enacted Act 222, Session
 7 Laws of Hawaii 1978, codified as chapter 291D, Hawaii Revised
 8 Statutes (HRS), to decriminalize certain traffic offenses, not
 9 serious in nature, to the status of violations; and
 10

11 WHEREAS, other offenses or violations that currently
 12 require a court appearance by a defendant should be
 13 decriminalized to reduce the necessity for arraignments, allow
 14 disposition of uncontested violations by mail, and provide
 15 informal hearings where the violation or the proposed penalty is
 16 questioned; and
 17

18 WHEREAS, the goal of decriminalizing certain offenses and
 19 violations is to streamline the handling of those cases to
 20 achieve a more expeditious system for the judicial processing of
 21 infractions and violations; and
 22

23 WHEREAS, an example of decriminalization of offenses is the
 24 state harbors civil violations system under section 266-29, HRS;
 25 and
 26

27 WHEREAS, section 706-605(4), HRS, excludes imprisonment for
 28 convictions of a violation; and
 29



1 WHEREAS, certain penalties require only a fine and no
2 imprisonment or probation, which are the type of violations that
3 should be decriminalized and exempted from a court arraignment;
4 and

5
6 WHEREAS, the Judiciary is uniquely suited to provide data
7 on its own district court daily dockets and calendars to
8 identify the types of cases that may be better adjudicated
9 without a court appearance; now, therefore,

10
11 BE IT RESOLVED by the Senate of the Twenty-eighth
12 Legislature of the State of Hawaii, Regular Session of 2015, the
13 House of Representatives concurring, that the Judiciary, in
14 collaboration with stakeholders, including the Prosecuting
15 Attorneys from each county and State Public Defender, is
16 requested to conduct a study to identify traffic offenses and
17 crimes, petty misdemeanor offenses, misdemeanor offenses, and
18 other violations of law that cause a disproportionate workload
19 for the Judiciary and that may be appropriate for
20 decriminalization as infractions; and

21
22 BE IT FURTHER RESOLVED that the Judiciary include in its
23 study the types and number of each of the types of cases that
24 have been adjudicated in each of the past four years; and

25
26 BE IT FURTHER RESOLVED that the Judiciary report to the
27 Legislature no later than twenty days prior to the convening of
28 the Regular Session of 2016 its findings and recommendations;
29 and

30
31 BE IT FURTHER RESOLVED that certified copies of this
32 Concurrent Resolution be transmitted to the Chief Justice of the
33 Hawaii Supreme Court, Prosecuting Attorney of each county, and
34 State Public Defender.

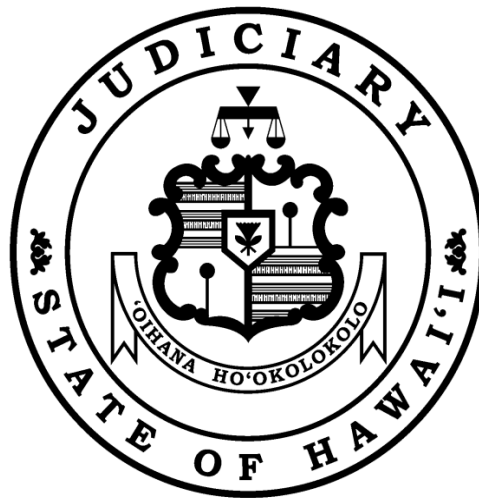


**REPORT TO THE TWENTY-EIGHTH LEGISLATURE
2016 REGULAR SESSION**

ON

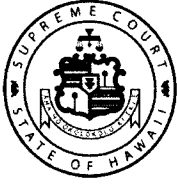
SENATE CONCURRENT RESOLUTION NO. 98, SENATE DRAFT 1

**REQUESTING THE JUDICIARY TO CONDUCT A STUDY TO IDENTIFY TRAFFIC
OFFENSES AND CRIMES, PETTY MISDEMEANOR OFFENSES, AND
MISDEMEANOR OFFENSES THAT CAUSE A DISPROPORTIONATE WORKLOAD
FOR THE JUDICIARY AND THAT MAY BE APPROPRIATE FOR
DECRIMINALIZATION AS INFRACTIONS**



Submitted by

**The Office of the Chief Justice
The Judiciary, State of Hawai'i
December 2015**



Supreme Court – THE JUDICIARY • STATE OF HAWAII

417 South King Street • Aliʻiōlani Hale • Honolulu, Hawaiʻi • 96813-2943 • Ph: (808) 539-4700 • Fax (808) 539-4703

Mark E. Recktenwald
CHIEF JUSTICE

December 30, 2015

The Honorable Ronald D. Kouchi
President, Hawaiʻi State Senate
State Capitol, Room 210
415 South Beretania Street
Honolulu, Hawaiʻi 96813

The Honorable Joseph M. Souki
Speaker
The House of Representatives, State of Hawaiʻi
State Capitol, Room 431
Honolulu, HI 96813

Re: Senate Concurrent Resolution 98, Senate Draft 1, Final Report of the Committee to conduct a study to identify traffic offenses and crimes, petty misdemeanor offenses, and misdemeanor offenses that cause a disproportionate workload for the Judiciary and that may be appropriate for decriminalization as infractions.

Dear President Kouchi, Speaker Souki, and Members:

Pursuant to Senate Concurrent Resolution No. 98, Senate Draft 1 (2015), attached please find the Judiciary’s Decriminalization Study Committee’s final report for your review and consideration. The report includes the findings of the Decriminalization Study Committee, including costs likely to be associated with decriminalization of offenses at a level to be determined by the Legislature.

The Committee, comprised of the Prosecuting Attorneys from each county, a representative from the Office of the Public Defender, private defense attorneys, and District Court judges from each circuit, met as a Committee of the Whole. The Judiciary provided statistics on caseloads, and

The Honorable Ronald D. Kouchi
The Honorable Joseph M. Souki
December 30, 2015
Page 2

two Subcommittees (which did not include any members of the Judiciary) were established to identify and recommend traffic offenses and crimes, petty misdemeanor offenses, and misdemeanor offenses that cause a disproportionate workload for the Judiciary and that may be appropriate for decriminalization as infractions.

On behalf of the Committee, I thank you for the opportunity to be of service to the legislature and the people of Hawai'i.

Respectfully submitted,



Mark E. Recktenwald
Chief Justice

MER:lco
Enclosure

cc: Members of the Twenty-Eighth Legislature
Members of the Judiciary Decriminalization of Traffic Offenses Feasibility Study
Committee
Rodney A. Maile, Administrative Director of the Courts



Barbara P. Richardson
Deputy Chief Judge
District Court of the First Judicial Circuit

December 29, 2015

Chief Justice Mark E. Recktenwald
Ali‘iolani Hale
417 South King Street
Honolulu, HI 96813

Re: Report to the Twenty-eighth Legislature on Senate Concurrent Resolution 98,
Senate Draft 1 (Judiciary Decriminalization of Traffic Offenses Feasibility Study
Committee)

Mr. Chief Justice,

Thank you for allowing us to co-chair this Committee that studied whether certain traffic offenses and crimes that cause a disproportionate workload for the Judiciary may be appropriate for decriminalization. Transmitted herewith is the Committee’s report.

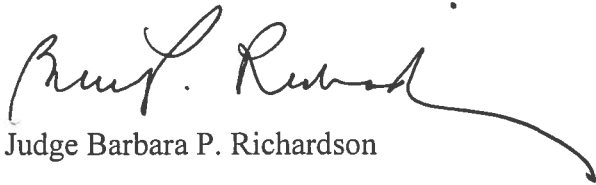
The Committee, comprised of the Prosecuting Attorneys from each county, a representative from the Office of the Public Defender, Private Defense attorneys, and District Court judges from each circuit, met as a Committee of the whole. The Judiciary provided statistics on caseloads. Two subcommittees (which did not include any members of the Judiciary) identified and analyzed traffic offenses and crimes, petty misdemeanor offenses, and misdemeanor offenses that cause a disproportionate workload for the Judiciary and that may be appropriate for decriminalization as infractions.

Because the Judiciary committee members determined that it was not appropriate for them to participate in making recommendations to the Legislature on which offenses should be decriminalized, the two Subcommittees evaluated the statistical information provided by the Judiciary. Subcommittee 1 was composed of Deputy Public Defender, Jerry Villanueva; First Circuit’s Deputy Prosecuting Attorney, Jeen Kwak; Honolulu attorney, Michelle Agsalda; and Third Circuit’s Prosecuting Attorney, Mitchell Roth. Subcommittee 2 was composed of Deputy Attorney General, Albert Cook; Honolulu attorney, Jason Say; Second Circuit’s Prosecuting Attorney, John Kim; and Fifth

Circuit's Prosecuting Attorney, Justin Kollar. The statistical data and the findings and analysis for decriminalization made by the two Subcommittees are included in the report.

We note that several Subcommittee members object to the decriminalization of any offenses set forth in the Hawai'i Administrative Rules that were enacted to protect the State's natural resources and the environment. Also, one Subcommittee went beyond simply analyzing offenses which "may be appropriate for decriminalization as infractions" by suggesting the reduction of offense severity levels from petty misdemeanors and misdemeanors to "criminal violations" rather than "decriminalized infractions."

Respectfully submitted,



Judge Barbara P. Richardson



Judge Lono J. Lee

Enclosure

**REPORT OF FINDINGS TO THE CHIEF JUSTICE
SUPREME COURT, STATE OF HAWAII**

ON

**SENATE CONCURRENT RESOLUTION 98, SENATE DRAFT 1
REQUESTING THE JUDICIARY TO CONDUCT A STUDY TO IDENTIFY TRAFFIC
OFFENSES AND CRIMES, PETTY MISDEMEANOR OFFENSES, AND
MISDEMEANOR OFFENSES THAT CAUSE A DISPROPORTIONATE WORKLOAD
FOR THE JUDICIARY AND THAT MAY BE APPROPRIATE FOR
DECRIMINALIZATION AS INFRACTIONS**

**SUBMITTED BY
DECRIMINALIZATION OF TRAFFIC OFFENSES FEASIBILITY STUDY COMMITTEE
THE JUDICIARY, STATE OF HAWAII**

DECEMBER 2015

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- B. Caseload Statistics (2011-2014) – District Court and Traffic Court
- C. Subcommittee Reports – Analysis, Findings and Possible Action:
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**SENATE CONCURRENT RESOLUTION 98, SENATE DRAFT 1
REQUESTING THE JUDICIARY TO CONDUCT A STUDY TO IDENTIFY TRAFFIC
OFFENSES AND CRIMES, PETTY MISDEMEANOR OFFENSES, AND
MISDEMEANOR OFFENSES THAT CAUSE A DISPROPORTIONATE WORKLOAD
FOR THE JUDICIARY AND THAT MAY BE APPROPRIATE FOR
DECRIMINALIZATION AS INFRACTIONS**

**DECRIMINALIZATION OF TRAFFIC OFFENSES FEASIBILITY STUDY
COMMITTEE REPORT**

INTRODUCTION AND PURPOSE

The Twenty-eighth Legislature, 2015 Regular Session, State of Hawaii, adopted Senate Concurrent Resolution 98, Senate Draft 1 (SCR 98, SD1), Requesting the Judiciary to Conduct a Study to Identify Traffic Offenses and Crimes, Petty Misdemeanor Offenses, and Misdemeanor Offenses That Cause a Disproportionate Workload for the Judiciary and That May Be Appropriate for Decriminalization as Infractions.

REQUIREMENTS OF SCR 98, SD1

Pursuant to SCR 98, SD1, Chief Justice Mark E. Recktenwald established the Decriminalization of Traffic Offenses Feasibility Study Committee (hereinafter Study Committee) to:

- Conduct a study to identify traffic offenses and crimes, petty misdemeanor offenses, misdemeanor offenses, and other violations of law that cause a disproportionate workload for the Judiciary and that may be appropriate for decriminalization as infractions;
- Include in its study the types and number of each of the types of cases that have been adjudicated in each of the past four years; and
- Report to the Legislature no later than twenty days prior to the convening of the Regular Session of 2016 its findings and recommendations.

Attached as Appendix A is a copy of SCR 98, SD1 and the Senate Committee Report No. 1272 for Senate Draft 1, adopted by the Senate on April 6, 2015 and by the House on April 20, 2015.

APPOINTMENT OF THE DECRIMINALIZATION OF TRAFFIC OFFENSES FEASIBILITY STUDY COMMITTEE

In response to SCR 98, SD1, Justice Mark E. Recktenwald named the following members to the Study Committee.

Study Committee Members

Judges

- The Honorable Barbara P. Richardson, Deputy Chief Judge, District Court, First Circuit, Co-Chair
- The Honorable Lono J. Lee, District Court, First Circuit, Co-Chair
- The Honorable Kelsey T. Kawano, Deputy Chief Judge, District Court, Second Circuit
- The Honorable Barbara T. Takase, Deputy Chief Judge, District Court, Third Circuit
- The Honorable Trudy K. Senda, Deputy Chief Judge, District Court, Fifth Circuit

Department of the Attorney General, State of Hawaii

- Albert Cook, Deputy Attorney General

Prosecuting Attorneys / Designees

- Jeen Kwak, Deputy Prosecuting Attorney, City and County of Honolulu
- John D. Kim, Prosecuting Attorney, County of Maui
- Mitchell Roth, Prosecuting Attorney, County of Hawai'i
- Justin F. Kollar, Prosecuting Attorney, County of Kaua'i
- Becky Vogt, Deputy Prosecuting Attorney, County of Kaua'i (8/3/15 meeting)

Office of the Public Defender

- Jerry A. Villanueva, Deputy Public Defender

Hawai'i Criminal Defense Attorneys

- Michelle Agsalda, Esq.
- Jason Say, Esq.

Staff:

Judiciary Information Management Systems (JIMS), The Judiciary

- Dana M. Nakasato, JIMS Specialist

Office of Statistics, Planning & Policy Department, Office of the Administrative Director of the Courts

- Christina E. Uebelein, Planning & Program Evaluator
- Barbara Bettes, Research Statistician

Staff, Legislative Coordinating Office

- Karen Takahashi, Special Projects/Legislative Coordinator
- Caryn Moran, Research Analyst
- Lori Rutherford, Legislative Assistant

ACTIVITIES OF THE DECRIMINALIZATION OF TRAFFIC OFFENSES FEASIBILITY STUDY COMMITTEE:

STUDY COMMITTEE MEETINGS

The Study Committee held three meetings on August 3, 2015; August 26, 2015; and October 30, 2015.

August 3, 2015 Meeting

Statistics generated by the Judiciary were provided to committee members. These statistics for each of the district courts of the four circuits for calendar years 2011, 2012, 2013 and 2014 included:

- The charge code for each criminal charge filed (with severity levels of violation, petty misdemeanor and misdemeanor);
- The charge code for each non-decriminalized traffic charge filed (with severity levels of violation, petty misdemeanor and misdemeanor, i.e., all traffic charges except those with predecessor codes of D1, D2, D3, D5, D6 or D7).
- Indication of which charges are Environmental Court charges.

The caseload statistics are attached as Appendix B.

Members of the Judiciary, a separate branch of government, determined that it was inappropriate to comment on offenses that should be decriminalized, and they neither participated in nor took any position in identifying “Traffic Offenses and Crimes, Petty Misdemeanor Offenses, and Misdemeanor Offenses That Cause a Disproportionate Workload for the Judiciary and That May Be Appropriate for Decriminalization as Infractions.” Therefore, the Committee Co-Chairs divided the non-Judiciary members into two Subcommittees to examine the statistics provided by the Judiciary.

Subcommittee 1:

Jerry Villanueva, Jeen Kwak, Mitchell Roth, and Michelle Agsalda

Subcommittee 2:

Albert Cook, Jason Say, John Kim, Justin Kollar

The charges reviewed included statutes (Hawai'i Revised Statutes [HRS]), rules (Hawai'i Administrative Rules [HAR]), ordinances of the four counties (County Code of Maui [CCM], Hawai'i County Code [HCC], Kaua'i County Code [KCC], Revised Ordinances of Honolulu [ROH, ORD]), and federal regulations (Code of Federal Regulations [CFR]). The two Subcommittees were tasked with reviewing data provided by the JIMS and Statistics staff.

It was emphasized that the Study Committee will report its analysis and findings; however, the respective legislative entities will make the policy decisions of determining which charges should be considered for decriminalization.

August 26, 2015 and October 30, 2015 Meetings

Discussions continued on how to proceed with identifying offenses that may be considered for decriminalization. Subcommittees also conducted work sessions on these dates.

REVIEW OF TRAFFIC OFFENSES AND CRIMES, PETTY MISDEMEANOR OFFENSES, AND MISDEMEANOR OFFENSES THAT CAUSE A DISPROPORTIONATE WORKLOAD FOR THE JUDICIARY

When reviewing offenses, the Subcommittee members based their findings on criteria such as the severity of the offense, public safety concerns, hardship on defendants required to make mandatory court appearances, considerations of judicial

economy and the final court disposition of certain initially-charged offenses (i.e., offenses charged as petty or full misdemeanors that were commonly amended to violations or infractions). Subcommittee members also discussed the workload in their respective offices to manage these cases.

Three members of Subcommittee 1 (Jeen Kwak, Jerry Villanueva and Michelle Agsalda) met multiple times to discuss offenses in the Revised Ordinances of Honolulu (ROH) which was assigned to this Subcommittee. Mitch Roth did not participate because ROH applies only to First Circuit. Attorneys Kwak, Villanueva and Agsalda agreed that the list of Honolulu Ordinances submitted by Subcommittee 1 should be considered for decriminalization. Subcommittee 1's data and list of possible actions are attached as Appendix C to this report.

Members of Subcommittee 2 divided the statutes, rules, regulations and ordinances among themselves and each member submitted separate recommendations to the full Committee. Subcommittee 2's data was consolidated and their list of possible actions for decriminalization are also attached as Appendix C to this report.

ANALYSIS AND FINDINGS

The analysis and findings of Subcommittees 1 and 2 identified traffic offenses and crimes that cause a disproportionate workload for the Judiciary and may be appropriate for decriminalization as infractions. However, it is important to note that there is disagreement among subcommittee members regarding offenses in the Hawai'i Administrative Rules (HAR) that were enacted to protect the State's natural resources and the environment; several subcommittee members object to the decriminalization of any such offenses. Other Subcommittee findings went beyond simply identifying offenses which "may be appropriate for decriminalization as infractions;" some findings identified possible action for the reduction of offense severity levels from petty misdemeanors and misdemeanors to "criminal violations" rather than "decriminalized infractions."

COSTS ASSOCIATED WITH DECRIMINALIZATION

For traffic crimes and criminal offenses that may be designated by the Legislature to be decriminalized, the Judiciary will incur additional costs to create and print new citation forms, as well as other costs associated with increased work demands placed upon judges and Judiciary support staff. The assumption that all defendants will simply mail in payment of fines/fees is flawed. Examination of the current reality of processing

civil traffic infractions reveals that defendants are entitled to submit written answers, request hearings and/or trials. Much of this work is done manually, with court staff routing written answers (and mitigation letters) to judges' chambers for review and action. In some circuits, judges must manually fill in and sign Judgments in these cases. Court staff must then process the Judgments which are mailed to defendants. When in-person answers are requested, judges must preside over infraction calendars in the courtroom. These costs – demands upon time and resources of Judiciary personnel – must be recognized and accounted for in the analysis of costs to decriminalize certain offenses.

Regarding payment, processing payments for proposed decriminalized offenses made in cash or by check will increase demands upon time and resources of Judiciary personnel. The processing of payments via the internet for proposed decriminalized criminal infractions will also require a major change to JIMS. This is because payment via the internet is not currently available for criminal offenses. Such a change would cost an estimated \$850,000.

APPENDICES:

- A. Senate Concurrent Resolution 98, SD1 (2015) / Senate Standing Committee Report No. 1272
- B. Caseload Statistics (2011-2014) – District Court and Traffic Court
- C. Subcommittee 1 and 2 Reports: Analysis, Findings and Possible Actions

Appendix A

Senate Concurrent Resolution 98,
Senate Draft 1
Senate Standing Committee
Report No. 1272

SENATE CONCURRENT RESOLUTION

REQUESTING THE JUDICIARY TO CONDUCT A STUDY TO IDENTIFY TRAFFIC OFFENSES AND CRIMES, PETTY MISDEMEANOR OFFENSES, AND MISDEMEANOR OFFENSES THAT CAUSE A DISPROPORTIONATE WORKLOAD FOR THE JUDICIARY AND THAT MAY BE APPROPRIATE FOR DECRIMINALIZATION AS INFRACTIONS.

1 WHEREAS, the District Courts of the Hawaii State Judiciary
2 are overwhelmed daily with hearing cases that should not be
3 deemed as criminal cases; and
4

5 WHEREAS, in recognition that traffic cases are usually not
6 a criminal offense, the Legislature enacted Act 222, Session
7 Laws of Hawaii 1978, codified as chapter 291D, Hawaii Revised
8 Statutes (HRS), to decriminalize certain traffic offenses, not
9 serious in nature, to the status of violations; and
10

11 WHEREAS, other offenses or violations that currently
12 require a court appearance by a defendant should be
13 decriminalized to reduce the necessity for arraignments, allow
14 disposition of uncontested violations by mail, and provide
15 informal hearings where the violation or the proposed penalty is
16 questioned; and
17

18 WHEREAS, the goal of decriminalizing certain offenses and
19 violations is to streamline the handling of those cases to
20 achieve a more expeditious system for the judicial processing of
21 infractions and violations; and
22

23 WHEREAS, an example of decriminalization of offenses is the
24 state harbors civil violations system under section 266-29, HRS;
25 and
26

27 WHEREAS, section 706-605(4), HRS, excludes imprisonment for
28 convictions of a violation; and
29



1 WHEREAS, certain penalties require only a fine and no
2 imprisonment or probation, which are the type of violations that
3 should be decriminalized and exempted from a court arraignment;
4 and

5
6 WHEREAS, the Judiciary is uniquely suited to provide data
7 on its own district court daily dockets and calendars to
8 identify the types of cases that may be better adjudicated
9 without a court appearance; now, therefore,

10
11 BE IT RESOLVED by the Senate of the Twenty-eighth
12 Legislature of the State of Hawaii, Regular Session of 2015, the
13 House of Representatives concurring, that the Judiciary, in
14 collaboration with stakeholders, including the Prosecuting
15 Attorneys from each county and State Public Defender, is
16 requested to conduct a study to identify traffic offenses and
17 crimes, petty misdemeanor offenses, misdemeanor offenses, and
18 other violations of law that cause a disproportionate workload
19 for the Judiciary and that may be appropriate for
20 decriminalization as infractions; and

21
22 BE IT FURTHER RESOLVED that the Judiciary include in its
23 study the types and number of each of the types of cases that
24 have been adjudicated in each of the past four years; and

25
26 BE IT FURTHER RESOLVED that the Judiciary report to the
27 Legislature no later than twenty days prior to the convening of
28 the Regular Session of 2016 its findings and recommendations;
29 and

30
31 BE IT FURTHER RESOLVED that certified copies of this
32 Concurrent Resolution be transmitted to the Chief Justice of the
33 Hawaii Supreme Court, Prosecuting Attorney of each county, and
34 State Public Defender.



STAND. COM. REP. NO. **1272**

Honolulu, Hawaii

APR - 2 2015

RE: S.C.R. No. 98
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred S.C.R. No. 98 entitled:

"SENATE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO CONDUCT A STUDY TO IDENTIFY TRAFFIC OFFENSES AND CRIMES, PETTY MISDEMEANOR OFFENSES, AND MISDEMEANOR OFFENSES THAT CAUSE A DISPROPORTIONATE WORKLOAD FOR THE JUDICIARY AND THAT MAY BE APPROPRIATE FOR DECRIMINALIZATION AS INFRACTIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Request the Judiciary to conduct a study to identify traffic offenses and crimes, petty misdemeanor offenses, and misdemeanor offenses that cause a disproportionate workload for the Judiciary and may be appropriate for decriminalization as infractions;
- (2) Request the Judiciary to report to the Legislature prior to the Regular Session of 2016 its findings and recommendations, including any proposed legislation; and
- (3) Request the Legislative Reference Bureau to assist the Judiciary in drafting any proposed legislation as a result of the Judiciary's study.

Your Committee received testimony in support of this measure from the Office of the Public Defender and one individual. Your



Committee received comments on this measure from the Judiciary and Legislative Reference Bureau.

Your Committee finds that there are numerous traffic offenses and crimes, petty misdemeanor offenses, and misdemeanor offenses that require a court appearance by a defendant that could be decriminalized to reduce the necessity for arraignments, allow disposition of uncontested violations by mail, and provide informal hearings where the violation or the proposed penalty is questioned. This measure requests the Judiciary to conduct a study to identify these offenses and violations that may be appropriate for decriminalization as infractions to streamline the handling of those cases and achieve a more expeditious system for the judicial processing of these violations.

Your Committee notes the comments submitted by the Judiciary requesting further clarification and specificity regarding the types of offenses that may be appropriate for decriminalization. Furthermore, your Committee notes the concerns raised by the Judiciary that stated the Judiciary is capable of providing the Legislature with data regarding the case types and adjudication of those cases for the last four years, a determination of which offenses are appropriate for decriminalization is a policy decision that falls within the purview of the Legislature. Thus, the Judiciary testified that it did not believe that it would be suitable for the Judiciary to propose any legislation to decriminalize certain offenses.

Accordingly, your Committee has amended this measure by:

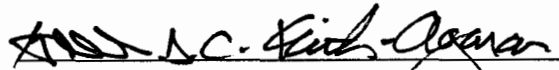
- (1) Inserting language that states that the Judiciary is uniquely suited to provide data, rather than review, its own district court daily dockets and calendars to identify the types of cases that may be better adjudicated without a court appearance;
- (2) Requesting that in conducting its study, the Judiciary collaborate with stakeholders, including the Prosecuting Attorneys of each county and State Public Defender;
- (3) Deleting language that requests the Judiciary to include any proposed legislation with its findings and recommendations;



- (4) Deleting language that requests the Legislative Reference Bureau to assist the Judiciary in drafting any proposed legislation as a result of the Judiciary's study on certain offenses that may be appropriate for decriminalization as infractions; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 98, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 98, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



GILBERT S.C. KEITH-AGARAN, Chair



The Senate
Twenty-Eighth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No. :* SCR 98	Committee Referral: JDL	Date: 3/30/15		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
ESPERO, Will	✓			
GABBARD, Mike				✓
IHARA, Jr., Les	✓			
THIELEN, Laura H.	✓			
SLOM, Sam	✓			
TOTAL	6			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

Appendix B

Caseload Statistics 2011-2014 District Court & Traffic Court

HAR – Hawai‘i Administrative Rules

HCC – Hawai‘i County Code

HRS – Hawai‘i Revised Statutes

KCC – Kaua‘i County Code

CCM – County Code of Maui

ROH – Revised Ordinances of Honolulu
(City & County)

Number of Case Initiations, All Circuits, 2011 through 2014, District Court & Traffic Court				
	CY 2011	CY 2012	CY 2013	CY 2014
49 CFR 390.21		3	3	1
49 CFR 391.11	2	2		3
49 CFR 391.41	15	7	11	16
49 CFR 391.43				1
49 CFR 391.45	6	5	2	2
49 CFR 391.51	2		1	
49 CFR 392.16	5			
49 CFR 392.25				1
49 CFR 392.33	3			
49 CFR 392.9(a)	3	2		
49 CFR 393.9(a)	1	3		10
49 CFR 393.11	5	2	4	
49 CFR 393.13	11	3		
49 CFR 393.19	5	2	1	
49 CFR 393.25	3	1	2	3
49 CFR 393.30	1			
49 CFR 393.41		2		
49 CFR 393.43	3	1	5	7
49 CFR 393.45	2		1	9
49 CFR 393.47	5		2	14
49 CFR 393.51	5	1	6	10
49 CFR 393.53(b)			1	
49 CFR 393.60	4		1	1
49 CFR 393.62		1	5	3
49 CFR 393.65(c)				1
49 CFR 393.67			1	7
49 CFR 393.70	1	1	4	1
49 CFR 393.75	3	2	8	9
49 CFR 393.78		1	3	6
49 CFR 393.80	2	1	1	
49 CFR 393.81	9	1	1	
49 CFR 393.82		1	1	
49 CFR 393.83	1			4
49 CFR 393.86	1	4		
49 CFR 393.87	2			
49 CFR 393.89				1
49 CFR 393.93(b)		1		
49 CFR 393.95	2	2	1	1
49 CFR 393.100	14	5		2
49 CFR 393.102				1
49 CFR 393.106	2			
49 CFR 393.126	2		3	4
49 CFR 393.134	1	2		1
49 CFR 393.201	2		14	24

	CY 2011	CY 2012	CY 2013	CY 2014
49 CFR 393.203				1
49 CFR 393.205	1		1	2
49 CFR 393.207	4	2	15	22
49 CFR 393.209	1		7	
49 CFR 396.3	14	11	17	19
49 CFR 396.5	6	4	1	3
49 CFR 396.9			1	2
49 CFR 396.11		1	3	1
CCM 5		1	2	1
CCM 6.04	49	394	546	600
CCM 10.20.010		1		
CCM 12.42			1	3
CCM 13.04	43	45	72	186
CCM 13.22.030				1
CCM 16.04				4
CCM 19.52	33	28	53	50
CCM 20.04.010		2		
HAR 3-111-14		2		
HAR 4		11	10	14
HAR 11-60.1		9	4	3
HAR 13-7-5				3
HAR 13-29-2				1
HAR 13-30-2	7	5	2	5
HAR 13-31-3			2	
HAR 13-32-2	1	2	7	
HAR 13-33-2			2	2
HAR 13-34-2		5	8	4
HAR 13-35-2	3	1	6	2
HAR 13-36-2		9		3
HAR 13-37-2		2	4	3
HAR 13-38-3	2	7	7	2
HAR 13-47-2		1		
HAR 13-48-3	4		7	3
HAR 13-51-2	9	3	14	12
HAR 13-52-2	1	3		1
HAR 13-54-2				2
HAR 13-55-2		1	1	1
HAR 13-57-2	5			
HAR 13-60-3	7		4	
HAR 13-62-3	1	4	2	
HAR 13-63-2			2	3
HAR 13-74			1	4
HAR 13-75	43	74	72	82
HAR 13-84-1	10	2	6	5

	CY 2011	CY 2012	CY 2013	CY 2014
HAR 13-89-1		5	5	9
HAR 13-90-1(2)	1			
HAR 13-92-1		8	7	10
HAR 13-93-2	2	4		1
HAR 13-94-8				2
HAR 13-95	29	115	62	148
HAR 13-95.1-20(a)				1
HAR 13-99-1	1			
HAR 13-100-2		5		
HAR 13-104	5	6	25	16
HAR 13-105-3(a)		1		3
HAR 13-121-3		5		3
HAR 13-122		4	19	6
HAR 13-123	41	70	103	108
HAR 13-124-3	1		1	5
HAR 13-125-5			1	
HAR 13-126	3	14	28	13
HAR 13-130			1	8
HAR 13-146	172	379	599	398
HAR 13-209-4		6	12	16
HAR 13-230-4		2		
HAR 13-231	1		9	4
HAR 13-232	6	15	19	37
HAR 13-233	18	6	17	5
HAR 13-234-34	1	1	5	2
HAR 13-235-16(a)				1
HAR 13-241	27	31	35	40
HAR 13-242-15		2		
HAR 13-243-1	11	14	14	13
HAR 13-244	19	21	7	11
HAR 13-245	25	44	39	18
HAR 13-251	1	1	6	3
HAR 13-252-6				1
HAR 13-254-14(a)		2		
HAR 13-256		6	17	21
HAR 13-257-3(b)				1
HAR 13-261	1	2	10	7
HAR 15-210-13(b)(6)				1
HAR 19-13	1		25	34
HAR 19-14	29	30	57	74
HAR 19-15.1		10	25	3
HAR 19-17.1		1	23	27
HAR 19-20.1	48	113	164	138
HAR 19-26.1-5			1	4
HAR 19-30	4	16	7	
HAR 19-33-3(a)				1

	CY 2011	CY 2012	CY 2013	CY 2014
HAR 19-37				10
HAR 19-38.1	1			3
HCC 4-15	9	2	1	
HCC 4-18	1	4	6	1
HCC 4-19		2	1	2
HCC 4-24(a)			1	
HCC 4-29	4	3	5	3
HCC 4-31	66	74	113	61
HCC 13-9		2		
HCC 14-1	108	94	169	104
HCC 14-8				1
HCC 14-21	15	23	13	12
HCC 14-33	1	1		
HCC 14-75		1		4
HCC 15-5		1		
HCC 15-8	131	174	231	266
HCC 15-16	10	9	12	16
HCC 15-18				2
HCC 15-21		3		2
HCC 15-24			1	
HCC 15-25				2
HCC 15-30	2	1	2	
HCC 15-31		1		
HCC 15-39		6	5	15
HCC 15-42		1		
HCC 15-43(a)	1		15	8
HCC 15-44				2
HCC 20-2(a)			1	2
HCC 20-3		1		4
HCC 20-41			1	
HCC 21		1		
HCC 24-167.1(b)			1	
HCC 26-4		1		
HCC 26-17.1	1	1	1	
HCC 26-19		5	1	
HCC 29-5(c)		1		
HRS 132D-3				1
HRS 132D-4		2	5	1
HRS 132D-5	11	36	40	51
HRS 132D-7	2	7	3	
HRS 134-2	14	9	56	22
HRS 134-3	18	23	66	42
HRS 134-4	1	1	14	7
HRS 134-7		5	9	2
HRS 134-8(c)			8	1

	CY 2011	CY 2012	CY 2013	CY 2014
HRS 134-10	2	1	4	2
HRS 134-16	6	5	11	16
HRS 134-17	39	28		
HRS 134-27		11	61	28
HRS 134-51(a)	34	48	54	90
HRS 134-52(a)	10	10	12	14
HRS 134-53(a)	11	13	16	19
HRS 136-2	1			1
HRS 142-4		1		
HRS 142-8		1		
HRS 142-61				1
HRS 142-68				1
HRS 142-74		1		3
HRS 143-2.6		1		
HRS 183D-21	18	22	9	18
HRS 183D-25	2	1		2
HRS 183D-26	11	8	5	2
HRS 183D-27	7		2	
HRS 188-35	2			1
HRS 188-40.7(a)		1	1	
HRS 188-57		1		
HRS 188-58.5(a)				5
HRS 189-10(a)				1
HRS 189-2	12	34	15	2
HRS 189-11		1	3	1
HRS 200-10(a)(1)(2)	1			1
HRS 200-31				1
HRS 200-37.5(a)(1)				2
HRS 200-62		2	2	2
HRS 231-35	12	13	12	
HRS 249-13	2	1	2	
HRS 261-21(a)			2	
HRS 264-101	5	9		6
HRS 264-6	1			
HRS 281-3		7	5	
HRS 281-4		2	2	
HRS 281-78	108	148	50	86
HRS 281-84	12	15	9	21
HRS 281-101	167	88		1
HRS 281-101.5	130	248	301	274
HRS 286-8			2	2
HRS 286-29			1	
HRS 286-30	698	634	531	509
HRS 286-43	15	12	7	17
HRS 286-44	2	3		2
HRS 286-57		1		

	CY 2011	CY 2012	CY 2013	CY 2014
HRS 286-102	17,656	18,013	19,588	23,479
HRS 286-122	6	3	1	3
HRS 286-130			1	1
HRS 286-131	37	10	21	40
HRS 286-132	3,302	3,373	3,903	4,726
HRS 286-133	412	447	630	723
HRS 286-134	3	2	10	8
HRS 286-214		2	1	4
HRS 286-232	3	2	2	4
HRS 286-235	15	12	12	14
HRS 287-4	13	3	1	5
HRS 287-41		5	3	10
HRS 287-44	1	5	2	1
HRS 291-2	894	1,023	917	1,049
HRS 291-3.1	484	447	458	476
HRS 291-3.2	202	229	155	207
HRS 291-3.3	47	68	64	67
HRS 291-4.6	4	1	3	5
HRS 291-12	923	1,072	1,405	1,534
HRS 291-17			1	16
HRS 291-31(a)		1		
HRS 291-31.5	128	193	121	134
HRS 291-52.7	1	8		4
HRS 291C-12.6	88	85	96	95
HRS 291C-13	1,084	1,064	1,048	1,038
HRS 291C-14		1		
HRS 291C-18	8	1	19	10
HRS 291C-22		1	1	1
HRS 291C-23	96	101	119	118
HRS 291C-27		6	585	403
HRS 291C-37			3	
HRS 291C-103	268	305	283	286
HRS 291C-104		2	9	1
HRS 291C-105(a)	4,395	3,631	3,573	3,829
HRS 291C-137		1	577	7,995
HRS 291C-204	8	1	4	14
HRS 291C-205	5	8	3	4
HRS 291E-15	247	200	398	372
HRS 291E-47	6	1	1	
HRS 291E-61	7,915	8,484	7,844	7,298
HRS 291E-62	1,503	2,102	2,496	2,960
HRS 291E-64(a)	64	57	57	61
HRS 291E-65	5	16	12	12
HRS 291E-66(a)			3	2
HRS 291E-68	234	531	587	614
HRS 302A-1152	1		1	

	CY 2011	CY 2012	CY 2013	CY 2014
HRS 328J-3	1	1	3	5
HRS 328J-6		9	6	
HRS 329C-2	7	4	4	9
HRS 339-4(a)		4	20	10
HRS 342D-50(a)				1
HRS 342F-9(a)		1		
HRS 342H-39(a)		1		
HRS 342J-9(c)(3)			1	
HRS 431:10C	28,572	28,043	28,414	33,841
HRS 431:10G-102	444	633	539	524
HRS 439-2(a)	8	20	1	
HRS 439-22	1			
HRS 445-112				1
HRS 445-112.5		1		
HRS 445-134.11			1	
HRS 445-134.13			4	
HRS 445-135			1	
HRS 445-172		3	3	1
HRS 445-233(a)(d)(f)			12	
HRS 452-2(a)	34	38	17	
HRS 486-75	4	4	3	6
HRS 486-77(a)	4	4	2	
HRS 486M-2		15	14	27
HRS 486M-4		3		
HRS 486M-7		4		
HRS 586-4	9	13	20	9
HRS 586-11	28	44	98	54
HRS 604-10.5	61	174	331	302
HRS 707-704	13	4	1	5
HRS 707-706	41	32	19	24
HRS 707-712	1,559	1,542	1,273	994
HRS 707-712.5(1)(a)				1
HRS 707-712.6	19	32	44	63
HRS 707-714	33	28	74	59
HRS 707-714.5		1		
HRS 707-717	311	315	332	348
HRS 707-722	27	9	12	15
HRS 707-727	1	5	6	5
HRS 707-733	87	96	82	109
HRS 707-734	26	27	34	30
HRS 707-767	4			
HRS 708-812	42	33	5	12
HRS 708-812.6(3)		1		
HRS 708-813	95	212	409	677
HRS 708-814	240	289	638	762
HRS 708-814.5	1	3	7	7

	CY 2011	CY 2012	CY 2013	CY 2014
HRS 708-815	22	231	1,614	2,621
HRS 708-822	19	83	89	110
HRS 708-823	23	270	534	532
HRS 708-823.5				5
HRS 708-824			1	
HRS 708-826	2	1	3	1
HRS 708-827	6	22	7	13
HRS 708-828		1	1	1
HRS 708-829	193	207	250	281
HRS 708-832	636	855	878	831
HRS 708-833	2,350	2,624	2,852	2,446
HRS 708-833.5	256	223	196	275
HRS 708-836.6	55	64	63	69
HRS 708-837	2	6	10	8
HRS 708-837.5			1	
HRS 708-838(1)				1
HRS 708-839				3
HRS 708-839.5(5)		1		1
HRS 708-853	8	6	13	3
HRS 708-856(1)(a)			1	
HRS 708-857	22	24	27	11
HRS 708-871			1	
HRS 708-872			2	
HRS 708-874			26	
HRS 708-895.7		1		
HRS 708-8100	38	56	33	26
HRS 708-8254	9	6	6	5
HRS 708-8300(1)			6	
HRS 709-904	12	11	11	16
HRS 709-905		2	1	
HRS 709-906	157	148	129	79
HRS 710-1010	35	41	40	35
HRS 710-1010.5	40	20	26	27
HRS 710-1011	2		1	1
HRS 710-1012	1	2		
HRS 710-1014	2	3	4	3
HRS 710-1014.5	49	22	28	47
HRS 710-1015	38	28	25	32
HRS 710-1016	1		1	
HRS 710-1016.4	4			
HRS 710-1016.7	6	6	2	8
HRS 710-1017	13	2	20	1
HRS 710-1026	242	229	206	216
HRS 710-1027	100	124	109	89
HRS 710-1030	9	20	11	13
HRS 710-1061			3	7

	CY 2011	CY 2012	CY 2013	CY 2014
HRS 710-1063	27	16	28	24
HRS 710-1072	4	1	1	
HRS 710-1076(1)(a)			1	1
HRS 710-1077	4,062	4,141	4,169	4,971
HRS 711-1101	1,063	1,331	1,426	1,757
HRS 711-1102	9	6	14	15
HRS 711-1105	6	54	59	64
HRS 711-1106	975	1,008	1,126	1,113
HRS 711-1106.5	22	19	23	7
HRS 711-1106.6	15		4	
HRS 711-1109	479	26	71	93
HRS 711-1111	2	5	4	3
HRS 712-1200	275	293	205	252
HRS 712-1204	2			
HRS 712-1206			9	8
HRS 712-1207	35	52	45	15
HRS 712-1209(1)			2	
HRS 712-1211				1
HRS 712-1217	153	171	173	175
HRS 712-1222	7	21	2	1
HRS 712-1223	13	29	4	
HRS 712-1225(1)(a)		4		
HRS 712-1226	64	29	36	28
HRS 712-1246.5	56	60	72	63
HRS 712-1248	54	46	79	47
HRS 712-1249	933	1,020	978	1,084
HRS 712-1250	34	15	6	16
HRS 712-1250.5		1	92	78
HRS 803-6(e)	988	1,164	1,479	1,640
HRS 844D-31(a)				3
HRS 844D-111		8	5	5
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KCC 8-17.1			6	4
KCC 19-1.4		1	6	4
KCC 19-2.3	37	18	11	30
KCC 19-2.7				1
KCC 22-3.5			2	1
KCC 22-3.9			1	
KCC 22-4.4	2	2	2	3
KCC 22-10.5			4	1
KCC 22-14.1	8	2		
KCC 22-15.5		1		
KCC 22-17.3	22	49	94	72
KCC 22-18.3			1	3
KCC 22-21.2				1
KCC 22-25.3				6

	CY 2011	CY 2012	CY 2013	CY 2014
KCC 23-3.6(a)				1
ORD 14-26				126
ORD 14-27				15
ORD 14-28				2
ROH 1-3.2	4	6	4	3
ROH 7-1.2	14	27	24	24
ROH 7-2.3	64	86	71	19
ROH 7-2.4			3	
ROH 7-2.5	7	12	11	4
ROH 7-3.1(a)		2	1	3
ROH 7-4.2	112	115	99	92
ROH 7-4.9		1	1	3
ROH 7-6.2		1		1
ROH 7-6.6	5		1	
ROH 7-7.2	12	47	45	115
ROH 9-1.4(a)(3)		2		
ROH 9-1.6			2	4
ROH 10(b)(9)				8
ROH 10-1.2	4,754	5,233	7,565	7,959
ROH 10-1.3	5	55	5	28
ROH 10-1.7			3	12
ROH 12-1.8(a)		1		2
ROH 12-1.9(a)	10	7	16	37
ROH 12-1.10(c)(2)	1	3	5	2
ROH 12-1.12	79	64	76	158
ROH 12-1.14	1	2		3
ROH 12-1.16	1	2	3	1
ROH 12-1.20		1		
ROH 12-2.5(a)		1		
ROH 12-4.1				1
ROH 12-4.4	85	89	130	207
ROH 12-4.5				1
ROH 12-4.6		3		
ROH 15-4.2		1		6
ROH 15-13.6	3	5		
ROH 15-24.2	1			
ROH 18-3.1(a)		2		
ROH 20-6.2		27	23	28
ROH 20-6.8	1	15	1	
ROH 29-4.4(a)(3)				1
ROH 29-6A	7	19	24	46
ROH 29-6.1			2	2
ROH 29-6.2	16	80	85	112
ROH 29-8.1	2	2	4	12

	CY 2011	CY 2012	CY 2013	CY 2014
ROH 29-10.1			4	
ROH 29-11.11			4	11
ROH 29-12.4(a)				1
ROH 29-13.2	2	2	20	17
ROH 29-16.3(a)				1
ROH 29-18.1(a)		3		
ROH 40-1.2	2,349	2,214	1,782	1,888
ROH 40-1.3			1	
ROH 40-3.1	4			
ROH 40-5.2				2
ROH 40-6.1(a)				4
ROH 40-10.2(b)				1
ROH 40-12.2(a)		3		
ROH 40-15.3	1	1		
ROH 40-23.2	5	7	20	20
ROH 41-8.3	3	9	11	14
ROH 41-21.2	5		25	745
ROH 41-21.4(c)			1	
ROH 41-21.5			1	8
ROH 41-31.1(a)(2)	546	643	495	458
SLH 2004, Act 84	51	49	64	49
SLH 2008, Act 77		1		
SLH 2010, Act 75			3	6
SLH 2012, ACT 318, Section 2		171	47	
SLH 2013, Act 74		1	6,568	2,638
SLH 2014, Act 50				15
Shaded rows indicate subordinate codes have been summed into the top code				

Appendix B

Appendix C

Subcommittee Reports Analysis, Findings, and Possible Actions

HAR – Hawai‘i Administrative Rules

HCC – Hawai‘i County Code

HRS – Hawai‘i Revised Statutes

CCM – County Code of Maui

ROH – Revised Ordinances of Honolulu
(City & County)

Note: Kauai County Code is not included
because no sections were identified for possible
changes

Subcommittee 1 – Michelle Aagsalda, Jeen Hee Kwak Pang, Jerry A. Villanueva

The following is a list of Honolulu Ordinances that may be considered for decriminalization:

Ordinance	Description	Classification	Possible Action
ROH 7-2.10	Animal Nuisances	PM	Amend to IN
ROH 7-4.9	Regulation of Dogs	PM	Amend to IN
ROH 7-6.8	Cat Identification Program	VL	Amend to IN
ROH Chapter 9	Collection and Disposal of Refuse (Entire Chapter) - Article 5 contains the enforcement and penalties. Article 6 provisions for arrest	civil fines but citation and arrest per Art. 6	Amend to IN
ROH 10-1.6	Use of Public Parks, Playgrounds, Beaches and Other Public Areas	PM	Amend to IN
ROH 12-1.17	Taxicabs	MD	Amend to IN
ROH 13-2.8	Island Wide Fare Structure - counterfeiting or using counterfeit tokens or coupons	MD	Amend to IN
ROH 13-3.5	Activities Prohibited on Public Conveyances	MD	Amend to IN
ROH 15-4.6	Use of Bicycles, skateboards, roller skates and similar devices	VL officer may arrest	Amend to IN
ROH 15-13.6	Selling on highways restricted	PM	Amend to IN
ROH 15-13.14	Stripping of motor vehicles	PM	Amend to IN
ROH 15-19.1	Vehicle Equipment - Scope and effect of regulations	MD	Amend to IN
ROH 15-24.20	Parades	PM	Amend to IN
ROH 29-2.2	Lei Selling	VL	Amend to IN
ROH 29-4.8	Litter Control	PM	Amend to IN
ROH 29-5.2	Use of Streets and Sidewalks by Solicitors and Canvassers	PM	Amend to IN
ROH 29-6.4	Peddler's License	VL	Amend to IN
ROH 29-6A-6	Peddling by Merchant of a store on Chinatown Sidewalk or Mall, College Walk Mall, Sun Yat Sen Mall, and Historic Moiliili Sidewalk	PM	Amend to IN
ROH 29-7.5	Handbilling in the Waikiki Special Design District	Fine with court summons	Amend to IN
ROH 29-8.11	Structures on, Above or Below a Public Sidewalk	MD	Amend to IN
ROH 29-10.5	Use of Malls	PM	Amend to IN
ROH 29-11.14	Publication Dispensing Racks in Waikiki	VL	Amend to IN
ROH 29-12.14	Charitable Sales Activities on Public Places	PM	Amend to IN
ROH 29-13.3	Use of Animals in Solicitations in the Waikiki Special District	PM	Amend to IN
ROH 29-17.3	Aggressive Panhandling	VL	Amend to IN
ROH 29-18.5	Use of Sidewalk for Pedestrian Use	VL	Amend to IN
ROH 29-____	Sitting or Lying on Public Sidewalks in the Waikiki Special District	PM	Amend to IN
ROH 29-___.3	Sitting or Lying on Public Sidewalks Outside of the Waikiki Special District	PM	Amend to IN
ROH 40-1.3	Use of Intoxicating Liquors in Certain Public Places	PM	Amend to IN
ROH 40-7.4	Use of Amplifying Device in Public Buildings	VL	Amend to IN
ROH 40-8.2	Sale of Toilets and Urinals	VL	Amend to IN
ROH 40-9.2	Sale of Showerheads and Faucets	VL	Amend to IN
ROH 40-10.4	Advertisement and Distribution of Cigarettes and Tobacco Products	VL	Amend to IN
ROH 40-12.2	Graffiti Damage to Public Property	VL	Amend to IN

Subcommittee 1 – Michelle Agsalda, Jeen Hee Kwak Pang, Jerry A. Villanueva

The following is a list of Honolulu Ordinances that may be considered for decriminalization:

ROH 40-18.3	Bidi Cigarette Prohibitions	VL	Amend to IN
ROH 40-19.4	Advertisement of Intoxicating Liquor and Liquor Products	VL	Amend to IN
ROH 40-__4	Urinating or Defecating in Public Prohibited	PM	Amend to IN
ROH 41-5.2	Noises in Vicinity of Hospitals	MD	Amend to IN
ROH 41-7.1	Operation of Certain Amusements Facilities	VL	Amend to IN
ROH 41-12.9	Bicycles	VL	Amend to IN
ROH 41-14.4	Vehicular Advertising	PM	Amend to IN
ROH 41-21.5	Smoking	VL	Amend to IN
ROH 41-27.4	Polystyrene Foam Containers	VL	Amend to IN
ROH 41-28.6	Parking Space Reserved for Persons with Disabilities	VL	Amend to IN
ROH 41-31.3	Noise Control	graduated fine or forfeiture	Amend to IN
ROH 41-32.4	Loitering in Public School Premises	VL	Amend to IN
ROH 41-33.6	Regulated Use of Uniforms By Private Security Personnel	MD	Amend to IN
ROH 41-34.6	Sound Levels of the Waikiki Shell	VL	Amend to IN

Subcommittee 2 - Albert Cook, Jason Say, John Kim, Justin Kollar

The following is a list of Maui Ordinances, Hawaii Administrative Rules, Hawaii Ordinances, and Hawaii Revised Statutes that may be considered for decriminalization:

Offense Number	Description	Classification	Possible Action
HRS 189-2	Commercial marine license	VL	Amend to IN
HRS 189-10	Commercial marine dealers	VL	Amend to IN
HRS 189-11	Commercial marine dealers receipts	VL	Amend to IN
HRS 200-10(a)(1)(2)	Small boat permits	VL	Amend to IN
HRS 200-31	Boat registration	VL	Amend to IN
HRS 200-37.5(a)(1)	Emergency radio required	VL	Amend to IN
HRS 249-13	Determination of rate (for trucks)	PM	Amend to IN
HRS 291-31(a)	Tail lights	VL	Amend to IN
HRS 302A-1152	Unauthorized vehicles on school or public library grounds	VL	Amend to IN
CCM 13.04.044(7)	Alcohol Prohib - Kamaole Park	VL	Amend to IN
CCM 19.52.090(F)	Drinking in public	PM	Amend to IN
HAR 13-123-24(2)	Preservation of public and private property trash	PM	Amend to IN
HAR 13-146-10(a)	Animals stray	PM	Amend to IN
HAR 13-146-12(a)	Audio devices noise	PM	Amend to IN
HAR 13-146-25(b)	Possession of alcohol	PM	Amend to IN
HAR 13-146-35(a)	Littering	PM	Amend to IN
HAR 19-14-3.1(7)	Possess alcoholic beverages	MD	Amend to IN
HAR 19-14-3(g)	Possess alcoholic beverages	MD	Amend to IN
HAR 19-20.1-23(a)	Profanity/Rough behavior/Play music	MD	Amend to IN
HCC 14-1	Liquor prohibited	PM	Amend to IN
HCC 14-1	Liquor prohibited	VL	Amend to IN
HCC 14-1(a)(1)	Liquor prohibited highways sidewalks breakwaters	PM	Amend to IN
HCC 14-1(a)(1)	Liquor prohibited highways sidewalks breakwaters	VL	Amend to IN
HCC 14-1(a)(2)	Liquor prohibited public parking lots	PM	Amend to IN
HCC 14-1(a)(2)	Liquor prohibited public parking lots	VL	Amend to IN
HCC 14-1(a)(3)	Liquor prohibited schools	PM	Amend to IN
HCC 14-1(a)(3)	Liquor prohibited schools	VL	Amend to IN
HCC 14-1(a)(4)	Liquor prohibited areas contiguous to schools	PM	Amend to IN
HCC 14-1(a)(4)	Liquor prohibited areas contiguous to schools	VL	Amend to IN
HCC 14-1(a)(5)	Liquor prohibited parks	PM	Amend to IN
HCC 14-1(a)(5)	Liquor prohibited parks	VL	Amend to IN
HCC 14-1(a)(6)	Liquor prohibited Pahoia parcel 24	PM	Amend to IN
HCC 14-1(a)(6)	Liquor prohibited Pahoia parcel 24	VL	Amend to IN
HCC 14-1(a)(7)	Liquor prohibited (South Hilo)	PM	Amend to IN
HCC 14-1(a)(7)	Liquor prohibited (South Hilo)	VL	Amend to IN
HCC 14-1(a)(7)(A)	Liquor prohibited Ainaola Park	PM	Amend to IN
HCC 14-1(a)(7)(A)	Liquor prohibited Ainaola Park	VL	Amend to IN
HCC 14-1(a)(7)(B)	Liquor prohibited Clem Akina Park	PM	Amend to IN
HCC 14-1(a)(7)(B)	Liquor prohibited Clem Akina Park	VL	Amend to IN
HCC 14-1(a)(7)(C)	Liquor prohibited Ahulani Park	PM	Amend to IN
HCC 14-1(a)(7)(C)	Liquor prohibited Ahulani Park	VL	Amend to IN
HCC 14-1(a)(7)(D)	Liquor prohibited Waiakea Peninsula	PM	Amend to IN
HCC 14-1(a)(7)(D)	Liquor prohibited Waiakea Peninsula	VL	Amend to IN
HCC 14-1(a)(7)(E)	Liquor prohibited Drag Strip, Hilo	PM	Amend to IN
HCC 14-1(a)(7)(E)	Liquor prohibited Drag Strip, Hilo	VL	Amend to IN
HCC 14-1(a)(7)(F)	Liquor prohibited Kalakaua Park	PM	Amend to IN
HCC 14-1(a)(7)(F)	Liquor prohibited Kalakaua Park	VL	Amend to IN
HCC 14-1(a)(7)(G)	Liquor prohibited Kaumana Caves	PM	Amend to IN

Subcommittee 2 - Albert Cook, Jason Say, John Kim, Justin Kollar

The following is a list of Maui Ordinances, Hawaii Administrative Rules, Hawaii Ordinances, and Hawaii Revised Statutes that may be considered for decriminalization:

HCC 14-1(a)(7)(G)	Liquor prohibited Kaumana Caves	VL	Amend to IN
HCC 14-1(a)(7)(H)	Liquor prohibited Keikiland	PM	Amend to IN
HCC 14-1(a)(7)(H)	Liquor prohibited Keikiland	VL	Amend to IN
HCC 14-1(a)(7)(I)	Liquor prohibited Lanakila Center	PM	Amend to IN
HCC 14-1(a)(7)(I)	Liquor prohibited Lanakila Center	VL	Amend to IN
HCC 14-1(a)(7)(J)	Liquor prohibited Lincoln Park	PM	Amend to IN
HCC 14-1(a)(7)(J)	Liquor prohibited Lincoln Park	VL	Amend to IN
HCC 14-1(a)(7)(K)	Liquor prohibited Lokahi Park	PM	Amend to IN
HCC 14-1(a)(7)(K)	Liquor prohibited Lokahi Park	VL	Amend to IN
HCC 14-1(a)(7)(L)	Liquor prohibited Mooheau Park	PM	Amend to IN
HCC 14-1(a)(7)(L)	Liquor prohibited Mooheau Park	VL	Amend to IN
HCC 14-1(a)(7)(M)	Liquor prohibited Panaewa Park	PM	Amend to IN
HCC 14-1(a)(7)(M)	Liquor prohibited Panaewa Park	VL	Amend to IN
HCC 14-1(a)(7)(N)	Liquor prohibited Honolii Beach Park	PM	Amend to IN
HCC 14-1(a)(7)(N)	Liquor prohibited Honolii Beach Park	VL	Amend to IN
HCC 14-1(a)(7)(O)	Liquor prohibited Richardson Park	PM	Amend to IN
HCC 14-1(a)(7)(O)	Liquor prohibited Richardson Park	VL	Amend to IN
HCC 14-1(a)(7)(P)	Liquor prohibited Skeet and Trap Range	PM	Amend to IN
HCC 14-1(a)(7)(P)	Liquor prohibited Skeet and Trap Range	VL	Amend to IN
HCC 14-1(a)(7)(Q)	Liquor prohibited Waiakea Recreation Center	PM	Amend to IN
HCC 14-1(a)(7)(Q)	Liquor prohibited Waiakea Recreation Center	VL	Amend to IN
HCC 14-1(a)(7)(R)	Liquor prohibited South Hilo Waiakea-Waena Playground	PM	Amend to IN
HCC 14-1(a)(7)(R)	Liquor prohibited South Hilo Waiakea -Waena Playground	VL	Amend to IN
HCC 14-1(a)(7)(S)	Liquor prohibited South Hilo Waiolama Canal Archery/Joggin	PM	Amend to IN
HCC 14-1(a)(7)(S)	Liquor prohibited South Hilo Waiolama Canal Archery/Joggin	VL	Amend to IN
HCC 14-1(a)(7)(T)	Liquor prohibited Zoo Panaewa Rainforest	PM	Amend to IN
HCC 14-1(a)(7)(T)	Liquor prohibited Zoo Panaewa Rainforest	VL	Amend to IN
HCC 14-1(a)(7)(U)	Liquor prohibited cemeteries	PM	Amend to IN
HCC 14-1(a)(7)(U)	Liquor prohibited cemeteries	VL	Amend to IN
HCC 14-1(a)(7)(V)	Liquor prohibited swimming pools	PM	Amend to IN
HCC 14-1(a)(7)(V)	Liquor prohibited swimming pools	VL	Amend to IN
HCC 14-1(a)(7)(W)	Liquor prohibited tennis courts	PM	Amend to IN
HCC 14-1(a)(7)(W)	Liquor prohibited tennis courts	VL	Amend to IN
HCC 14-1(a)(7)(X)	Liquor prohibited Bakers Beach	VL	Amend to IN
HCC 14-1(a)(7)(X)	Liquor prohibited Bakers Beach	PM	Amend to IN
HCC 14-1(a)(7)(Y)	Liquor prohibited Hualani Park	PM	Amend to IN
HCC 14-1(a)(7)(Y)	Liquor prohibited Hualani Park	VL	Amend to IN
HCC 14-1(a)(7)(Z)	Liquor prohibited Mohouli Park	PM	Amend to IN
HCC 14-1(a)(7)(Z)	Liquor prohibited Mohouli Park	VL	Amend to IN
HCC 14-1(a)(7)(AA)	Liquor prohibited Waiolena and Waiuli Beach Parks	VL	Amend to IN
HCC 14-1(a)(7)(AA)	Liquor prohibited Waiolena and Waiuli Beach Parks	PM	Amend to IN
HCC 14-1(a)(8)	Liquor prohibited - North/South Kona	PM	Amend to IN
HCC 14-1(a)(8)	Liquor prohibited - North/South Kona	VL	Amend to IN
HCC 14-1(a)(8)(A)	Liquor prohibited Kailua Playground	PM	Amend to IN
HCC 14-1(a)(8)(A)	Liquor prohibited Kailua Playground	VL	Amend to IN
HCC 14-1(a)(8)(B)	Liquor prohibited Kuemanu Heiau	PM	Amend to IN
HCC 14-1(a)(8)(B)	Liquor prohibited Kuemanu Heiau	VL	Amend to IN
HCC 14-1(a)(8)(C)	Liquor prohibited Kailua Park	PM	Amend to IN
HCC 14-1(a)(8)(C)	Liquor prohibited Kailua Park	VL	Amend to IN
HCC 14-1(a)(8)(D)	Liquor prohibited swimming pools	PM	Amend to IN

Subcommittee 2 - Albert Cook, Jason Say, John Kim, Justin Kollar

The following is a list of Maui Ordinances, Hawaii Administrative Rules, Hawaii Ordinances, and Hawaii Revised Statutes that may be considered for decriminalization:

HCC 14-1(a)(8)(D)	Liquor prohibited swimming pools	VL	Amend to IN
HCC 14-1(a)(8)(E)	Liquor prohibited tennis courts	PM	Amend to IN
HCC 14-1(a)(8)(E)	Liquor prohibited tennis courts	VL	Amend to IN
HCC 14-1(a)(8)(F)	Liquor prohibited Higashihara Park	PM	Amend to IN
HCC 14-1(a)(8)(F)	Liquor prohibited Higashihara Park	VL	Amend to IN
HCC 14-1(a)(8)(G)	Liquor prohibited Hillcrest Park	PM	Amend to IN
HCC 14-1(a)(8)(G)	Liquor prohibited Hillcrest Park	VL	Amend to IN
HCC 14-1(a)(8)(H)	Liquor prohibited Kona Scenic Park	PM	Amend to IN
HCC 14-1(a)(8)(H)	Liquor prohibited Kona Scenic Park	VL	Amend to IN
HCC 14-1(a)(8)(I)	Liquor prohibited Laaloa Bay Beach Park	VL	Amend to IN
HCC 14-1(a)(8)(I)	Liquor prohibited Laaloa Bay Beach Park	PM	Amend to IN
HCC 14-1(a)(9)	Liquor prohibited - Kau	PM	Amend to IN
HCC 14-1(a)(9)	Liquor prohibited - Kau	VL	Amend to IN
HCC 14-1(a)(9)(A)	Liquor prohibited Pahala School Ground	PM	Amend to IN
HCC 14-1(a)(9)(A)	Liquor prohibited Pahala School Ground	VL	Amend to IN
HCC 14-1(a)(9)(B)	Liquor prohibited swimming pools	PM	Amend to IN
HCC 14-1(a)(9)(B)	Liquor prohibited swimming pools	VL	Amend to IN
HCC 14-1(a)(9)(C)	Liquor prohibited tennis courts	PM	Amend to IN
HCC 14-1(a)(9)(C)	Liquor prohibited swimming pools	VL	Amend to IN
HCC 14-1(a)(10)	Liquor prohibited - Puna	PM	Amend to IN
HCC 14-1(a)(10)	Liquor prohibited - Puna	VL	Amend to IN
HCC 14-1(a)(10)(A)	Liquor prohibited Glenwood Park	PM	Amend to IN
HCC 14-1(a)(10)(A)	Liquor prohibited Glenwood Park	VL	Amend to IN
HCC 14-1(a)(10)(B)	Liquor prohibited Kalapana Playground	PM	Amend to IN
HCC 14-1(a)(10)(B)	Liquor prohibited Kalapana Playground	VL	Amend to IN
HCC 14-1(a)(10)(C)	Liquor prohibited tennis courts	PM	Amend to IN
HCC 14-1(a)(10)(C)	Liquor prohibited tennis courts	VL	Amend to IN
HCC 14-1(a)(11)	Liquor prohibited - North Hilo/Hamakua	PM	Amend to IN
HCC 14-1(a)(11)	Liquor prohibited - North Hilo/Hamakua	VL	Amend to IN
HCC 14-1(a)(11)(A)	Liquor prohibited Laupahoehoe Playground	PM	Amend to IN
HCC 14-1(a)(11)(A)	Liquor prohibited Laupahoehoe Playground	VL	Amend to IN
HCC 14-1(a)(11)(B)	Liquor prohibited swimming pools	PM	Amend to IN
HCC 14-1(a)(11)(B)	Liquor prohibited swimming pools	VL	Amend to IN
HCC 14-1(a)(11)(C)	Liquor prohibited tennis courts	PM	Amend to IN
HCC 14-1(a)(11)(C)	Liquor prohibited tennis courts	VL	Amend to IN
HCC 14-1(a)(11)(D)	Liquor prohibited Waipio Lookout	PM	Amend to IN
HCC 14-1(a)(11)(D)	Liquor prohibited Waipio Lookout	VL	Amend to IN
HCC 14-1(a)(12)	Liquor prohibited - North/South Kohala	PM	Amend to IN
HCC 14-1(a)(12)	Liquor prohibited - North/South Kohala	VL	Amend to IN
HCC 14-1(a)(12)(A)	Liquor prohibited Church Row	PM	Amend to IN
HCC 14-1(a)(12)(A)	Liquor prohibited Church Row	VL	Amend to IN
HCC 14-1(a)(12)(B)	Liquor prohibited swimming pools	PM	Amend to IN
HCC 14-1(a)(12)(B)	Liquor prohibited swimming pools	VL	Amend to IN
HCC 14-1(a)(12)(C)	Liquor prohibited tennis courts	PM	Amend to IN
HCC 14-1(a)(12)(C)	Liquor prohibited tennis courts	VL	Amend to IN
HCC 14-1(a)(12)(D)	Liquor prohibited Waikoloa Highway Park	PM	Amend to IN
HCC 14-1(a)(12)(D)	Liquor prohibited Waikoloa Highway Park	VL	Amend to IN
HCC 14-1(a)(12)(E)	Liquor prohibited Spencer Beach Park	PM	Amend to IN
HCC 14-1(a)(12)(E)	Liquor prohibited Spencer Beach Park	VL	Amend to IN
HCC 15-8	Visting/Closing Hours	PM	Amend to IN

Subcommittee 2 - Albert Cook, Jason Say, John Kim, Justin Kollar

The following is a list of Maui Ordinances, Hawaii Administrative Rules, Hawaii Ordinances, and Hawaii Revised Statutes that may be considered for decriminalization:

	For consideration - severity of the charge may be amended to a violation		
HAR 13-123-24(4)	Preservation of public and private property lighted cigarettes	PM	Amend to VL
CCM 6.04.040(A)	Owner Shall Keep Dog Under Restraint	PM	Amend to VL
CCM 6.04.040(E)(1)	Dog attack to person	PM	Amend to VL
CCM 6.04.040(E)(2)	Attack pet/Endangered animal	PM	Amend to VL
CCM 6.04.040(E)(3)	Dog-Pose threat of injury	PM	Amend to VL
CCM 6.04.040(E)(4)	Threaten pet/endangered animal	PM	Amend to VL
CCM 6.04.046	Dog regs-Dangerous dog	PM	Amend to VL
CCM 6.04.046(C)(1)	Dangerous dog-owner inform humane society address where d	PM	Amend to VL
CCM 6.04.046(C)(2)	Dangerous Dog Ownership	PM	Amend to VL
CCM 6.04.046(C)(2)	Dangerous Dog-Structure	PM	Amend to VL
CCM 6.04.046(C)(2)	Dang. Dog Confined-Fence	PM	Amend to VL
CCM 6.04.046(C)(2)	Dangerous Dog Muzzle/Leash	PM	Amend to VL
CCM 6.04.046(C)(3)	Dangerous Dog-Post signs	PM	Amend to VL
CCM 6.04.046(C)(4)	Dang. Dog - Fail to Inject Micro Chip	PM	Amend to VL
CCM 6.04.046(C)(4)	Fail to Neuter/Spray Dang Dog	PM	Amend to VL
CCM 6.04.046(C)(4)	Evid-Animal Liability Ins	PM	Amend to VL
CCM 6.04.046(C)(5)	Dang. Dog - Fail to Attend & Complete Training Sessions	PM	Amend to VL
CCM 6.04.046(C)(7)	Dangerous Dog-Notify animal control	PM	Amend to VL
HAR 13-75-10	Throw Nets	PM	Amend to VL
HAR 13-75-10(a)	Possess Throw Net <2"	PM	Amend to VL
HAR 13-75-10(b)	Sale of throw net with mesh less than 2"	PM	Amend to VL
HAR 13-75-12(a)	Unattended gill net	PM	Amend to VL
HAR 13-75-12.4	Lay Nets	PM	Amend to VL
HAR 13-75-12.4(a)	Possess lay net	PM	Amend to VL
HAR 13-75-12.4(a)	Possess lay net >125 feel length >7 feet height	PM	Amend to VL
HAR 13-75-12.4(a)	Possess lay net <2 3/4" mesh	PM	Amend to VL
HAR 13-75-12.4(a)	Possess/Use Multipanel Lay Net	PM	Amend to VL
HAR 13-75-12.4(a)	Possess lay net no ID tags	PM	Amend to VL
HAR 13-75-12.4(a)	More than one Lay Net	PM	Amend to VL
HAR 13-75-12.4(b)	Lay net w/o 2 surface buoys	PM	Amend to VL
HAR 13-75-12.4(b)	Lay net w/in 250' of another	PM	Amend to VL
HAR 13-75-12.4(b)	Lay net in water >25' deep	PM	Amend to VL
HAR 13-75-12.4(b)	Use lay net >4 hr or w/in 24hr	PM	Amend to VL
HAR 13-75-12.4(b)	Lay net unattended for >30min	PM	Amend to VL
HAR 13-75-12.4(b)	Stony coral in lay net	PM	Amend to VL
HAR 13-75-12.4(b)	Inspect lay net w/in 2hrs	PM	Amend to VL
HAR 13-75-12.4(b)	Lay net in water >4hrs	PM	Amend to VL
HAR 13-75-12.4(b)	Lay net in freshwater streams	PM	Amend to VL
HAR 13-75-12.4(b)	Lay net btwn sunset/sunrise	PM	Amend to VL
HAR 13-75-12.4(f)	Lay net-Maui	PM	Amend to VL
HAR 13-75-12.4(f)	Lay net btwn Kawaihoa/Keahi Pt	PM	Amend to VL
HAR 13-75-12.5(a)	Molokai use lay net >750 feet length,>7 feet stretch height	PM	Amend to VL
HAR 13-75-12.5(a)	Molokai use lay net stretched mesh <2 3/4 inch	PM	Amend to VL
HAR 13-75-12.5(b)	Molokai possess lay net no ID tags	PM	Amend to VL
HAR 13-75-12.5(b)	Molokai mark lay nets with surface buoys	PM	Amend to VL
HAR 13-75-14	Use of nets with stretched mesh less than 2"	PM	Amend to VL
HAR 13-75-14(7)	Monofilament gill net fishing restrictions	PM	Amend to VL

Subcommittee 2 - Albert Cook, Jason Say, John Kim, Justin Kollar

The following is a list of Maui Ordinances, Hawaii Administrative Rules, Hawaii Ordinances, and Hawaii Revised Statutes that may be considered for decriminalization:

HAR 13-75-15(b)(1)	Use of traps with stretched mesh less than 2"	PM	Amend to VL
HAR 13-75-15(b)(2)	Use of traps with rigid mesh less than 2"	PM	Amend to VL
HAR 13-95-4	Aholehole	PM	Amend to VL
HAR 13-95-5	Manini	PM	Amend to VL
HAR 13-95-6	Moano	PM	Amend to VL
HAR 13-95-7	Kumu	PM	Amend to VL
HAR 13-95-8(a)	Mullet size	PM	Amend to VL
HAR 13-95-8(b)	Mullet season	PM	Amend to VL
HAR 13-95-9	Awa	PM	Amend to VL
HAR 13-95-10	Oio	PM	Amend to VL
HAR 13-95-11	Kala	PM	Amend to VL
HAR 13-95-12	Opelu kala	PM	Amend to VL
HAR 13-95-13(a)	Opakapaka sale	PM	Amend to VL
HAR 13-95-13(b)	Opakapaka spear	PM	Amend to VL
HAR 13-95-14(a)	Onaga sell	PM	Amend to VL
HAR 13-95-14(b)	Onaga spear	PM	Amend to VL
HAR 13-95-15(a)	Uku sell	PM	Amend to VL
HAR 13-95-15(b)	Uku spear	PM	Amend to VL
HAR 13-95-16	Uhu	PM	Amend to VL
HAR 13-95-17(a)	Ahi sell	PM	Amend to VL
HAR 13-95-17(b)	Ahi spear	PM	Amend to VL
HAR 13-95-18	Opelu	PM	Amend to VL
HAR 13-95-19(a)	Akule take	PM	Amend to VL
HAR 13-95-19(b)	Akule sell	PM	Amend to VL
HAR 13-95-20(a)	Iao sell	PM	Amend to VL
HAR 13-95-20(b)	Iao take	PM	Amend to VL
HAR 13-95-21(a)	Nehu sell	PM	Amend to VL
HAR 13-95-21(b)	Nehu take	PM	Amend to VL
HAR 13-95-22(a)	Ulua take	PM	Amend to VL
HAR 13-95-22(b)	Ulua sell	PM	Amend to VL
HAR 13-95-22(c)	Ulua daily take	PM	Amend to VL
HAR 13-95-23(a)	Moi take	PM	Amend to VL
HAR 13-95-23(b)	Moi daily take	PM	Amend to VL
HAR 13-95-23(c)	Mai season	PM	Amend to VL
HAR 13-95-24(a)	Weke take	PM	Amend to VL
HAR 13-95-24(b)	Weke sell	PM	Amend to VL
HAR 13-95-50(a)	Kuhonu crab sell	PM	Amend to VL
HAR 13-95-50(b)	Kuhonu crab take	PM	Amend to VL
HAR 13-95-50(c)	Kuhonu crab spear	PM	Amend to VL
HAR 13-95-50(d)	Kuhonu crab sell speared	PM	Amend to VL
HAR 13-95-51(a)	Kona crab take	PM	Amend to VL
HAR 13-95-51(b)	Kona crab season	PM	Amend to VL
HAR 13-95-51(d)	Kona crab eggs	PM	Amend to VL
HAR 13-95-51(e)	Kona crab spear	PM	Amend to VL
HAR 13-95-51(f)	Kona crab sell speared	PM	Amend to VL
HAR 13-95-52(a)	Samoan crab take	PM	Amend to VL
HAR 13-95-52(b)	Samoan crab spear	PM	Amend to VL
HAR 13-95-52(c)	Samoan crab sell speared	PM	Amend to VL
HAR 13-95-53(a)	Spiny lobster take	PM	Amend to VL
HAR 13-95-53(b)	Spiny lobster season	PM	Amend to VL

Subcommittee 2 - Albert Cook, Jason Say, John Kim, Justin Kollar

The following is a list of Maui Ordinances, Hawaii Administrative Rules, Hawaii Ordinances, and Hawaii Revised Statutes that may be considered for decriminalization:

HAR 13-95-53(c)	Spiny lobster sell	PM	Amend to VL
HAR 13-95-53(d)	Spiny lobster spear	PM	Amend to VL
HAR 13-95-53(e)	Spiny lobster sell speared	PM	Amend to VL
HAR 13-95-54(a)	Slipper lobster take	PM	Amend to VL
HAR 13-95-54(b)	Slipper lobster seasons	PM	Amend to VL
HAR 13-95-54(c)	Slipper lobster sell	PM	Amend to VL
HAR 13-95-54(d)	Slipper lobster spear	PM	Amend to VL
HAR 13-95-54(e)	Slipper lobster sell speared	PM	Amend to VL
HAR 13-95-55	He'e	PM	Amend to VL
HAR 13-95-70(a)	Stony corals take	PM	Amend to VL
HAR 13-95-70(a)(1)	Stony corals take/break	PM	Amend to VL
HAR 13-95-70(a)(2)	Stony corals damage	PM	Amend to VL
HAR 13-95-70(a)(3)	Stony corals sell	PM	Amend to VL
HAR 13-95-70(b)	Stony corals sell	PM	Amend to VL
HAR 13-95-71(a)	Live rocks take	PM	Amend to VL
HAR 13-95-71(a)(1)	Live rocks take/break	PM	Amend to VL
HAR 13-95-71(a)(2)	Live rocks damage	PM	Amend to VL
HAR 13-95-71(a)(3)	Live rocks sell	PM	Amend to VL
HAR 13-95.1-20(a)	Goatfish<12"	PM	Amend to VL
HAR 13-95.1-20(c)	Goatfish/Kumu - limit	PM	Amend to VL
HAR 13-95.1-21(b)	Uhu <14"	PM	Amend to VL
HAR 13-95.1-21(d)	Uhu - bag limit	PM	Amend to VL
HAR 13-123-7	Artificial light prohibited	PM	Amend to VL
HAR 13-123-11	Permitted hunting of certain game mammals w/license	PM	Amend to VL
HAR 13-123-12	Prohibited hunting	PM	Amend to VL
HAR 13-123-12(1)	Prohibited hunting brush-tailed rock-wallaby	PM	Amend to VL
HAR 13-123-12(2)	Prohibited hunting wild cattle	PM	Amend to VL
HAR 13-123-12(3)	Prohibited hunting other game mammals	PM	Amend to VL
HAR 13-123-23	Game mammal hunting - permit tags required	PM	Amend to VL
HAR 13-123-24	Preservation of public and private property	PM	Amend to VL
HAR 13-123-24(1)	Preservation of public and private property damage	PM	Amend to VL
HAR 13-123-24(3)	Preservation of public and private property objects of antiquity	PM	Amend to VL
HAR 13-123-24(5)	Preservation of public and private property ground fires	PM	Amend to VL
HAR 13-123-24(6)	Preservation of public and private property camping	PM	Amend to VL
HAR 13-146-4	Closed Park Area	PM	Amend to VL
HAR 13-146-4(a)	State parks - closed area	PM	Amend to VL
HAR 13-146-4(b)	Unattended MV in closed areas	PM	Amend to VL
HAR 13-146-7	Abandon MV or other property	PM	Amend to VL
HAR 13-146-7(a)	Abandon MV/Property in state park	MD	Amend to VL
HAR 13-146-10(b)	Animals prohibited areas	PM	Amend to VL
HAR 13-146-10(d)	Animals horseback riding	PM	Amend to VL
HAR 13-146-11	Archaeological Act Restr	PM	Amend to VL
HAR 13-146-12	Audio dev/noise restr	PM	Amend to VL
HAR 13-146-12(b)	Audio devices public address system	PM	Amend to VL
HAR 13-146-13	Boating w/o permit	PM	Amend to VL
HAR 13-146-13(a)	Boating operation	PM	Amend to VL
HAR 13-146-13(b)	Boating mooring	PM	Amend to VL
HAR 13-146-14	Camping - no rec trailers	PM	Amend to VL
HAR 13-146-15	Communication equipment w/o permit	PM	Amend to VL
HAR 13-146-16	Disorderly conduct	PM	Amend to VL

Subcommittee 2 - Albert Cook, Jason Say, John Kim, Justin Kollar

The following is a list of Maui Ordinances, Hawaii Administrative Rules, Hawaii Ordinances, and Hawaii Revised Statutes that may be considered for decriminalization:

HAR 13-146-20	Fires - Restrictions	PM	Amend to VL
HAR 13-146-20(a)	Fires non-designated area	PM	Amend to VL
HAR 13-146-20(a)(1)	Fires in Wilderness Permit	PM	Amend to VL
HAR 13-146-20(b)	Fires hazardous burning	PM	Amend to VL
HAR 13-146-20(c)	Fires unattended	PM	Amend to VL
HAR 13-146-20(d)	Fires unextinguished burning material	PM	Amend to VL
HAR 13-146-21	Fishing restrictions	PM	Amend to VL
HAR 13-146-22	Gambling prohib	PM	Amend to VL
HAR 13-146-23	Geological features - Prohib Act	PM	Amend to VL
HAR 13-146-24	Golfing Prohib	PM	Amend to VL
HAR 13-146-25	State parks - Intoxication/Drugs	PM	Amend to VL
HAR 13-146-27	Install memorials	PM	Amend to VL
HAR 13-146-28	Modelcraft/kits prohib	PM	Amend to VL
HAR 13-146-29	State parks-prohib parking	PM	Amend to VL
HAR 13-146-29(c)	Parking posted time limit	PM	Amend to VL
HAR 13-146-29(d)	Parking-Interference	PM	Amend to VL
HAR 13-146-29(e)	Tow impounded vehicle	PM	Amend to VL
HAR 13-146-30	Picnic in non-designated area	PM	Amend to VL
HAR 13-146-31	Portable engine/motor prohib	PM	Amend to VL
HAR 13-146-32(e)	Public property plants	PM	Amend to VL
HAR 13-146-32(g)	Public property introduce animal fish plant	PM	Amend to VL
HAR 13-146-32(h)	Public property metal detecting device	PM	Amend to VL
HAR 13-146-34	Residing w/o permit	PM	Amend to VL
HAR 13-146-35	Sanitation & Litter	PM	Amend to VL
HAR 13-146-35(c)	Wash/Laundry in non-designated area	PM	Amend to VL
HAR 13-146-35(e)	Dispose fish/animal entrails	PM	Amend to VL
HAR 13-146-35(f)	Improper use - Comfort station	PM	Amend to VL
HAR 13-146-35(g)	Urinate/defecate in non-designated area	PM	Amend to VL
HAR 13-146-35(h)	Outside trash	PM	Amend to VL
HAR 13-146-36	Skating/Skateboards/Biking prohib	PM	Amend to VL
HAR 13-146-37	Solicitation prohib	PM	Amend to VL
HAR 13-146-38	Swimming nudity	PM	Amend to VL
HAR 13-146-38(a)	Swim/bathe non-designated area	PM	Amend to VL
HAR 13-146-38(b)	Flotation dev prohib	PM	Amend to VL
HAR 13-146-38(c)	Surfboards prohib	PM	Amend to VL
HAR 13-146-39	Vehicle/Vessel tampering	PM	Amend to VL
HAR 13-146-41	Harm wildlife	PM	Amend to VL
HAR 13-146-50(b)(1)	State park system - permits shall not be transferred	PM	Amend to VL
HAR 13-146-50(d)	Permits	PM	Amend to VL
HAR 13-146-51	Camping permits	PM	Amend to VL
HAR 13-146-52(b)	State park system - Lodging permit	PM	Amend to VL
HAR 13-146-54	Requiring Special use permits	PM	Amend to VL
HAR 13-146-54(a)	State park system - Special Use permits	PM	Amend to VL
HAR 13-146-65	Advertisements	PM	Amend to VL
HAR 13-146-66	Business operations	PM	Amend to VL
HAR 13-146-67(b)	Still photogram permit	PM	Amend to VL
HAR 13-146-68	Commercial activities	PM	Amend to VL
HAR 19-14-3(a)(1)	Fail to wear/display ID	MD	Amend to VL
HAR 19-14-3(a)(2)	Walk outside walkway AOA	MD	Amend to VL
HAR 19-14-3(b)	Enter Airport w/animals/birds	MD	Amend to VL

Subcommittee 2 - Albert Cook, Jason Say, John Kim, Justin Kollar

The following is a list of Maui Ordinances, Hawaii Administrative Rules, Hawaii Ordinances, and Hawaii Revised Statutes that may be considered for decriminalization:

HAR 19-14-3(b)(1)	Animal proh airport terminal building	MD	Amend to VL
HAR 19-14-3(b)(1)	Animal not properly confined	MD	Amend to VL
HAR 19-14-3(b)(2)	Release pigeon/bird prohibited	MD	Amend to VL
HAR 19-14-3(b)(3)	Pet in terminal w/o permission	MD	Amend to VL
HAR 19-14-3(c)	Smoking in prohibited areas	MD	Amend to VL
HAR 19-14-3(f)	Fail Reep Turn Lost/Found item	MD	Amend to VL
HAR 19-14-3(i)	Commercial activities w/o permit	MD	Amend to VL
HAR 19-14-3(j)	Commercial photo w/o permit	MD	Amend to VL
HAR 19-14-3(l)(10)	Bike/Skateboard on Airport property	MD	Amend to VL
HAR 19-14-3(l)(2)	Dump/dispose trash	MD	Amend to VL
HAR 19-14-3.1	Keehi Lagoon restrictions	MD	Amend to VL
HAR 19-14-3.1(1)	Possession of firearm	MD	Amend to VL
HAR 19-14-3.1(2)	Abandon vehicle/boat/vessel	MD	Amend to VL
HAR 19-14-3.1(3)	Possess animal	MD	Amend to VL
HAR 19-14-3.1(4)	Disturb bird/nest/eggs/animals	MD	Amend to VL
HAR 19-14-3.1(5)	Start/Mainta in fire	MD	Amend to VL
HAR 19-14-3.1(6)	Camping w/o authorization	MD	Amend to VL
HAR 19-14-3.1(9)	Use Keehi contrary to law	MD	Amend to VL
HAR 19-14-3.2	Prohibited activities	MD	Amend to VL
HAR 19-14-3.2(a)	Sleep/lay/sit w/in 10 ft AOA	MD	Amend to VL
HAR 19-14-3.2(a)(1)	w/in 10' of stair/stairway/ramp	MD	Amend to VL
HAR 19-14-3.2(a)(2)	w/in 10' of passageway	MD	Amend to VL
HAR 19-14-3.2(a)(3)	w/in 10' of tunnel/pedestrian overpass	MD	Amend to VL
HAR 19-14-3.2(a)(4)	w/in 10' of bridge vestibule	MD	Amend to VL
HAR 19-14-3.2(a)(5)	w/in 10' of entranceway	MD	Amend to VL
HAR 19-14-3.2(b)	Sleep/lay/sit w/in 10 ft AOA	MD	Amend to VL
HAR 19-14-3.2(b)(1)	w/in 10' of security checkpoint	MD	Amend to VL
HAR 19-14-3.2(b)(2)	w/in 10' of checkin counter	MD	Amend to VL
HAR 19-14-3.2(b)(3)	w/in 10' of agriculture inspection stand	MD	Amend to VL
HAR 19-14-3.2(c)	Sleep/lay/bathe in restroom	MD	Amend to VL
HAR 19-14-3.2(d)	w/in 10' of elevator/escalator	MD	Amend to VL
HAR 19-14-3.2(e)	Remove trash receptacle	MD	Amend to VL
HAR 19-14-3.2(f)	Urinate/defecate on floor	MD	Amend to VL
HAR 19-14-4(d)	Failure to attend to baggage	MD	Amend to VL
HAR 19-20.1-6	Insurance	MD	Amend to VL
HAR 19 20.1-6(a)	Failure to maintain LIAS Insurance	MD	Amend to VL
HAR 19-20.1-8(a)	Commercial services limited to designated area	MD	Amend to VL
HAR 19-20.1-8(b)(2)	Janitorial service	MD	Amend to VL
HAR 19-20.1-8(b)(3)	Orderly manner	MD	Amend to VL
HAR 19-20.1-8(b)(4)	Uniform	MD	Amend to VL
HAR 19-20.1-8(b)(5)	Furnish service	MD	Amend to VL
HAR 19-20.1-8(b)(6)	Identification Badge	PM	Amend to VL
HAR 19-20.18(c)(3)	Commer Svcs Veh w/o Decal	PM	Amend to VL
HAR 19-20.1-23	Baggage pickup and delivery restrictions	MD	Amend to VL
HAR 19-20.1-48	Porter service w/o paying fees	MD	Amend to VL
HAR 19-20.1-49	Unauthorized storage	MD	Amend to VL
HAR 19-20.1-50	Motorized passenger carts	MD	Amend to VL
HAR 19-20.1-50(a)	Oper motor pass cart w/o decal	MD	Amend to VL
HAR 19-20.1-50(b)	Unsafe use of motor pass cart	MD	Amend to VL
HAR 19-20.1-50(b)	Speeding motor pass cart	MD	Amend to VL

Subcommittee 2 - Albert Cook, Jason Say, John Kim, Justin Kollar

The following is a list of Maui Ordinances, Hawaii Administrative Rules, Hawaii Ordinances, and Hawaii Revised Statutes that may be considered for decriminalization:

HAR 19-20.1-50(b)	Overloaded motor pass cart	MD	Amend to VL
HAR 19-20.1-51	Porter soliciting tips	MD	Amend to VL
HAR 19-20.1-59	Display signs/sounds/lights	MD	Amend to VL
HAR 19-20.1-60	Taxi services restrictions	MD	Amend to VL
HAR 19-20.1-60(a)	Solicit passengers/fares	MD	Amend to VL
HAR 19-20.1-60(b)	Dispatch ground transp agent	MD	Amend to VL
HCC 4-31	Regulation of dangerous dogs	PM	Amend to VL
HCC 4-31(a)(1)	Regulation of dangerous dogs injure animal	PM	Amend to VL
HCC 4-31(a)(2)	Regulation of dangerous dogs injure person	MD	Amend to VL
	For consideration - severity of the charge may be amended to a petty misdemeanor		
CCM 6.04.080	No person shall interfere with enforcement officer	MD	Amend to PM
HAR 19-14-3	Conduct at public airport	MD	Amend to PM
HAR 19-14-3(a)	Entr restricted area w/o perm	MD	Amend to PM
HAR 19-14-3(l)(3)	Abandon any equipment material	MD	Amend to PM
HAR 19-14-3(l)(4)	Store equipment w/o permission	MD	Amend to PM
HAR 19-14-3(l)(6)	Erect sign w/o permission	MD	Amend to PM
HAR 19-14-3(l)(7)	Cut/remove veg w/o permission	MD	Amend to PM
HAR 19-14-3(l)(8)	Spray paint undesig ADA Prohib	MD	Amend to PM
HAR 19-14-3(l)(9)	Welding/open flame w/o permission	MD	Amend to PM
HAR 19-14-3(m)	Enter sterile area w/o auth	MD	Amend to PM
HAR 19-14-4	Airport security	MD	Amend to PM
HAR 19-14-4(b)	Tenant fail to secure entrance	MD	Amend to PM
HAR 19-14-4(b)(1)	Allow unauth entry AOA	MD	Amend to PM
HAR 19-14-4(c)(1)	Allow unauth AOA badge use	MD	Amend to PM
HAR 19-14-4(c)(2)	Multi entry w/card	MD	Amend to PM
HAR 19-14-4(c)(2)(Airport - Personal Identification (PIN) Required	MD	Amend to PM
HAR 19-14-4(c)(2)(Airport - Responsible for securing gate upon use	MD	Amend to PM
HAR 19-14-4(c)(4)	Temp badge holder not escorted	MD	Amend to PM
HAR 19-20.1-3	Provide comm services w/o permit	MD	Amend to PM
HAR 19-20.1-7	Airport - Entry to air operations area; restrictions	MD	Amend to PM
HAR 19-20.1-8(b)	Airport - Airport Activity	MD	Amend to PM
HAR 19 20.1-8(b)(1)	Maintain designated area	PM	Amend to VIN
HAR 19-20.1-23(a)	Unauthorized services	MD	Amend to PM
HAR 19-20.1-23(a)	Solicit gratuities/business	MD	Amend to PM
HAR 19 20.1-23(b)	Conduct business outside permit	MD	Amend to PM
HAR 19-20.1-27	Solicit comm photo prohib	MD	Amend to PM
HAR 19-20.1-32	Solicit greeting svc prohib	MD	Amend to PM
HAR 19-20.1-42	Deliver goods w/o ID badge	MD	Amend to PM
HAR 19-20.1-44	Unauthorized equipment storage	MD	Amend to PM
HAR 19-20.1-50(b)	DUI	MD	Amend to PM

APPENDIX I

State of Hawai'i - Notice of Traffic Infraction(s) In the District Court of the First Circuit

CITATION NO.

COMPLAINT: The undersigned officer, on behalf of Plaintiff State of Hawai'i, declares under penalty of law that he/she has reasonable grounds to believe and does believe that on the date, at the time, and under the conditions indicated, the named defendant did commit the civil traffic infraction(s) noted below and that the same is correct to the best of his/her knowledge and belief.

DEFENDANT				ID on Person <input type="checkbox"/> Y <input type="checkbox"/> N			
LAST NAME				REGISTERED OWNER <input type="checkbox"/> Y <input type="checkbox"/> N			
FIRST NAME			MIDDLE INITIAL(S)				
ADDRESS							
CITY					STATE	ZIP CODE	
JUVENILE <input type="checkbox"/> Y <input type="checkbox"/> N	PROV. LIC. <input type="checkbox"/> Y <input type="checkbox"/> N	PARENT'S NAME (if juvenile operator)					
OPERATOR LICENSE NO.				STATE	EXP. DATE <small>(Month/Day/Year)</small>		
DATE OF BIRTH (Month/Day/Year)		HEIGHT	WEIGHT	ETHNICITY (optional)			
CDL <input type="checkbox"/> Y <input type="checkbox"/> N		SEX <input type="checkbox"/> M <input type="checkbox"/> F	SSN-Last 4 digits <small>(optional, for identification purposes) XXX-XX-XXXX</small>				
CONTACT PHONE NUMBER(S)		MILITARY SERVICE <input type="checkbox"/> Y <input type="checkbox"/> N		MILITARY ID <small>(last 4 characters)</small>			
EMPLOYER (if driving company vehicle)							

VEHICLE INFORMATION						
LICENSE PLATE/VIN				STATE	HAZ MAT <input type="checkbox"/> Y <input type="checkbox"/> N	
MAKE	MODEL	TYPE	COLOR	YEAR	CMV <input type="checkbox"/> Y <input type="checkbox"/> N	

TRAFFIC INFRACTION(S) COMMITTED & MONETARY ASSESSMENT(S) PAYABLE (INCLUDING FEES)	
<input type="checkbox"/> HRS 249-2 Delinquent Vehicle Tax; (exp. _____)\$70 <input type="checkbox"/> HRS 249-7(b) Vehicle License Plate (No / Obscured / Dirty)\$70 <input type="checkbox"/> HRS 286-25 (No / Expired) Certificate of Inspection; (exp. _____)\$70 <input type="checkbox"/> HRS 286-47(3) No Certificate of Registration in Vehicle\$70 <input type="checkbox"/> HRS 286-85 No Reconstruction Permit\$70 <input type="checkbox"/> HRS 286-110(d) No Licensed Driver Present\$147 <input type="checkbox"/> HRS 286-116(a) No driver's license / insurance card on person\$122 <input type="checkbox"/> HRS 291-11.6 No Seat Belt\$102 <input type="checkbox"/> HRS 291-21.5(a) Tinted Glaze Glass - Owner\$287 <input type="checkbox"/> HRS 291C-32(a)(3)(A) Disregarding Red Signal\$97 <input type="checkbox"/> HRS 291C-32(a)(3)(B) Prohibited Right Turn Against Red Signal\$97 <input type="checkbox"/> HRS 291C-33(2) Pedestrian Obedience to Don't Walk or Upraised (Red) Palm\$130 <input type="checkbox"/> HRS 291C-49(1) Unsafe Lane Change\$97 <input type="checkbox"/> HRS 291C-63(b) Disregarding Stop Sign\$97 <input type="checkbox"/> HRS 291C-73(c) Jaywalking\$130 <input type="checkbox"/> HRS 291C-81(3) Prohibited Turn at Intersection\$97 <input type="checkbox"/> HRS 291C-101 Basic Speed Rule\$157 HRS 291C-102(a)(1) Exceeding the Speed Limit <input type="checkbox"/> 1-10 MPH Over Limit (_____ MPH over)\$ <input type="checkbox"/> 11-29 MPH Over Limit (_____ MPH over)\$ <input type="checkbox"/> HRS 291C-137(a) Mobile Elec Device Prohibited\$297 <input type="checkbox"/> HRS 291C-137(a) Mobile Elec Device Prohibited - School/Constr zone\$347 <input type="checkbox"/> HRS 291C-137(c) Mobile Elec Device Prohibited (under 18yrs)\$257 <input type="checkbox"/> HRS 291C-137(c) Mobile Elec Device Prohibited (under 18yrs) - School/Constr zone\$307 <input type="checkbox"/> ROH 15-24.23 Pedestrian - Mobile Electronic Devices CRT	
SECTION	DESCRIPTION \$
SECTION	DESCRIPTION \$
SECTION	DESCRIPTION \$

DETAILS REGARDING THE INFRACTION(S) CHARGED			
DATE (Month / Day / Year)	TIME	DISTRICT	BEAT
WEATHER <input type="checkbox"/> CLEAR <input type="checkbox"/> OVERCAST <input type="checkbox"/> DRIZZLE <input type="checkbox"/> RAIN	<input type="checkbox"/> DRY <input type="checkbox"/> WET <input type="checkbox"/> CONCRETE <input type="checkbox"/> ASPHALT <input type="checkbox"/> DIRT	<input type="checkbox"/> LIGHT <input type="checkbox"/> MEDIUM <input type="checkbox"/> HEAVY	<input type="checkbox"/> DAWN <input type="checkbox"/> DAYLIGHT <input type="checkbox"/> DUSK <input type="checkbox"/> DARKNESS
NO. OF OCCUPANTS: ADULT MALE(S) ADULT FEMALE(S) CHILDREN			
LOCATION OF VIOLATION			
VANTAGE POINT			
LANE OF TRAVEL			
SIGN(S) POSTED			BODY CAMERA <input type="checkbox"/> Y <input type="checkbox"/> N
ACTUAL SPEED	POSTED SPEED	SPEED VIOLATION MEASURED BY <input type="checkbox"/> PACE <input type="checkbox"/> LASER <input type="checkbox"/> RADAR	
<input type="checkbox"/> I WAS CERTIFIED IN THE ABOVE DEVICE <input type="checkbox"/> LASER DISTANCE _____			
<input type="checkbox"/> DEVICE/SPEEDOMETER WAS ACCURATE, TESTED, & WORKING PROPERLY			
COMPANION CITATION(S)/NOTICE(S) <small>(list citation / notice no.)</small>		ACCIDENT <input type="checkbox"/> Y <input type="checkbox"/> N	INJURY <input type="checkbox"/> Y <input type="checkbox"/> N
ACCIDENT REPORT NO.		PROPERTY DAMAGE <input type="checkbox"/> MAJOR (\$3,000+) <input type="checkbox"/> MINOR	
OFFICER'S OBSERVATIONS (optional)			
COMPLAINING OFFICER INFORMATION			
PRINT RANK, FIRST INITIAL, & LAST NAME			ID NO.
OFFICER'S SIGNATURE			DATE OF ISSUANCE

DEFENDANT'S ACKNOWLEDGMENT: By signing below, I acknowledge service of this Notice. I understand that my signature is not an admission of responsibility.

X _____ DEFENDANT REFUSES TO SIGN
Defendant's Signature

NOTE TO DEFENDANT: Please read the instructions on the reverse side carefully, then complete and return your Answer to this Notice (tear-away flap on the preprinted envelope), along with any payment or written statement in support of your Answer, within 21 calendar days from the date of this Notice, either by mail, in person, via the Internet, or by telephone. If you choose to mail an Answer, payment, or written statement, please use the preprinted envelope, seal the contents, affix postage, and be sure your mailing is postmarked within 21 calendar days from the date of this Notice. The Post Office will not deliver without proper postage. Please calculate the total amount due by adding the monetary assessments for each infraction.

If you are a "PROVISIONAL LICENSE HOLDER" or if the word "COURT" is listed next to an infraction that you are charged with committing, you are hereby directed to appear before the District Court of the First Circuit on the date and at the time and location designated below (see *reverse side for address*) to answer the charge(s). Failure to obey this Notice and Summons may result in a fine, imprisonment, arrest on other charges, and/or other penalties.

SUMMONS			
COURT LOCATION (see addresses on reverse side)			
<input type="checkbox"/> HONOLULU	<input type="checkbox"/> KANE'OHE	<input type="checkbox"/> EWA	<input type="checkbox"/> WAHIAWA <input type="checkbox"/> WAI'ANAE
DATE	TIME	COURTROOM	

**State of Hawai'i - Notice of Traffic Infraction(s)
In the District Court of the First Circuit**

CITATION NO.

COMPLAINT: The undersigned officer, on behalf of Plaintiff State of Hawai'i, declares under penalty of law that he/she has reasonable grounds to believe and does believe that on the date, at the time, and under the conditions indicated, the named defendant did commit the civil traffic infraction(s) noted below and that the same is correct to the best of his/her knowledge and belief.

DEFENDANT												ID on Person <input type="checkbox"/> Y <input type="checkbox"/> N			
LAST NAME					REGISTERED OWNER										
					<input type="checkbox"/> Y <input type="checkbox"/> N										
FIRST NAME					MIDDLE INITIAL(S)										
ADDRESS															
CITY					STATE		ZIP CODE								
JUVENILE <input type="checkbox"/> Y <input type="checkbox"/> N	PROV. LIC. <input type="checkbox"/> Y <input type="checkbox"/> N	PARENT'S NAME (if juvenile operator)													
OPERATOR LICENSE NO.					STATE		EXP. DATE <small>(Month/Day/Year)</small>								
DATE OF BIRTH (Month/Day/Year)			HEIGHT		WEIGHT		ETHNICITY (optional)								
CDL <input type="checkbox"/> Y <input type="checkbox"/> N		SEX <input type="checkbox"/> M <input type="checkbox"/> F			SSN-Last 4 digits <small>(optional, for identification purposes)</small> XXX - XX - _____										
CONTACT PHONE NUMBER(S)				MILITARY SERVICE <input type="checkbox"/> Y <input type="checkbox"/> N		MILITARY ID <small>(last 4 characters)</small>									
EMPLOYER (if driving company vehicle)															
VEHICLE INFORMATION															
LICENSE PLATE/VIN					STATE		HAZ MAT <input type="checkbox"/> Y <input type="checkbox"/> N								
MAKE		MODEL		TYPE		COLOR		YEAR			CMV <input type="checkbox"/> Y <input type="checkbox"/> N				
TRAFFIC INFRACTION(S) COMMITTED & MONETARY ASSESSMENT(S) PAYABLE (INCLUDING FEES)															
<input type="checkbox"/> HRS 249-2 Delinquent Vehicle Tax; (exp. _____)												\$70			
<input type="checkbox"/> HRS 249-7(b) Vehicle License Plate (No / Obscured / Dirty)												\$70			
<input type="checkbox"/> HRS 286-25 (No / Expired) Certificate of Inspection; (exp. _____)												\$70			
<input type="checkbox"/> HRS 286-47(3) No Certificate of Registration in Vehicle												\$70			
<input type="checkbox"/> HRS 286-85 No Reconstruction Permit												\$70			
<input type="checkbox"/> HRS 286-110(d) No Licensed Driver Present												\$147			
<input type="checkbox"/> HRS 286-116(a) No driver's license / insurance card on person												\$122			
<input type="checkbox"/> HRS 291-11.6 No Seat Belt												\$102			
<input type="checkbox"/> HRS 291-21.5(a) Tinted Glaze Glass - Owner												\$287			
<input type="checkbox"/> HRS 291C-32(a)(3)(A) Disregarding Red Signal												\$97			
<input type="checkbox"/> HRS 291C-32(a)(3)(B) Prohibited Right Turn Against Red Signal												\$97			
<input type="checkbox"/> HRS 291C-33(2) Pedestrian Obedience to Don't Walk or Upraised (Red) Palm												\$130			
<input type="checkbox"/> HRS 291C-49(1) Unsafe Lane Change												\$97			
<input type="checkbox"/> HRS 291C-63(b) Disregarding Stop Sign												\$97			
<input type="checkbox"/> HRS 291C-73(c) Jaywalking												\$130			
<input type="checkbox"/> HRS 291C-81(3) Prohibited Turn at Intersection												\$97			
<input type="checkbox"/> HRS 291C-101 Basic Speed Rule												\$157			
HRS 291C-102(a)(1) Exceeding the Speed Limit															
<input type="checkbox"/> 1-10 MPH Over Limit (_____ MPH over)												\$			
<input type="checkbox"/> 11-29 MPH Over Limit (_____ MPH over)												\$			
<input type="checkbox"/> HRS 291C-137(a) Mobile Elec Device Prohibited												\$297			
<input type="checkbox"/> HRS 291C-137(a) Mobile Elec Device Prohibited - School/Constr zone												\$347			
<input type="checkbox"/> HRS 291C-137(c) Mobile Elec Device Prohibited (under 18yrs)												\$257			
<input type="checkbox"/> HRS 291C-137(c) Mobile Elec Device Prohibited (under 18yrs) - School/Constr zone												\$307			
<input type="checkbox"/> ROH 15-24.23 Pedestrian - Mobile Electronic Devices												CRT			
SECTION		DESCRIPTION								\$					
SECTION		DESCRIPTION								\$					
SECTION		DESCRIPTION								\$					

DETAILS REGARDING THE INFRACTION(S) CHARGED				
DATE (Month / Day / Year)		TIME		DISTRICT
WEATHER	<input type="checkbox"/> CLEAR	<input type="checkbox"/> OVERCAST	<input type="checkbox"/> DRIZZLE	<input type="checkbox"/> RAIN
ROAD	<input type="checkbox"/> DRY	<input type="checkbox"/> WET	<input type="checkbox"/> CONCRETE	<input type="checkbox"/> ASPHALT
TRAFFIC LIGHTING	<input type="checkbox"/> LIGHT	<input type="checkbox"/> MEDIUM	<input type="checkbox"/> HEAVY	<input type="checkbox"/> DARKNESS
	<input type="checkbox"/> DAWN	<input type="checkbox"/> DAYLIGHT	<input type="checkbox"/> DUSK	<input type="checkbox"/> DARKNESS
NO. OF OCCUPANTS:		ADULT MALE(S)		ADULT FEMALE(S)
CHILDREN				
LOCATION OF VIOLATION				
VANTAGE POINT				
LANE OF TRAVEL				
SIGN(S) POSTED			BODY CAMERA <input type="checkbox"/> Y <input type="checkbox"/> N	
ACTUAL SPEED		POSTED SPEED	SPEED VIOLATION MEASURED BY <input type="checkbox"/> PACE <input type="checkbox"/> LASER <input type="checkbox"/> RADAR	
<input type="checkbox"/> I WAS CERTIFIED IN THE ABOVE DEVICE <input type="checkbox"/> LASER DISTANCE _____				
<input type="checkbox"/> DEVICE/SPEEDOMETER WAS ACCURATE, TESTED, & WORKING PROPERLY				
COMPANION CITATION(S)/NOTICE(S) <small>(list citation / notice no.)</small>			ACCIDENT <input type="checkbox"/> Y <input type="checkbox"/> N	INJURY <input type="checkbox"/> Y <input type="checkbox"/> N
ACCIDENT REPORT NO.		PROPERTY DAMAGE <input type="checkbox"/> MAJOR (\$3,000+) <input type="checkbox"/> MINOR		
OFFICER'S OBSERVATIONS (optional)				
COMPLAINING OFFICER INFORMATION				
PRINT RANK, FIRST INITIAL, & LAST NAME				ID NO.
OFFICER'S SIGNATURE				DATE OF ISSUANCE

DEFENDANT'S ACKNOWLEDGMENT: By signing below, I acknowledge service of this Notice. I understand that my signature is not an admission of responsibility.

X _____ DEFENDANT REFUSES TO SIGN
Defendant's Signature

NOTE TO DEFENDANT: Please read the instructions on the reverse side carefully, then complete and return your Answer to this Notice (tear-away flap on the preprinted envelope), along with any payment or written statement in support of your Answer, within 21 calendar days from the date of this Notice, either by mail, in person, via the Internet, or by telephone. If you choose to mail an Answer, payment, or written statement, please use the preprinted envelope, seal the contents, affix postage, and be sure your mailing is postmarked within 21 calendar days from the date of this Notice. The Post Office will not deliver without proper postage. Please calculate the total amount due by adding the monetary assessments for each infraction.

If you are a "PROVISIONAL LICENSE HOLDER" or if the word "COURT" is listed next to an infraction that you are charged with committing, you are hereby directed to appear before the District Court of the First Circuit on the date and at the time and location designated below (see reverse side for address) to answer the charge(s). Failure to obey this Notice and Summons may result in a fine, imprisonment, arrest on other charges, and/or other penalties.

SUMMONS					
COURT LOCATION (see addresses on reverse side)					
<input type="checkbox"/> HONOLULU		<input type="checkbox"/> KĀNE'OHE	<input type="checkbox"/> EWA	<input type="checkbox"/> WAHIAWĀ	
				<input type="checkbox"/> WAI'ANAE	
DATE		TIME		COURTROOM	

**State of Hawai'i - Notice of Traffic Infraction(s)
In the District Court of the First Circuit**

**IMPORTANT INSTRUCTIONS REGARDING YOUR
NOTICE OF TRAFFIC INFRACTION(S)**

This Notice of Traffic Infraction(s) (Notice) charges you with committing one or more civil traffic infractions. **IF YOU ARE A "PROVISIONAL LICENSE HOLDER" OR IF THE WORD "COURT" IS LISTED NEXT TO AN INFRACTION THAT YOU ARE CHARGED WITH COMMITTING, YOU MUST APPEAR BEFORE THE DISTRICT COURT OF THE FIRST CIRCUIT ON THE DATE AND AT THE TIME AND LOCATION DESIGNATED IN THE SUMMONS ON THE FRONT OF THIS NOTICE.** Failure to appear in court as summoned may result in your arrest for other offenses and/or imposition of other penalties, including fines, court costs, fees, and imprisonment.

If you are charged with committing an infraction with a listed monetary assessment AND the Summons does not indicate any date and time that you are to appear in court, you must answer this Notice within 21 calendar days from the date of this Notice by choosing Option 1, 2, or 3, below. If you do not answer within 21 calendar days from the date of this Notice, the court will enter a default judgment against you for the total amount of monetary assessments and fees indicated on this Notice. If you fail to timely pay the default judgment, late fees and other costs will be assessed, your account may be referred to a collection agency and you may be charged for collection costs, and any state tax refund owed to you may be used to pay your obligations. The court may also order a license stopper, preventing you from acquiring/renewing your driver's license until all obligations are paid in full. **YOU MUST TAKE ACTION WITHIN 21 CALENDAR DAYS FROM THE DATE OF THIS NOTICE TO AVOID ENTRY OF DEFAULT JUDGMENT AGAINST YOU.**

OPTION 1: ADMIT & PAY

If you admit committing the traffic infraction(s), complete, sign, and date the Answer to Notice (tear-away flap on the preprinted envelope) and return it with the total amount due and your copy of this Notice. You may pay by mail (using the preprinted envelope), in person at any district court, via the Internet, or by telephone. A \$25 service fee will be charged for dishonored payments. **PLEASE NOTE THAT A PORTAL ADMINISTRATIVE FEE WILL BE ASSESSED FOR FINANCIAL TRANSACTIONS.**

- **By Mail** - Your Answer to Notice, payment, and copy of this Notice must be postmarked within 21 calendar days from the date of this Notice. **DO NOT SEND CASH.** Imprinted checks or money orders (U.S. dollars only, payable to "DISTRICT COURT") and credit or debit cards (MasterCard, VISA & Discover) are accepted.
- **In Person** - Pay at any district court statewide within 21 calendar days from the date of this Notice. Counter service hours for all district courts (except Hana) are 8:00 A.M. to 4:00 P.M. Monday through Friday. All district courts are closed on state holidays and weekends. Cash, imprinted checks and money orders (U.S. dollars only, payable to "DISTRICT COURT"), and credit or debit cards (MasterCard, VISA & Discover) are accepted.
- **Via Internet** - Pay via the Internet at <http://www.courts.state.hi.us> (Click on "Pay Fines") within 21 calendar days from the date of this Notice. Credit or debit cards (MasterCard, VISA & Discover) are accepted.
- **By Telephone** - Call 1-800-679-5949 within 21 calendar days from the date of this Notice. Credit or debit cards (MasterCard, VISA & Discover) are accepted.

OPTION 2: DENY

If you deny committing the traffic infraction(s), you may either (1) request a hearing and appear in person to contest the infraction(s), or (2) submit a written statement explaining the grounds on which you contest the infraction(s). In either event, you must complete, sign, and date the Answer to Notice (tear-away flap on the preprinted envelope) and return your Answer to Notice, your copy of this Notice, and any written statement, within 21 calendar days from the date of this Notice, either by mail, using the preprinted envelope, or in person at any district court.

- **Contest in Person** - If you request a hearing to contest the infraction(s) in person, the court will notify you in writing of the date, time, and location of the hearing. You must appear at the hearing to explain the grounds on which you contest the infraction(s). If you want the issuing officer or any other witness present at the hearing, you must request a subpoena from the district

court at least 10 days before the hearing date, have the subpoena served, and pay mileage/witness fees required to effectuate service. If you fail to appear at the hearing, the court may enter a default judgment against you for the total amount of monetary assessments and fees indicated on this Notice. **DO NOT SUBMIT PAYMENT WITH YOUR HEARING REQUEST.** You will be notified of the judge's decision after the hearing. If you disagree with the judge's decision, you may request a trial.

- **Contest By Written Statement** - If you submit a written statement explaining the grounds on which you contest the infraction(s), include your name, address, operator license number, citation number, and signature on the statement. When you submit a written statement with your Answer to Notice, no hearing will be scheduled. **DO NOT SUBMIT PAYMENT WITH YOUR WRITTEN STATEMENT.** You will be notified by mail of the judge's decision. If you disagree with the judge's decision, you may request a trial.

OPTION 3: ADMIT BUT EXPLAIN MITIGATING CIRCUMSTANCES

If you admit committing the traffic infraction(s) but wish to explain mitigating circumstances, you may either (1) request a hearing and appear in person to explain mitigating circumstances, or (2) submit a written statement explaining the mitigating circumstances. In either event, you must complete, sign and date the Answer to Notice (tear-away flap on the preprinted envelope) and return your Answer to Notice, your copy of this Notice, and any written statement, within 21 calendar days from the date of this Notice, either by mail, using the preprinted envelope, or in person at any district court.

- **Explain Mitigating Circumstances In Person** - If you request a hearing to explain mitigating circumstances in person, the court will notify you in writing of the date, time, and location of the hearing. If you fail to appear at the hearing, you must pay the total amount of monetary assessments and fees indicated on this Notice. **DO NOT SUBMIT PAYMENT WITH YOUR HEARING REQUEST.** You will be notified of the judge's decision after the hearing. **The judge's decision is FINAL and cannot be appealed.**
- **Explain Mitigating Circumstances By Written Statement** - If you submit a written statement explaining the grounds on which you contest the infraction(s), include your name, address, operator license number, citation number, and signature on the statement. When you submit a written statement with your Answer to Notice, no hearing will be scheduled. **DO NOT SUBMIT PAYMENT WITH YOUR WRITTEN STATEMENT.** You will be notified by mail of the judge's decision. **The judge's decision is FINAL and cannot be appealed.**

UNABLE TO PAY THE MONETARY ASSESSMENT?

If you are unable to pay all or part of your monetary assessment because of financial hardship, you may request that the court consider your ability to pay. The court may permit community service instead of payment or may make other adjustments to the assessment.

IMPORTANT NOTE FOR JUVENILES UNDER AGE 18

Your parent or legal guardian must accompany you when appearing before the court and must co-sign any payment or written statement submitted to the court.

INFORMATION ABOUT YOUR PRIVACY

Disclosure of the last four digits of your social security number (SSN) on this Notice is optional. The last four digits of your SSN will be used for identification purposes in administering state and federal driver's license and motor vehicle laws.

**ADDRESSES FOR THE
DISTRICT COURT OF THE FIRST CIRCUIT**

HONOLULU

Traffic Violations Bureau
1111 Alakea Street
Honolulu, Hawai'i 96813
(808) 538-5500

'EWA

District Court, 'Ewa Division
870 Fourth Street
Pearl City, Hawai'i 96782
(808) 534-6900

KĀNE'OHE

District Court, Kāne'ohe Division
45-939 Po'okela Street
Kāne'ohe, Hawai'i 96744
(808) 534-6300

WAHIAWĀ

District Court, Wahiawā Division
1034 Kilani Avenue
Wahiawā, Hawai'i 96786
(808) 534-6200

WAI'ANAE (Kapolei Court Complex)

District Court, Wai'anae Division
4675 Kapolei Parkway
Kapolei, Hawai'i 96707
(808) 954-8575



If you require an accommodation for a disability when working with a court program, service, or activity, please contact the Disability Accommodations Coordinator at (808) 538-5121, FAX: (808) 538-5233, TTY: (808) 539-4853, at least ten (10) working days before your proceeding, hearing, or appointment date.

**State of Hawai'i - Notice of Traffic Infraction(s)
In the District Court of the Second Circuit**

CITATION NO.

COMPLAINT: The undersigned officer, on behalf of Plaintiff State of Hawai'i, declares under penalty of law that he/she has reasonable grounds to believe and does believe that on the date, at the time, and under the conditions indicated, the named defendant did commit the civil traffic infraction(s) noted below and that the same is true and correct to the best of his/her knowledge and belief.

DEFENDANT		ID on Person <input type="checkbox"/> Y <input type="checkbox"/> N	
LAST NAME		REGISTERED OWNER <input type="checkbox"/> Y <input type="checkbox"/> N	
FIRST NAME		MIDDLE INITIAL(S)	
ADDRESS			
CITY		STATE	ZIP CODE
JUVENILE <input type="checkbox"/> Y <input type="checkbox"/> N	PROV. LIC. <input type="checkbox"/> Y <input type="checkbox"/> N	PARENT'S NAME (if juvenile operator)	
OPERATOR LICENSE NO.		STATE	EXP. DATE (Month/Day/Year)
DATE OF BIRTH (Month/Day/Year)		HEIGHT	WEIGHT
ETHNICITY (optional)			
CDL <input type="checkbox"/> Y <input type="checkbox"/> N		SEX <input type="checkbox"/> M <input type="checkbox"/> F	
SSN-Last 4 digits (optional, for identification purposes) XXX - XX -			
CONTACT PHONE NUMBER(S)		MILITARY SERVICE <input type="checkbox"/> Y <input type="checkbox"/> N	MILITARY ID (last 4 characters)
EMPLOYER (if driving company vehicle)			

VEHICLE INFORMATION					
LICENSE PLATE/VIN				STATE	HAZ MAT <input type="checkbox"/> Y <input type="checkbox"/> N
MAKE	MODEL	TYPE	COLOR	YEAR	CMV <input type="checkbox"/> Y <input type="checkbox"/> N

TRAFFIC INFRACTION(S) COMMITTED & MONETARY ASSESSMENT(S) PAYABLE (INCLUDING FEES)

- HRS 249-2 Delinquent Vehicle Tax; (exp.) \$70
- HRS 249-7(b) (No / Obstructed / Unclean) License Plate; (Front / Rear).....\$70
- HRS 249-11(a) Fraudulent Use of (Plates / Tags / Emblems)\$280
- HRS 286-25 (No / Expired) Certificate of Inspection; (exp.).....\$70
- HRS 286-47(3) No Certificate of Registration in Vehicle\$70
- HRS 286-102.6 Violation of Provisional License Requirements..... **COURT**
- HRS 286-110(d) No Licensed Driver Present.....\$147
- HRS 286-116(a) No (License / Insurance Card) on Person\$122
- HRS 291-11.6 No Seat Belt.....\$102
- HRS 291-21.5(a) Tinted Glaze Glass - Owner\$287
- HRS 291C-14 Duty to (Give Information / Render Aid)\$247
- HRS 291C-15 Duty Upon Striking Unattended (Vehicle / Property)\$247
- HRS 291C-32(a)(3)(A) Disregarding Red Signal.....\$97
- HRS 291C-38 Disregarding (.....) Traffic Lane Lines.....\$97
- HRS 291C-41 Driving on Left Side of Roadway\$97
- HRS 291C-49(1) Unsafe Lane Change.....\$97
- HRS 291C-63(b) Disregarding Stop Sign.....\$97
- HRS 291C-102(a)(1) Exceeding the Speed Limit
 - 1-10 MPH Over Limit (..... MPH over).....\$
 - 11-29 MPH Over Limit (..... MPH over).....\$
- HRS 291C-104 Speeding in Construction Area.....\$307
- HRS 291C-104(a) Speeding in School Zone.....\$322
- HRS 291C-123(a) Driving upon Bikeway\$97
- HRS 291C-131(a) Vehicle Not (Constructed / Covered / Loaded) to Prevent Load From Spilling on Highway..... **COURT**
- HRS 291C-137(a) Mobile Elec Device Prohibited\$297
- HRS 291C-137(a) Mobile Elec Device Prohibited - School/Constr zone.....\$347
- HRS 291C-137(c) Mobile Elec Device Prohibited (under 18yrs)\$257
- HRS 291C-137(c) Mobile Elec Device Prohibited (under 18yrs) - School/Constr zone\$307

SECTION	DESCRIPTION	\$
SECTION	DESCRIPTION	\$

DETAILS REGARDING THE INFRACTION(S) CHARGED

DATE (Month / Day / Year)	TIME	DISTRICT	BEAT
WEATHER	<input type="checkbox"/> CLEAR	<input type="checkbox"/> OVERCAST	<input type="checkbox"/> DRIZZLE
ROAD	<input type="checkbox"/> DRY	<input type="checkbox"/> WET	<input type="checkbox"/> CONCRETE
TRAFFIC	<input type="checkbox"/> LIGHT	<input type="checkbox"/> MEDIUM	<input type="checkbox"/> HEAVY
LIGHTING	<input type="checkbox"/> DAWN	<input type="checkbox"/> DAYLIGHT	<input type="checkbox"/> DUSK
NO. OF OCCUPANTS: ADULT MALE(S) ADULT FEMALE(S) CHILDREN			
LOCATION OF VIOLATION			
VANTAGE POINT		SIGN(S) POSTED <input type="checkbox"/> Y <input type="checkbox"/> N	BODY CAMERA <input type="checkbox"/> Y <input type="checkbox"/> N
ACTUAL SPEED	POSTED SPEED	SPEED VIOLATION MEASURED BY <input type="checkbox"/> PACE <input type="checkbox"/> LASER <input type="checkbox"/> RADAR	
<input type="checkbox"/> I WAS CERTIFIED IN THE ABOVE DEVICE <input type="checkbox"/> LASER DISTANCE			
<input type="checkbox"/> DEVICE/SPEEDOMETER WAS ACCURATE, TESTED, & WORKING PROPERLY			
COMPANION CITATION(S)/NOTICE(S) (list citation / notice no.)			ACCIDENT <input type="checkbox"/> Y <input type="checkbox"/> N
PROPERTY DAMAGE <input type="checkbox"/> MAJOR (\$3,000+) <input type="checkbox"/> MINOR			INJURY <input type="checkbox"/> Y <input type="checkbox"/> N
REPORT NO.			
OFFICER'S OBSERVATIONS (optional)			

COMPLAINING OFFICER INFORMATION

PRINT RANK, FIRST INITIAL, & LAST NAME	ID NO.
OFFICER'S SIGNATURE	DATE OF ISSUANCE

DEFENDANT'S ACKNOWLEDGMENT: By signing below, I acknowledge service of this Notice. I understand that my signature is not an admission of responsibility.

X _____ **DEFENDANT REFUSES TO SIGN**
Defendant's Signature

NOTE TO DEFENDANT: Please read the instructions on the reverse side carefully, then complete and return your Answer to this Notice (tear-away flap on the preprinted envelope), along with any payment or written statement in support of your Answer, within 21 calendar days from the date of this Notice, either by mail, in person, via the Internet, or by telephone. If you choose to mail an Answer, payment, or written statement, please use the preprinted envelope, seal the contents, affix postage, and be sure your mailing is postmarked within 21 calendar days from the date of this Notice. The Post Office will not deliver without proper postage. Please calculate the total amount due by adding the monetary assessments for each infraction.

If you are a "PROVISIONAL LICENSE HOLDER" or if the word "COURT" is listed next to an infraction that you are charged with committing, you are hereby directed to appear before the District Court of the Second Circuit on the date and at the time and location designated below (see reverse side for address) to answer the charge(s). Failure to obey this Notice and Summons may result in a fine, imprisonment, arrest on other charges, and/or other penalties.

SUMMONS		
COURT LOCATION (see addresses on reverse side)		
<input type="checkbox"/> WAILUKU	<input type="checkbox"/> LAHAINA	<input type="checkbox"/> MOLOKA'I
DATE	TIME	COURTROOM

**State of Hawai'i - Notice of Traffic Infraction(s)
In the District Court of the Second Circuit**

**IMPORTANT INSTRUCTIONS REGARDING YOUR NOTICE
OF TRAFFIC INFRACTION(S)**

This Notice of Traffic Infraction(s) (Notice) charges you with committing one or more civil traffic infractions. **IF YOU ARE A "PROVISIONAL LICENSE HOLDER" OR IF THE WORD "COURT" IS LISTED NEXT TO AN INFRACTION THAT YOU ARE CHARGED WITH COMMITTING, YOU MUST APPEAR BEFORE THE DISTRICT COURT OF THE SECOND CIRCUIT ON THE DATE AND AT THE TIME AND LOCATION DESIGNATED IN THE SUMMONS ON THE FRONT OF THIS NOTICE.** Failure to appear in court as summoned may result in your arrest for other offenses and/or imposition of other penalties, including fines, court costs, fees, and imprisonment.

If you are charged with committing an infraction with a listed monetary assessment AND the Summons does not indicate any date and time that you are to appear in court, you must answer this Notice within 21 calendar days from the date of this Notice by choosing Option 1, 2, or 3, below. If you do not answer within 21 calendar days from the date of this Notice, the court will enter a default judgment against you for the total amount of monetary assessments and fees indicated on this Notice. If you fail to timely pay the default judgment, late fees and other costs will be assessed, your account may be referred to a collection agency, you may be charged for collection costs, and any state tax refund owed to you may be used to pay your obligations. The court may also order a license stopper, preventing you from acquiring/renewing your driver's license until all obligations are paid in full. **YOU MUST TAKE ACTION WITHIN 21 CALENDAR DAYS FROM THE DATE OF THIS NOTICE TO AVOID ENTRY OF DEFAULT JUDGMENT AGAINST YOU.**

OPTION 1: ADMIT & PAY

If you admit committing the traffic infraction(s), complete, sign, and date the Answer to Notice (tear-away flap on the preprinted envelope) and return it with the total amount due and your copy of this Notice. You may pay by mail (using the preprinted envelope), in person at any district court, via the Internet, or by telephone. A \$25 service fee will be charged for dishonored payments. **PLEASE NOTE THAT A PORTAL ADMINISTRATIVE FEE WILL BE ASSESSED FOR FINANCIAL TRANSACTIONS.**

- **By Mail** - Your Answer to Notice, payment, and copy of this Notice must be postmarked within 21 calendar days from the date of this Notice. **DO NOT SEND CASH.** Imprinted checks or money orders (U.S. dollars only, payable to "DISTRICT COURT") and credit or debit cards (MasterCard, VISA & Discover) are accepted.
- **In Person** - Pay at any district court statewide within 21 calendar days from the date of this Notice. Counter service hours for all district courts (except Hana) are 8:00 A.M. to 4:00 P.M. Monday through Friday. All district courts are closed on state holidays and weekends. Cash, imprinted checks and money orders (U.S. dollars only, payable to "DISTRICT COURT"), and credit or debit cards (MasterCard, VISA & Discover) are accepted.
- **Via Internet** - Pay via the Internet at <http://www.courts.state.hi.us> (Click on "Pay Fines") within 21 calendar days from the date of this Notice. Credit or debit cards (MasterCard, VISA & Discover) are accepted.
- **By Telephone** - Call 1-800-679-5949 within 21 calendar days from the date of this Notice. Credit or debit cards (MasterCard, VISA & Discover) are accepted.

OPTION 2: DENY

If you deny committing the traffic infraction(s), you may either (1) request a hearing and appear in person to contest the infraction(s), or (2) submit a written statement explaining the grounds on which you contest the infraction(s). In either event, you must complete, sign, and date the Answer to Notice (tear-away flap on the preprinted envelope) and return your Answer to Notice, your copy of this Notice, and any written statement, within 21 calendar days from the date of this Notice, either by mail, using the preprinted envelope, or in person at any district court.

- **In Person** - If you request a hearing to contest the infraction(s) in person, the court will notify you in writing of the date, time, and location of the hearing. You must appear at the hearing to explain the grounds on which you contest

the infraction(s). If you want the issuing officer or any other witness present at the hearing, you must request a subpoena from the district court at least 10 days before the hearing date, have the subpoena served, and pay mileage/witness fees required to effectuate service. If you fail to appear at the hearing, the court may enter a default judgment against you for the total amount of monetary assessments and fees indicated on this Notice. You will be notified of the judge's decision after the hearing. If you disagree with the judge's decision, you may request a trial.

- **Contest By Written Statement** - If you submit a written statement explaining the grounds on which you contest the infraction(s), include your name, address, operator license number, citation number, and signature on the statement. When you submit a written statement with your Answer to Notice, no hearing will be scheduled. You will be notified by mail of the judge's decision. If you disagree with the judge's decision, you may request a trial.

OPTION 3: ADMIT BUT EXPLAIN MITIGATING CIRCUMSTANCES

If you admit committing the traffic infraction(s) but wish to explain mitigating circumstances, you may either (1) request a hearing and appear in person to explain mitigating circumstances, or (2) submit a written statement explaining the mitigating circumstances. In either event, you must complete, sign and date the Answer to Notice (tear-away flap on the preprinted envelope) and return your Answer to Notice, your copy of this Notice, and any written statement, within 21 calendar days from the date of this Notice, either by mail, using the preprinted envelope, or in person at any district court.

- **Explain Mitigating Circumstances In Person** - If you request a hearing to explain mitigating circumstances in person, the court will notify you in writing of the date, time, and location of the hearing. If you fail to appear at the hearing, you must pay the total amount of monetary assessments and fees indicated on this Notice. You will be notified of the judge's decision after the hearing. **The judge's decision is FINAL and cannot be appealed.**

- **Explain Mitigating Circumstances By Written Statement** - If you submit a written statement explaining the grounds on which you contest the infraction(s), include your name, address, operator license number, citation number, and signature on the statement. When you submit a written statement with your Answer to Notice, no hearing will be scheduled. You will be notified by mail of the judge's decision. **The judge's decision is FINAL and cannot be appealed.**

UNABLE TO PAY THE MONETARY ASSESSMENT?

If you are unable to pay all or part of your monetary assessment because of financial hardship, you may request that the court consider your ability to pay. The court may permit community service instead of payment or may make other adjustments to the assessment.

IMPORTANT NOTE FOR JUVENILES UNDER AGE 18

Your parent or legal guardian must accompany you when appearing before the court and must co-sign any payment or written statement submitted to the court.

INFORMATION ABOUT YOUR PRIVACY

Disclosure of the last four digits of your social security number (SSN) on this Notice is optional. The last four digits of your SSN will be used for identification purposes in administering state and federal driver's license and motor vehicle laws.

**ADDRESSES FOR THE
DISTRICT COURT OF THE SECOND CIRCUIT**

WAILUKU

Wailuku Division
2145 Main Street, Suite 137
Wailuku, Hawai'i 96793-1679
(808) 244-2800

LAHAINA

Lahaina Division
1870 Honoapi'ilani Hwy.
Lahaina, Hawai'i 96761-1856
(808) 661-0970

HĀNA

Hāna Cultural Center
4974 Uakea Road
Hana, Hawai'i 96713
(808) 661-0970
Mailing: 1870 Honoapi'ilani Hwy.
Lahaina, Hawai'i 96761-1856

LĀNA'I

Lāna'i Division
312 Eighth Street
Lāna'i City, Hawai'i 96763
(808) 565-6447
Mailing: 1870 Honoapi'ilani Hwy.
Lahaina, Hawai'i 96761-1856

MOLOKA'I

Moloka'i Division
(P.O. Box 284), 55 Makaena St.
Kaunakakai, Hawai'i 96748-0284
(808) 553-1100



If you require an accommodation for a disability when working with a court program, service, or activity, please contact the Disability Accommodations Coordinator at (808) 244-2800, FAX: (808) 244-2849, at least ten (10) working days before your proceeding, hearing, or appointment date.

**State of Hawai'i - Notice of Traffic Infraction(s)
In the District Court of the Second Circuit**

CITATION NO.

COMPLAINT: The undersigned officer, on behalf of Plaintiff State of Hawai'i, declares under penalty of law that he/she has reasonable grounds to believe and does believe that on the date, at the time, and under the conditions indicated, the named defendant did commit the civil traffic infraction(s) noted below and that the same is true and correct to the best of his/her knowledge and belief.

DEFENDANT		ID on Person <input type="checkbox"/> Y <input type="checkbox"/> N	
LAST NAME		REGISTERED OWNER <input type="checkbox"/> Y <input type="checkbox"/> N	
FIRST NAME		MIDDLE INITIAL(S)	
ADDRESS			
CITY		STATE	ZIP CODE
JUVENILE <input type="checkbox"/> Y <input type="checkbox"/> N	PROV. LIC. <input type="checkbox"/> Y <input type="checkbox"/> N	PARENT'S NAME (if juvenile operator)	
OPERATOR LICENSE NO.		STATE	EXP. DATE (Month/Day/Year)
DATE OF BIRTH (Month/Day/Year)	HEIGHT	WEIGHT	ETHNICITY (optional)
CDL <input type="checkbox"/> Y <input type="checkbox"/> N	SEX <input type="checkbox"/> M <input type="checkbox"/> F	SSN-Last 4 digits (optional, for identification purposes) XXX - XX -	
CONTACT PHONE NUMBER(S)	MILITARY SERVICE <input type="checkbox"/> Y <input type="checkbox"/> N	MILITARY ID (last 4 characters)	
EMPLOYER (if driving company vehicle)			

VEHICLE INFORMATION					
LICENSE PLATE/VIN				STATE	HAZ MAT <input type="checkbox"/> Y <input type="checkbox"/> N
MAKE	MODEL	TYPE	COLOR	YEAR	CMV <input type="checkbox"/> Y <input type="checkbox"/> N

TRAFFIC INFRACTION(S) COMMITTED & MONETARY ASSESSMENT(S) PAYABLE (INCLUDING FEES)

- HRS 249-2 Delinquent Vehicle Tax; (exp. _____)\$70
- HRS 249-7(b) (No / Obstructed / Unclean) License Plate; (Front / Rear).....\$70
- HRS 249-11(a) Fraudulent Use of (Plates / Tags / Emblems)\$280
- HRS 286-25 (No / Expired) Certificate of Inspection; (exp. _____).....\$70
- HRS 286-47(3) No Certificate of Registration in Vehicle\$70
- HRS 286-102.6 Violation of Provisional License Requirements..... **COURT**
- HRS 286-110(d) No Licensed Driver Present.....\$147
- HRS 286-116(a) No (License / Insurance Card) on Person\$122
- HRS 291-11.6 No Seat Belt\$102
- HRS 291-21.5(a) Tinted Glaze Glass - Owner\$287
- HRS 291C-14 Duty to (Give Information / Render Aid)\$247
- HRS 291C-15 Duty Upon Striking Unattended (Vehicle / Property)\$247
- HRS 291C-32(a)(3)(A) Disregarding Red Signal.....\$97
- HRS 291C-38 Disregarding (_____) Traffic Lane Lines\$97
- HRS 291C-41 Driving on Left Side of Roadway\$97
- HRS 291C-49(1) Unsafe Lane Change\$97
- HRS 291C-63(b) Disregarding Stop Sign\$97
- HRS 291C-102(a)(1) Exceeding the Speed Limit
 - 1-10 MPH Over Limit (_____ MPH over).....\$ _____
 - 11-29 MPH Over Limit (_____ MPH over).....\$ _____
- HRS 291C-104 Speeding in Construction Area.....\$307
- HRS 291C-104(a) Speeding in School Zone.....\$322
- HRS 291C-123(a) Driving upon Bikeway\$97
- HRS 291C-131(a) Vehicle Not (Constructed / Covered / Loaded) to Prevent Load From Spilling on Highway **COURT**
- HRS 291C-137(a) Mobile Elec Device Prohibited\$297
- HRS 291C-137(a) Mobile Elec Device Prohibited - School/Constr zone.....\$347
- HRS 291C-137(c) Mobile Elec Device Prohibited (under 18yrs)\$257
- HRS 291C-137(c) Mobile Elec Device Prohibited (under 18yrs) - School/Constr zone\$307

SECTION	DESCRIPTION	\$
SECTION	DESCRIPTION	\$

DETAILS REGARDING THE INFRACTION(S) CHARGED			
DATE (Month / Day / Year)	TIME	DISTRICT	BEAT
WEATHER	<input type="checkbox"/> CLEAR	<input type="checkbox"/> OVERCAST	<input type="checkbox"/> DRIZZLE
ROAD	<input type="checkbox"/> DRY	<input type="checkbox"/> WET	<input type="checkbox"/> CONCRETE
TRAFFIC	<input type="checkbox"/> LIGHT	<input type="checkbox"/> MEDIUM	<input type="checkbox"/> HEAVY
LIGHTING	<input type="checkbox"/> DAWN	<input type="checkbox"/> DAYLIGHT	<input type="checkbox"/> DUSK
NO. OF OCCUPANTS: ADULT MALE(S) ADULT FEMALE(S) CHILDREN			
LOCATION OF VIOLATION			
VANTAGE POINT		SIGN(S) POSTED <input type="checkbox"/> Y <input type="checkbox"/> N	BODY CAMERA <input type="checkbox"/> Y <input type="checkbox"/> N
ACTUAL SPEED	POSTED SPEED	SPEED VIOLATION MEASURED BY <input type="checkbox"/> PACE <input type="checkbox"/> LASER <input type="checkbox"/> RADAR	
<input type="checkbox"/> I WAS CERTIFIED IN THE ABOVE DEVICE <input type="checkbox"/> LASER DISTANCE _____			
<input type="checkbox"/> DEVICE/SPEEDOMETER WAS ACCURATE, TESTED, & WORKING PROPERLY			
COMPANION CITATION(S)/NOTICE(S) (list citation / notice no.)		ACCIDENT <input type="checkbox"/> Y <input type="checkbox"/> N	INJURY <input type="checkbox"/> Y <input type="checkbox"/> N
PROPERTY DAMAGE <input type="checkbox"/> MAJOR (\$3,000+) <input type="checkbox"/> MINOR		REPORT NO.	
OFFICER'S OBSERVATIONS (optional)			
COMPLAINING OFFICER INFORMATION			
PRINT RANK, FIRST INITIAL, & LAST NAME			ID NO.
OFFICER'S SIGNATURE			DATE OF ISSUANCE

DEFENDANT'S ACKNOWLEDGMENT: By signing below, I acknowledge service of this Notice. I understand that my signature is not an admission of responsibility.

X _____ **DEFENDANT REFUSES TO SIGN**
Defendant's Signature

NOTE TO DEFENDANT: Please read the instructions on the reverse side carefully, then complete and return your Answer to this Notice (tear-away flap on the preprinted envelope), along with any payment or written statement in support of your Answer, within 21 calendar days from the date of this Notice, either by mail, in person, via the Internet, or by telephone. If you choose to mail an Answer, payment, or written statement, please use the preprinted envelope, seal the contents, affix postage, and be sure your mailing is postmarked within 21 calendar days from the date of this Notice. The Post Office will not deliver without proper postage. Please calculate the total amount due by adding the monetary assessments for each infraction.

If you are a "PROVISIONAL LICENSE HOLDER" or if the word "COURT" is listed next to an infraction that you are charged with committing, you are hereby directed to appear before the District Court of the Second Circuit on the date and at the time and location designated below (see reverse side for address) to answer the charge(s). Failure to obey this Notice and Summons may result in a fine, imprisonment, arrest on other charges, and/or other penalties.

SUMMONS		
COURT LOCATION (see addresses on reverse side)		
<input type="checkbox"/> WAILUKU	<input type="checkbox"/> LAHAINA	<input type="checkbox"/> MOLOKA'I
DATE		
TIME		COURTROOM

**State of Hawai'i - Notice of Traffic Infraction(s)
In the District Court of the Second Circuit**

CITATION NO.

COMPLAINT: The undersigned officer, on behalf of Plaintiff State of Hawai'i, declares under penalty of law that he/she has reasonable grounds to believe and does believe that on the date, at the time, and under the conditions indicated, the named defendant did commit the civil traffic infraction(s) noted below and that the same is true and correct to the best of his/her knowledge and belief.

DEFENDANT		ID on Person <input type="checkbox"/> Y <input type="checkbox"/> N	
LAST NAME		REGISTERED OWNER <input type="checkbox"/> Y <input type="checkbox"/> N	
FIRST NAME		MIDDLE INITIAL(S)	
ADDRESS			
CITY		STATE	ZIP CODE
JUVENILE <input type="checkbox"/> Y <input type="checkbox"/> N	PROV. LIC. <input type="checkbox"/> Y <input type="checkbox"/> N	PARENT'S NAME (if juvenile operator)	
OPERATOR LICENSE NO.		STATE	EXP. DATE (Month/Day/Year)
DATE OF BIRTH (Month/Day/Year)	HEIGHT	WEIGHT	ETHNICITY (optional)
CDL <input type="checkbox"/> Y <input type="checkbox"/> N	SEX <input type="checkbox"/> M <input type="checkbox"/> F	SSN-Last 4 digits (optional, for identification purposes) XXX - XX -	
CONTACT PHONE NUMBER(S)	MILITARY SERVICE <input type="checkbox"/> Y <input type="checkbox"/> N	MILITARY ID (last 4 characters)	
EMPLOYER (if driving company vehicle)			

VEHICLE INFORMATION					
LICENSE PLATE/VIN				STATE	HAZ MAT <input type="checkbox"/> Y <input type="checkbox"/> N
MAKE	MODEL	TYPE	COLOR	YEAR	CMV <input type="checkbox"/> Y <input type="checkbox"/> N

TRAFFIC INFRACTION(S) COMMITTED & MONETARY ASSESSMENT(S) PAYABLE (INCLUDING FEES)

- HRS 249-2 Delinquent Vehicle Tax; (exp. _____)\$70
- HRS 249-7(b) (No / Obstructed / Unclean) License Plate; (Front / Rear).....\$70
- HRS 249-11(a) Fraudulent Use of (Plates / Tags / Emblems)\$280
- HRS 286-25 (No / Expired) Certificate of Inspection; (exp. _____)\$70
- HRS 286-47(3) No Certificate of Registration in Vehicle\$70
- HRS 286-102.6 Violation of Provisional License Requirements..... **COURT**
- HRS 286-110(d) No Licensed Driver Present.....\$147
- HRS 286-116(a) No (License / Insurance Card) on Person\$122
- HRS 291-11.6 No Seat Belt\$102
- HRS 291-21.5(a) Tinted Glaze Glass - Owner\$287
- HRS 291C-14 Duty to (Give Information / Render Aid)\$247
- HRS 291C-15 Duty Upon Striking Unattended (Vehicle / Property)\$247
- HRS 291C-32(a)(3)(A) Disregarding Red Signal.....\$97
- HRS 291C-38 Disregarding (_____) Traffic Lane Lines\$97
- HRS 291C-41 Driving on Left Side of Roadway\$97
- HRS 291C-49(1) Unsafe Lane Change\$97
- HRS 291C-63(b) Disregarding Stop Sign\$97
- HRS 291C-102(a)(1) Exceeding the Speed Limit
 - 1-10 MPH Over Limit (_____ MPH over).....\$ _____
 - 11-29 MPH Over Limit (_____ MPH over).....\$ _____
- HRS 291C-104 Speeding in Construction Area.....\$307
- HRS 291C-104(a) Speeding in School Zone.....\$322
- HRS 291C-123(a) Driving upon Bikeway\$97
- HRS 291C-131(a) Vehicle Not (Constructed / Covered / Loaded) to Prevent Load From Spilling on Highway..... **COURT**
- HRS 291C-137(a) Mobile Elec Device Prohibited\$297
- HRS 291C-137(a) Mobile Elec Device Prohibited - School/Constr zone.....\$347
- HRS 291C-137(c) Mobile Elec Device Prohibited (under 18yrs)\$257
- HRS 291C-137(c) Mobile Elec Device Prohibited (under 18yrs) - School/Constr zone\$307

SECTION	DESCRIPTION	\$
SECTION	DESCRIPTION	\$

DETAILS REGARDING THE INFRACTION(S) CHARGED

DATE (Month / Day / Year)	TIME	DISTRICT	BEAT
WEATHER	<input type="checkbox"/> CLEAR	<input type="checkbox"/> OVERCAST	<input type="checkbox"/> DRIZZLE
ROAD	<input type="checkbox"/> DRY	<input type="checkbox"/> WET	<input type="checkbox"/> CONCRETE
TRAFFIC	<input type="checkbox"/> LIGHT	<input type="checkbox"/> MEDIUM	<input type="checkbox"/> HEAVY
LIGHTING	<input type="checkbox"/> DAWN	<input type="checkbox"/> DAYLIGHT	<input type="checkbox"/> DUSK
NO. OF OCCUPANTS: ADULT MALE(S) ADULT FEMALE(S) CHILDREN			
LOCATION OF VIOLATION			
VANTAGE POINT		SIGN(S) POSTED <input type="checkbox"/> Y <input type="checkbox"/> N	BODY CAMERA <input type="checkbox"/> Y <input type="checkbox"/> N
ACTUAL SPEED	POSTED SPEED	SPEED VIOLATION MEASURED BY <input type="checkbox"/> PACE <input type="checkbox"/> LASER <input type="checkbox"/> RADAR	
<input type="checkbox"/> I WAS CERTIFIED IN THE ABOVE DEVICE <input type="checkbox"/> LASER DISTANCE _____			
<input type="checkbox"/> DEVICE/SPEEDOMETER WAS ACCURATE, TESTED, & WORKING PROPERLY			
COMPANION CITATION(S)/NOTICE(S) (list citation / notice no.)		ACCIDENT <input type="checkbox"/> Y <input type="checkbox"/> N	INJURY <input type="checkbox"/> Y <input type="checkbox"/> N
PROPERTY DAMAGE <input type="checkbox"/> MAJOR (\$3,000+) <input type="checkbox"/> MINOR		REPORT NO.	
OFFICER'S OBSERVATIONS (optional)			

COMPLAINING OFFICER INFORMATION

PRINT RANK, FIRST INITIAL, & LAST NAME	ID NO.
OFFICER'S SIGNATURE	DATE OF ISSUANCE

DEFENDANT'S ACKNOWLEDGMENT: By signing below, I acknowledge service of this Notice. I understand that my signature is not an admission of responsibility.

X _____ **DEFENDANT REFUSES TO SIGN**
Defendant's Signature

NOTE TO DEFENDANT: Please read the instructions on the reverse side carefully, then complete and return your Answer to this Notice (tear-away flap on the preprinted envelope), along with any payment or written statement in support of your Answer, within 21 calendar days from the date of this Notice, either by mail, in person, via the Internet, or by telephone. If you choose to mail an Answer, payment, or written statement, please use the preprinted envelope, seal the contents, affix postage, and be sure your mailing is postmarked within 21 calendar days from the date of this Notice. The Post Office will not deliver without proper postage. Please calculate the total amount due by adding the monetary assessments for each infraction.

If you are a "PROVISIONAL LICENSE HOLDER" or if the word "COURT" is listed next to an infraction that you are charged with committing, you are hereby directed to appear before the District Court of the Second Circuit on the date and at the time and location designated below (see reverse side for address) to answer the charge(s). Failure to obey this Notice and Summons may result in a fine, imprisonment, arrest on other charges, and/or other penalties.

SUMMONS

COURT LOCATION (see addresses on reverse side)		
<input type="checkbox"/> WAILUKU	<input type="checkbox"/> LAHAINA	<input type="checkbox"/> MOLOKA'I
DATE	TIME	COURTROOM

**State of Hawai'i - Notice of Traffic Infraction(s)
In the District Court of the Third Circuit**

CITATION NO.

COMPLAINT: The undersigned officer, on behalf of Plaintiff State of Hawai'i, declares under penalty of law that he/she has reasonable grounds to believe and does believe that on the date, at the time, and under the conditions indicated, the named defendant did commit the civil traffic infraction(s) noted below and that the same is true and correct to the best of his/her knowledge and belief.

DEFENDANT		ID on Person <input type="checkbox"/> Y <input type="checkbox"/> N	
LAST NAME		REGISTERED OWNER <input type="checkbox"/> Y <input type="checkbox"/> N	
FIRST NAME		MIDDLE INITIAL(S)	
ADDRESS			
CITY		STATE	ZIP CODE
JUVENILE <input type="checkbox"/> Y <input type="checkbox"/> N	PROV. LIC. <input type="checkbox"/> Y <input type="checkbox"/> N	PARENT'S NAME (if juvenile operator)	
OPERATOR LICENSE NO.		STATE	EXP. DATE (Month/Day/Year)
DATE OF BIRTH (Month/Day/Year)	HEIGHT	WEIGHT	ETHNICITY (optional)
CDL <input type="checkbox"/> Y <input type="checkbox"/> N	SEX <input type="checkbox"/> M <input type="checkbox"/> F	SSN-Last 4 digits (optional, for identification purposes) XXX - XX - _____	
CONTACT PHONE NUMBER(S)	MILITARY SERVICE <input type="checkbox"/> Y <input type="checkbox"/> N	MILITARY ID (last 4 characters)	
EMPLOYER (if driving company vehicle)			

VEHICLE INFORMATION			
LICENSE PLATE/VIN			STATE
MAKE	MODEL	TYPE	HAZ MAT <input type="checkbox"/> Y <input type="checkbox"/> N
COLOR	YEAR		CMV <input type="checkbox"/> Y <input type="checkbox"/> N

TRAFFIC INFRACTION(S) COMMITTED & MONETARY ASSESSMENT(S) PAYABLE (INCLUDING FEES)

- HRS 249-7 No Vehicle License Plate/OBSTRD/DIRT.....\$70
- HRS 249-2 Delinquent Vehicle Tax; (exp. _____).....\$70
- HRS 286-25 (No / Expired) Certificate of Inspection; (exp. _____).....\$70
- HRS 286-47(3) Registration Not in Vehicle (also MC).....\$70
- HRS 286-52(b) Register Vehicle Ownership w/in 30 days.....\$70
- HRS 286-102.6 Violation of Provisional License Requirements..... **COURT**
- HRS 291-11.6(a) No Seat Belt.....\$102
- HRS 291-21.5(a) Tinted Glaze Glass-Sunscreen.....\$287
- HRS 291-25(a) Driving w/o Headlight.....\$47
- HRS 291-31 Defective Tail/Brake/Lic Plate Light.....\$47
- HRS 291C-32(a)(3)(A) Disregarding Red Signal.....\$97
- HRS 291C-63(b) Disregarding Stop Sign.....\$97
- HRS 291C-101 Basic Speed Rule.....\$157
- HRS 291C-102(a)(1) Exceeding the Speed Limit**
 - 1-10 MPH Over Limit (_____ MPH over).....\$ _____
 - 11-29 MPH Over Limit (_____ MPH over).....\$ _____
- HRS 291C-137(a) Mobile Elec Device Prohibited.....\$297
- HRS 291C-137(a) Mobile Elec Device Prohibited - School/Constr zone.....\$347
- HRS 291C-137(c) Mobile Elec Device Prohibited (under 18yrs).....\$257
- HRS 291C-137(c) Mobile Elec Device Prohibited (under 18yrs) - School/Constr zone.....\$307

SECTION	DESCRIPTION	\$
SECTION	DESCRIPTION	\$
SECTION	DESCRIPTION	\$

DETAILS REGARDING THE INFRACTION(S) CHARGED			
DATE (Month / Day / Year)	TIME	DISTRICT	BEAT
WEATHER	<input type="checkbox"/> CLEAR	<input type="checkbox"/> OVERCAST	<input type="checkbox"/> DRIZZLE <input type="checkbox"/> RAIN
ROAD	<input type="checkbox"/> DRY	<input type="checkbox"/> WET	<input type="checkbox"/> CONCRETE <input type="checkbox"/> ASPHALT <input type="checkbox"/> DIRT
TRAFFIC	<input type="checkbox"/> LIGHT	<input type="checkbox"/> MEDIUM	<input type="checkbox"/> HEAVY
LIGHTING	<input type="checkbox"/> DAWN	<input type="checkbox"/> DAYLIGHT	<input type="checkbox"/> DUSK <input type="checkbox"/> DARKNESS
NO. OF OCCUPANTS:	ADULT MALE(S)	ADULT FEMALE(S)	CHILDREN
LOCATION OF VIOLATION			
VANTAGE POINT			
LANE OF TRAVEL			
SIGN(S) POSTED			
ACTUAL SPEED	POSTED SPEED	SPEED VIOLATION MEASURED BY <input type="checkbox"/> PACE <input type="checkbox"/> LASER <input type="checkbox"/> RADAR	
<input type="checkbox"/> I WAS CERTIFIED IN THE ABOVE DEVICE		<input type="checkbox"/> LASER DISTANCE _____	
<input type="checkbox"/> DEVICE/SPEEDOMETER WAS ACCURATE, TESTED, & WORKING PROPERLY			
COMPANION CITATION(S)/NOTICE(S) (list citation / notice no.)		ACCIDENT <input type="checkbox"/> YES <input type="checkbox"/> NO	INJURY <input type="checkbox"/> YES <input type="checkbox"/> NO
PROPERTY DAMAGE <input type="checkbox"/> MAJOR (\$3,000+) <input type="checkbox"/> MINOR		REPORT NO.	
OFFICER'S OBSERVATIONS (optional)			
COMPLAINING OFFICER INFORMATION			
PRINT RANK, FIRST INITIAL, & LAST NAME			ID NO.
OFFICER'S SIGNATURE			DATE OF ISSUANCE

DEFENDANT'S ACKNOWLEDGMENT: By signing below, I acknowledge service of this Notice. I understand that my signature is not an admission of responsibility.

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Defendant's Signature

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SUMMONS		
COURT LOCATION (see addresses on reverse side)		
<input type="checkbox"/> HILO <input type="checkbox"/> S KOHALA <input type="checkbox"/> N & S KONA		
DATE	TIME	COURTROOM

**State of Hawai'i - Notice of Traffic Infraction(s)
In the District Court of the Third Circuit**

CITATION NO.

COMPLAINT: The undersigned officer, on behalf of Plaintiff State of Hawai'i, declares under penalty of law that he/she has reasonable grounds to believe and does believe that on the date, at the time, and under the conditions indicated, the named defendant did commit the civil traffic infraction(s) noted below and that the same is true and correct to the best of his/her knowledge and belief.

DEFENDANT		ID on Person <input type="checkbox"/> Y <input type="checkbox"/> N	
LAST NAME		REGISTERED OWNER <input type="checkbox"/> Y <input type="checkbox"/> N	
FIRST NAME		MIDDLE INITIAL(S)	
ADDRESS			
CITY		STATE	ZIP CODE
JUVENILE <input type="checkbox"/> Y <input type="checkbox"/> N	PROV. LIC. <input type="checkbox"/> Y <input type="checkbox"/> N	PARENT'S NAME (if juvenile operator)	
OPERATOR LICENSE NO.		STATE	EXP. DATE (Month/Day/Year)
DATE OF BIRTH (Month/Day/Year)	HEIGHT	WEIGHT	ETHNICITY (optional)
CDL <input type="checkbox"/> Y <input type="checkbox"/> N	SEX <input type="checkbox"/> M <input type="checkbox"/> F	SSN-Last 4 digits (optional, for identification purposes) XXX - XX - _____	
CONTACT PHONE NUMBER(S)	MILITARY SERVICE <input type="checkbox"/> Y <input type="checkbox"/> N	MILITARY ID (last 4 characters)	
EMPLOYER (if driving company vehicle)			

VEHICLE INFORMATION			
LICENSE PLATE/VIN			STATE
MAKE	MODEL	TYPE	HAZ MAT <input type="checkbox"/> Y <input type="checkbox"/> N
COLOR	YEAR		CMV <input type="checkbox"/> Y <input type="checkbox"/> N

TRAFFIC INFRACTION(S) COMMITTED & MONETARY ASSESSMENT(S) PAYABLE (INCLUDING FEES)

<input type="checkbox"/> HRS 249-7 No Vehicle License Plate/OBSTRD/DIRT.....	\$70
<input type="checkbox"/> HRS 249-2 Delinquent Vehicle Tax; (exp. _____).....	\$70
<input type="checkbox"/> HRS 286-25 (No / Expired) Certificate of Inspection; (exp. _____).....	\$70
<input type="checkbox"/> HRS 286-47(3) Registration Not in Vehicle (also MC).....	\$70
<input type="checkbox"/> HRS 286-52(b) Register Vehicle Ownership w/in 30 days.....	\$70
<input type="checkbox"/> HRS 286-102.6 Violation of Provisional License Requirements.....	COURT
<input type="checkbox"/> HRS 291-11.6(a) No Seat Belt.....	\$102
<input type="checkbox"/> HRS 291-21.5(a) Tinted Glaze Glass-Sunscreen.....	\$287
<input type="checkbox"/> HRS 291-25(a) Driving w/o Headlight.....	\$47
<input type="checkbox"/> HRS 291-31 Defective Tail/Brake/Lic Plate Light.....	\$47
<input type="checkbox"/> HRS 291C-32(a)(3)(A) Disregarding Red Signal.....	\$97
<input type="checkbox"/> HRS 291C-63(b) Disregarding Stop Sign.....	\$97
<input type="checkbox"/> HRS 291C-101 Basic Speed Rule.....	\$157
HRS 291C-102(a)(1) Exceeding the Speed Limit	
<input type="checkbox"/> 1-10 MPH Over Limit (_____ MPH over).....	\$ _____
<input type="checkbox"/> 11-29 MPH Over Limit (_____ MPH over).....	\$ _____
<input type="checkbox"/> HRS 291C-137(a) Mobile Elec Device Prohibited.....	\$297
<input type="checkbox"/> HRS 291C-137(a) Mobile Elec Device Prohibited - School/Constr zone.....	\$347
<input type="checkbox"/> HRS 291C-137(c) Mobile Elec Device Prohibited (under 18yrs).....	\$257
<input type="checkbox"/> HRS 291C-137(c) Mobile Elec Device Prohibited (under 18yrs) - School/Constr zone.....	\$307

SECTION	DESCRIPTION	\$
SECTION	DESCRIPTION	\$
SECTION	DESCRIPTION	\$

DETAILS REGARDING THE INFRACTION(S) CHARGED

DATE (Month / Day / Year)	TIME	DISTRICT	BEAT
WEATHER	<input type="checkbox"/> CLEAR	<input type="checkbox"/> OVERCAST	<input type="checkbox"/> DRIZZLE <input type="checkbox"/> RAIN
ROAD	<input type="checkbox"/> DRY <input type="checkbox"/> WET	<input type="checkbox"/> CONCRETE <input type="checkbox"/> ASPHALT	<input type="checkbox"/> DIRT
TRAFFIC	<input type="checkbox"/> LIGHT <input type="checkbox"/> MEDIUM	<input type="checkbox"/> HEAVY	
LIGHTING	<input type="checkbox"/> DAWN <input type="checkbox"/> DAYLIGHT	<input type="checkbox"/> DUSK <input type="checkbox"/> DARKNESS	
NO. OF OCCUPANTS:	ADULT MALE(S)	ADULT FEMALE(S)	CHILDREN
LOCATION OF VIOLATION			
VANTAGE POINT			
LANE OF TRAVEL			
SIGN(S) POSTED			
ACTUAL SPEED	POSTED SPEED	SPEED VIOLATION MEASURED BY <input type="checkbox"/> PACE <input type="checkbox"/> LASER <input type="checkbox"/> RADAR	
<input type="checkbox"/> I WAS CERTIFIED IN THE ABOVE DEVICE		<input type="checkbox"/> LASER DISTANCE _____	
<input type="checkbox"/> DEVICE/SPEEDOMETER WAS ACCURATE, TESTED, & WORKING PROPERLY			
COMPANION CITATION(S)/NOTICE(S) (list citation / notice no.)		ACCIDENT <input type="checkbox"/> YES <input type="checkbox"/> NO	INJURY <input type="checkbox"/> YES <input type="checkbox"/> NO
PROPERTY DAMAGE <input type="checkbox"/> MAJOR (\$3,000+) <input type="checkbox"/> MINOR		REPORT NO.	
OFFICER'S OBSERVATIONS (optional)			

COMPLAINING OFFICER INFORMATION

PRINT RANK, FIRST INITIAL, & LAST NAME	ID NO.
OFFICER'S SIGNATURE	DATE OF ISSUANCE

DEFENDANT'S ACKNOWLEDGMENT: By signing below, I acknowledge service of this Notice. I understand that my signature is not an admission of responsibility.

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SUMMONS

COURT LOCATION (see addresses on reverse side)		
<input type="checkbox"/> HILO	<input type="checkbox"/> S KOHALA	<input type="checkbox"/> N & S KONA
DATE	TIME	COURTROOM

**State of Hawai'i - Notice of Traffic Infraction(s)
In the District Court of the Third Circuit**

CITATION NO.

COMPLAINT: The undersigned officer, on behalf of Plaintiff State of Hawai'i, declares under penalty of law that he/she has reasonable grounds to believe and does believe that on the date, at the time, and under the conditions indicated, the named defendant did commit the civil traffic infraction(s) noted below and that the same is true and correct to the best of his/her knowledge and belief.

DEFENDANT		ID on Person <input type="checkbox"/> Y <input type="checkbox"/> N	
LAST NAME		REGISTERED OWNER <input type="checkbox"/> Y <input type="checkbox"/> N	
FIRST NAME		MIDDLE INITIAL(S)	
ADDRESS			
CITY		STATE	ZIP CODE
JUVENILE <input type="checkbox"/> Y <input type="checkbox"/> N	PROV. LIC. <input type="checkbox"/> Y <input type="checkbox"/> N	PARENT'S NAME (if juvenile operator)	
OPERATOR LICENSE NO.		STATE	EXP. DATE (Month/Day/Year)
DATE OF BIRTH (Month/Day/Year)	HEIGHT	WEIGHT	ETHNICITY (optional)
CDL <input type="checkbox"/> Y <input type="checkbox"/> N	SEX <input type="checkbox"/> M <input type="checkbox"/> F	SSN-Last 4 digits (optional, for identification purposes) XXX - XX - _____	
CONTACT PHONE NUMBER(S)	MILITARY SERVICE <input type="checkbox"/> Y <input type="checkbox"/> N	MILITARY ID (last 4 characters)	
EMPLOYER (if driving company vehicle)			

VEHICLE INFORMATION			
LICENSE PLATE/VIN		STATE	HAZ MAT <input type="checkbox"/> Y <input type="checkbox"/> N
MAKE	MODEL	TYPE	COLOR
YEAR	CMV <input type="checkbox"/> Y <input type="checkbox"/> N		

TRAFFIC INFRACTION(S) COMMITTED & MONETARY ASSESSMENT(S) PAYABLE (INCLUDING FEES)

- HRS 249-7 No Vehicle License Plate/OBSTRD/DIRT.....\$70
- HRS 249-2 Delinquent Vehicle Tax; (exp. _____).....\$70
- HRS 286-25 (No / Expired) Certificate of Inspection; (exp. _____).....\$70
- HRS 286-47(3) Registration Not in Vehicle (also MC).....\$70
- HRS 286-52(b) Register Vehicle Ownership w/in 30 days.....\$70
- HRS 286-102.6 Violation of Provisional License Requirements..... **COURT**
- HRS 291-11.6(a) No Seat Belt.....\$102
- HRS 291-21.5(a) Tinted Glaze Glass-Sunscreen.....\$287
- HRS 291-25(a) Driving w/o Headlight.....\$47
- HRS 291-31 Defective Tail/Brake/Lic Plate Light.....\$47
- HRS 291C-32(a)(3)(A) Disregarding Red Signal.....\$97
- HRS 291C-63(b) Disregarding Stop Sign.....\$97
- HRS 291C-101 Basic Speed Rule.....\$157
- HRS 291C-102(a)(1) Exceeding the Speed Limit**
 - 1-10 MPH Over Limit (_____ MPH over).....\$ _____
 - 11-29 MPH Over Limit (_____ MPH over).....\$ _____
- HRS 291C-137(a) Mobile Elec Device Prohibited.....\$297
- HRS 291C-137(a) Mobile Elec Device Prohibited - School/Constr zone.....\$347
- HRS 291C-137(c) Mobile Elec Device Prohibited (under 18yrs).....\$257
- HRS 291C-137(c) Mobile Elec Device Prohibited (under 18yrs) - School/Constr zone.....\$307

SECTION	DESCRIPTION	\$
SECTION	DESCRIPTION	\$
SECTION	DESCRIPTION	\$

DETAILS REGARDING THE INFRACTION(S) CHARGED

DATE (Month / Day / Year)	TIME	DISTRICT	BEAT
WEATHER	<input type="checkbox"/> CLEAR	<input type="checkbox"/> OVERCAST	<input type="checkbox"/> DRIZZLE <input type="checkbox"/> RAIN
ROAD	<input type="checkbox"/> DRY	<input type="checkbox"/> WET	<input type="checkbox"/> CONCRETE <input type="checkbox"/> ASPHALT <input type="checkbox"/> DIRT
TRAFFIC	<input type="checkbox"/> LIGHT	<input type="checkbox"/> MEDIUM	<input type="checkbox"/> HEAVY
LIGHTING	<input type="checkbox"/> DAWN	<input type="checkbox"/> DAYLIGHT	<input type="checkbox"/> DUSK <input type="checkbox"/> DARKNESS
NO. OF OCCUPANTS:	ADULT MALE(S)	ADULT FEMALE(S)	CHILDREN
LOCATION OF VIOLATION			
VANTAGE POINT			
LANE OF TRAVEL			
SIGN(S) POSTED			
ACTUAL SPEED	POSTED SPEED	SPEED VIOLATION MEASURED BY <input type="checkbox"/> PACE <input type="checkbox"/> LASER <input type="checkbox"/> RADAR	
<input type="checkbox"/> I WAS CERTIFIED IN THE ABOVE DEVICE		<input type="checkbox"/> LASER DISTANCE _____	
<input type="checkbox"/> DEVICE/SPEEDOMETER WAS ACCURATE, TESTED, & WORKING PROPERLY			
COMPANION CITATION(S)/NOTICE(S) <small>(list citation / notice no.)</small>		ACCIDENT <input type="checkbox"/> YES <input type="checkbox"/> NO	INJURY <input type="checkbox"/> YES <input type="checkbox"/> NO
PROPERTY DAMAGE <input type="checkbox"/> MAJOR (\$3,000+) <input type="checkbox"/> MINOR		REPORT NO.	
OFFICER'S OBSERVATIONS (optional)			
COMPLAINING OFFICER INFORMATION			
PRINT RANK, FIRST INITIAL, & LAST NAME			ID NO.
OFFICER'S SIGNATURE			DATE OF ISSUANCE

DEFENDANT'S ACKNOWLEDGMENT: By signing below, I acknowledge service of this Notice. I understand that my signature is not an admission of responsibility.

X _____ **DEFENDANT REFUSES TO SIGN**
Defendant's Signature

NOTE TO DEFENDANT: Please read the instructions on the reverse side carefully, then complete and return your Answer to this Notice (tear-away flap on the preprinted envelope), along with any payment or written statement in support of your Answer, within 21 calendar days from the date of this Notice, either by mail, in person, via the Internet, or by telephone. If you choose to mail an Answer, payment, or written statement, please use the preprinted envelope, seal the contents, affix postage, and be sure your mailing is postmarked within 21 calendar days from the date of this Notice. The Post Office will not deliver without proper postage. Please calculate the total amount due by adding the monetary assessments for each infraction.

If you are a "PROVISIONAL LICENSE HOLDER" or if the word "COURT" is listed next to an infraction that you are charged with committing, you are hereby directed to appear before the District Court of the Third Circuit on the date and at the time and location designated below (see reverse side for address) to answer the charge(s). Failure to obey this Notice and Summons may result in a fine, imprisonment, arrest on other charges, and/or other penalties.

SUMMONS		
COURT LOCATION (see addresses on reverse side)		
<input type="checkbox"/> HILO	<input type="checkbox"/> S KOHALA	<input type="checkbox"/> N & S KONA
DATE	TIME	COURTROOM

State of Hawai'i - Notice of Traffic Infraction(s) In the District Court of the Third Circuit

IMPORTANT INSTRUCTIONS REGARDING YOUR NOTICE OF TRAFFIC INFRACTION(S)

This Notice of Traffic Infraction(s) (Notice) charges you with committing one or more civil traffic infractions. **IF YOU ARE A "PROVISIONAL LICENSE HOLDER" OR IF THE WORD "COURT" IS LISTED NEXT TO AN INFRACTION THAT YOU ARE CHARGED WITH COMMITTING, YOU MUST APPEAR BEFORE THE DISTRICT COURT OF THE THIRD CIRCUIT ON THE DATE AND AT THE TIME AND LOCATION DESIGNATED IN THE SUMMONS ON THE FRONT OF THIS NOTICE. Failure to appear in court as summoned may result in your arrest for other offenses and/or imposition of other penalties, including fines, court costs, fees, and imprisonment.**

If you are charged with committing an infraction with a listed monetary assessment AND the Summons does not indicate any date and time that you are to appear in court, you must answer this Notice within 21 calendar days from the date of this Notice by choosing Option 1, 2, or 3, below. If you do not answer within 21 calendar days from the date of this Notice, the court will enter a default judgment against you for the total amount of monetary assessments and fees indicated on this Notice. If you fail to timely pay the default judgment, late fees and other costs will be assessed, your account may be referred to a collection agency, you may be charged for collection costs, and any state tax refund owed to you may be used to pay your obligations. The court may also order a license stopper, preventing you from acquiring/renewing your driver's license until all obligations are paid in full. **YOU MUST TAKE ACTION WITHIN 21 CALENDAR DAYS FROM THE DATE OF THIS NOTICE TO AVOID ENTRY OF DEFAULT JUDGMENT AGAINST YOU.**

OPTION 1: ADMIT & PAY

If you admit committing the traffic infraction(s), complete, sign, and date the Answer to Notice (tear-away flap on the preprinted envelope) and return it with the total amount due and your copy of this Notice. You may pay by mail (using the preprinted envelope), in person at any district court, via the Internet, or by telephone. A \$25 service fee will be charged for dishonored payments. **PLEASE NOTE THAT A PORTAL ADMINISTRATIVE FEE WILL BE ASSESSED FOR FINANCIAL TRANSACTIONS.**

- **By Mail** - Your Answer to Notice, payment, and copy of this Notice must be postmarked within 21 calendar days from the date of this Notice. **DO NOT SEND CASH.** Imprinted checks or money orders (U.S. dollars only, payable to "DISTRICT COURT") and credit or debit cards (MasterCard, VISA & Discover) are accepted.
- **In Person** - Pay at any district court statewide within 21 calendar days from the date of this Notice. Counter service hours for all district courts (except Hana) are 8:00 A.M. to 4:00 P.M. Monday through Friday. All district courts are closed on state holidays and weekends. Cash, imprinted checks and money orders (U.S. dollars only, payable to "DISTRICT COURT"), and credit or debit cards (MasterCard, VISA & Discover) are accepted.
- **Via Internet** - Pay via the Internet at <http://www.courts.state.hi.us> (Click on "Pay Fines") within 21 calendar days from the date of this Notice. Credit or debit cards (MasterCard, VISA & Discover) are accepted.
- **By Telephone** - Call 1-800-679-5949 within 21 calendar days from the date of this Notice. Credit or debit cards (MasterCard, VISA & Discover) are accepted.

OPTION 2: DENY

If you deny committing the traffic infraction(s), you may either (1) request a hearing and appear in person to contest the infraction(s), or (2) submit a written statement explaining the grounds on which you contest the infraction(s). In either event, you must complete, sign, and date the Answer to Notice (tear-away flap on the preprinted envelope) and return your Answer to Notice, your copy of this Notice, and any written statement, within 21 calendar days from the date of this Notice, either by mail, using the preprinted envelope, or in person at any district court.

- **Contest in Person** - If you request a hearing to contest the infraction(s) in person, the court will notify you in writing of the date, time, and location of the hearing. You must appear at the hearing to explain the grounds on which you contest the infraction(s). If you want the issuing officer or any other witness present at the hearing, you must request a subpoena from the district court at least 10 days before the hearing date, have the subpoena served, and pay mileage/witness fees required to effectuate service. If you fail to appear at the hearing, the court may enter a default judgment against you for the total amount of monetary assessments and fees indicated on this Notice.

You will be notified of the judge's decision after the hearing. If you disagree with the judge's decision, you may request a trial.

- **Contest By Written Statement** - If you submit a written statement explaining the grounds on which you contest the infraction(s), include your name, address, operator license number, citation number, and signature on the statement. When you submit a written statement with your Answer to Notice, no hearing will be scheduled. You will be notified by mail of the judge's decision. If you disagree with the judge's decision, you may request a trial.

OPTION 3: ADMIT BUT EXPLAIN MITIGATING CIRCUMSTANCES

If you admit committing the traffic infraction(s) but wish to explain mitigating circumstances, you may either (1) request a hearing and appear in person to explain mitigating circumstances, or (2) submit a written statement explaining the mitigating circumstances. In either event, you must complete, sign and date the Answer to Notice (tear-away flap on the preprinted envelope) and return your Answer to Notice, your copy of this Notice, and any written statement, within 21 calendar days from the date of this Notice, either by mail, using the preprinted envelope, or in person at any district court.

- **Explain Mitigating Circumstances In Person** - If you request a hearing to explain mitigating circumstances in person, the court will notify you in writing of the date, time, and location of the hearing. If you fail to appear at the hearing, you must pay the total amount of monetary assessments and fees indicated on this Notice. You will be notified of the judge's decision after the hearing. **The judge's decision is FINAL and cannot be appealed.**
- **Explain Mitigating Circumstances By Written Statement** - If you submit a written statement explaining the grounds on which you contest the infraction(s), include your name, address, operator license number, citation number, and signature on the statement. When you submit a written statement with your Answer to Notice, no hearing will be scheduled. You will be notified by mail of the judge's decision. **The judge's decision is FINAL and cannot be appealed.**

UNABLE TO PAY THE MONETARY ASSESSMENT?

If you are unable to pay all or part of your monetary assessment because of financial hardship, you may request that the court consider your ability to pay. The court may permit community service instead of payment or may make other adjustments to the assessment.

IMPORTANT NOTE FOR JUVENILES UNDER AGE 18

Your parent or legal guardian must accompany you when appearing before the court and must co-sign any payment or written statement submitted to the court.

INFORMATION ABOUT YOUR PRIVACY

Disclosure of the last four digits of your social security number (SSN) on this Notice is optional. The last four digits of your SSN will be used for identification purposes in administering state and federal driver's license and motor vehicle laws.

ADDRESSES FOR THE DISTRICT COURT OF THE THIRD CIRCUIT

HILO & PUNA DIVISION

Hale Kaulike
777 Kilauea Avenue
Hilo, Hawai'i 96720
(808) 961-7470
Mail: 777 Kilauea Avenue
Hilo, Hawai'i 96720

N & S KONA & KA'Ū DIVISION

Keahuolū Courthouse
74-5451 Kamakaeha Avenue
Kailua-Kona, Hawai'i 96740
(808) 322-8700
Mail: 74-5451 Kamakaeha Avenue
Kailua-Kona, Hawai'i 96740

N & S KOHALA & HĀMAKUĀ DIVISION

Waimea Civic Center
67-5187 Kamamalu Street
Kamuela, Hawai'i 96743
(808) 443-2030
Mail: 67-5187 Kamamalu Street
Kamuela, Hawai'i 96743-8439



If you require an accommodation for a disability when working with a court program, service, or activity, please contact the Disability Accommodations Coordinator at (808) 961-7629, FAX: (808) 961-7577, or email adarequest@courts.hawaii.gov, at least ten (10) working days before your proceeding, hearing, or appointment date.

**State of Hawai'i - Notice of Traffic Infraction(s)
In the District Court of the Fifth Circuit**

CITATION NO.

COMPLAINT: The undersigned officer, on behalf of Plaintiff State of Hawai'i, declares under penalty of law that he/she has reasonable grounds to believe and does believe that on the date, at the time, and under the conditions indicated, the named defendant did commit the civil traffic infraction(s) noted below and that the same is correct to the best of his/her knowledge and belief.

DEFENDANT		ID on Person <input type="checkbox"/> Y <input type="checkbox"/> N	
LAST NAME		REGISTERED OWNER <input type="checkbox"/> Y <input type="checkbox"/> N	
FIRST NAME		MIDDLE INITIAL(S)	
ADDRESS			
CITY		STATE	ZIP CODE
JUVENILE <input type="checkbox"/> Y <input type="checkbox"/> N	PROV. LIC. <input type="checkbox"/> Y <input type="checkbox"/> N	PARENT'S NAME (if juvenile operator)	
OPERATOR LICENSE NO.		STATE	EXP. DATE (Month/Day/Year)
DATE OF BIRTH (Month/Day/Year)	HEIGHT	WEIGHT	ETHNICITY (optional)
CDL <input type="checkbox"/> Y <input type="checkbox"/> N	SEX <input type="checkbox"/> M <input type="checkbox"/> F	SSN-Last 4 digits (optional, for identification purposes) XXX - XX - _____	
CONTACT PHONE NUMBER(S)	MILITARY SERVICE <input type="checkbox"/> Y <input type="checkbox"/> N	MILITARY ID (last 4 characters)	
EMPLOYER (if driving company vehicle)			

VEHICLE INFORMATION					
LICENSE PLATE/VIN			STATE	HAZ MAT <input type="checkbox"/> Y <input type="checkbox"/> N	
MAKE	MODEL	TYPE	COLOR	YEAR	CMV <input type="checkbox"/> Y <input type="checkbox"/> N

TRAFFIC INFRACTION(S) COMMITTED & MONETARY ASSESSMENT(S) PAYABLE (INCLUDING FEES)		
<input type="checkbox"/>	HRS 249-2 Delinquent Vehicle Tax; (exp. _____)	\$70
<input type="checkbox"/>	HRS 249-7 (No / Obstructed / Unclean) License Plate; (Front / Rear)	\$70
<input type="checkbox"/>	HRS 249-11(a) Fraudulent Use of (Plates / Tags / Emblems)	\$280
<input type="checkbox"/>	HRS 286-25 (No / Expired) Certificate of Inspection; (exp. _____)	\$70
<input type="checkbox"/>	HRS 286-47(3) No Certificate of Registration in Vehicle	\$70
<input type="checkbox"/>	HRS 286-102.6 Violation of Provisional License Requirements	COURT
<input type="checkbox"/>	HRS 286-116(a) No (License / Insurance Card) on Person	\$122
<input type="checkbox"/>	HRS 291-11.6(a) No Seat Belt	\$112
<input type="checkbox"/>	HRS 291-21.5(a) Tinted Glaze Glass - Owner	\$287
<input type="checkbox"/>	HRS 291-25(a) (No / Defective) Headlight on Motor Vehicle	\$47
<input type="checkbox"/>	HRS 291-31(a) (No / Defective) Tail Light on Motor Vehicle	\$47
<input type="checkbox"/>	HRS 291-35.1 Bumper Height Regulation	\$137
<input type="checkbox"/>	HRS 291C-14 Duty to (Give Information / Render Aid)	\$347
<input type="checkbox"/>	HRS 291C-15 Duty Upon Striking Unattended (Vehicle / Property)	\$347
<input type="checkbox"/>	HRS 291C-32(a)(3)(A) Disregarding Steady Red Signal	\$97
<input type="checkbox"/>	HRS 291C-38 Disregarding (_____) Traffic Lane Lines	\$97
<input type="checkbox"/>	HRS 291C-47(b) No Passing Zones	\$97
<input type="checkbox"/>	HRS 291C-63(b) Disregarding Stop Sign	\$107
<input type="checkbox"/>	HRS 291C-81(3) Prohibited Turn at Intersection	\$97
<input type="checkbox"/>	HRS 291C-101 Basic Speed Rule	\$157
<input type="checkbox"/>	HRS 291C-102(a)(1) Exceeding the Speed Limit	
<input type="checkbox"/>	<input type="checkbox"/> 1-10 MPH Over Limit (_____ MPH over)	\$ _____
<input type="checkbox"/>	<input type="checkbox"/> 11-29 MPH Over Limit (_____ MPH over)	\$ _____
<input type="checkbox"/>	HRS 291C-104 Speeding in Construction Zone	\$407
<input type="checkbox"/>	HRS 291C-104(a) Speeding in School Zone	\$422
<input type="checkbox"/>	HRS 291C-137(a) Mobile Elec Device Prohibited	\$307
<input type="checkbox"/>	HRS 291C-137(a) Mobile Elec Device Prohibited - School/Constr zone	\$357
<input type="checkbox"/>	HRS 291C-137(c) Mobile Elec Device Prohibited (under 18yrs)	\$257
<input type="checkbox"/>	HRS 291C-137(c) Mobile Elec Device Prohibited (under 18yrs) - School/Constr zone	\$307
<input type="checkbox"/>	KCC 16-17.30 No (Windshield / Hood / Fenders / Bumpers)	\$72
<input type="checkbox"/>	KCC 16-17.31 No Mudguards	\$72
SECTION	DESCRIPTION	\$

DETAILS REGARDING THE INFRACTION(S) CHARGED			
DATE (Month / Day / Year)	TIME	DISTRICT	BEAT
NO. OF OCCUPANTS:	ADULT MALE(S)	ADULT FEMALE(S)	CHILDREN
LOCATION OF VIOLATION			MM#
VANTAGE POINT			
LANE OF TRAVEL			
SIGN(S) POSTED			
ACTUAL SPEED	POSTED SPEED	SPEED VIOLATION MEASURED BY <input type="checkbox"/> PACE <input type="checkbox"/> LASER <input type="checkbox"/> RADAR	
<input type="checkbox"/> I WAS CERTIFIED IN THE ABOVE DEVICE		<input type="checkbox"/> LASER DISTANCE _____	
<input type="checkbox"/> DEVICE/SPEEDOMETER WAS ACCURATE, TESTED, & WORKING PROPERLY			
COMPANION CITATION(S)/NOTICE(S) <small>(list citation / notice no.)</small>		ACCIDENT <input type="checkbox"/> YES <input type="checkbox"/> NO	INJURY <input type="checkbox"/> YES <input type="checkbox"/> NO
PROPERTY DAMAGE <input type="checkbox"/> MAJOR (\$3,000+) <input type="checkbox"/> MINOR		REPORT NO.	
OFFICER'S OBSERVATIONS (optional)			
COMPLAINING OFFICER INFORMATION			
PRINT RANK, FIRST INITIAL, & LAST NAME			ID NO.
OFFICER'S SIGNATURE			DATE OF ISSUANCE

DEFENDANT'S ACKNOWLEDGMENT: By signing below, I acknowledge service of this Notice. I understand that my signature is not an admission of responsibility.

X _____ **DEFENDANT REFUSES TO SIGN**

Defendant's Signature
NOTE TO DEFENDANT: Please read the instructions on the reverse side carefully, then complete and return your Answer to this Notice (tear-away flap on the preprinted envelope), along with any payment or written statement in support of your Answer, within 21 calendar days from the date of this Notice, either by mail, in person, via the Internet, or by telephone. If you choose to mail an Answer, payment, or written statement, please use the preprinted envelope, seal the contents, affix postage, and be sure your mailing is postmarked within 21 calendar days from the date of this Notice. The Post Office will not deliver without proper postage. Please calculate the total amount due by adding the monetary assessments for each infraction charged and enter the total in the box at right.

TOTAL DUE

If you are a **"PROVISIONAL LICENSE HOLDER"** or if the word **"COURT"** is listed next to an infraction that you are charged with committing, you are hereby directed to appear before the District Court of the Fifth Circuit on the date and at the time and location designated below to answer the charge(s). Failure to obey this Notice and Summons may result in a fine, imprisonment, arrest on other charges, and/or other penalties.

SUMMONS		
COURT LOCATION District Court of the Fifth Circuit • 3970 Kā'ana Street, Līhu'e, Hawai'i 96766		
DATE	TIME	COURTROOM 2

**State of Hawai'i - Notice of Traffic Infraction(s)
In the District Court of the Fifth Circuit**

CITATION NO.

COMPLAINT: The undersigned officer, on behalf of Plaintiff State of Hawai'i, declares under penalty of law that he/she has reasonable grounds to believe and does believe that on the date, at the time, and under the conditions indicated, the named defendant did commit the civil traffic infraction(s) noted below and that the same is correct to the best of his/her knowledge and belief.

DEFENDANT		ID on Person <input type="checkbox"/> Y <input type="checkbox"/> N	
LAST NAME		REGISTERED OWNER <input type="checkbox"/> Y <input type="checkbox"/> N	
FIRST NAME		MIDDLE INITIAL(S)	
ADDRESS			
CITY		STATE	ZIP CODE
JUVENILE <input type="checkbox"/> Y <input type="checkbox"/> N	PROV. LIC. <input type="checkbox"/> Y <input type="checkbox"/> N	PARENT'S NAME (if juvenile operator)	
OPERATOR LICENSE NO.		STATE	EXP. DATE (Month/Day/Year)
DATE OF BIRTH (Month/Day/Year)	HEIGHT	WEIGHT	ETHNICITY (optional)
CDL <input type="checkbox"/> Y <input type="checkbox"/> N	SEX <input type="checkbox"/> M <input type="checkbox"/> F	SSN-Last 4 digits (optional, for identification purposes) XXX - XX - _____	
CONTACT PHONE NUMBER(S)	MILITARY SERVICE <input type="checkbox"/> Y <input type="checkbox"/> N	MILITARY ID (last 4 characters)	
EMPLOYER (if driving company vehicle)			

VEHICLE INFORMATION					
LICENSE PLATE/VIN			STATE	HAZ MAT <input type="checkbox"/> Y <input type="checkbox"/> N	
MAKE	MODEL	TYPE	COLOR	YEAR	CMV <input type="checkbox"/> Y <input type="checkbox"/> N

TRAFFIC INFRACTION(S) COMMITTED & MONETARY ASSESSMENT(S) PAYABLE (INCLUDING FEES)		
<input type="checkbox"/> HRS 249-2 Delinquent Vehicle Tax; (exp. _____)	\$70	
<input type="checkbox"/> HRS 249-7 (No / Obstructed / Unclean) License Plate; (Front / Rear)	\$70	
<input type="checkbox"/> HRS 249-11(a) Fraudulent Use of (Plates / Tags / Emblems)	\$280	
<input type="checkbox"/> HRS 286-25 (No / Expired) Certificate of Inspection; (exp. _____)	\$70	
<input type="checkbox"/> HRS 286-47(3) No Certificate of Registration in Vehicle	\$70	
<input type="checkbox"/> HRS 286-102.6 Violation of Provisional License Requirements	COURT	
<input type="checkbox"/> HRS 286-116(a) No (License / Insurance Card) on Person	\$122	
<input type="checkbox"/> HRS 291-11.6(a) No Seat Belt	\$112	
<input type="checkbox"/> HRS 291-21.5(a) Tinted Glaze Glass - Owner	\$287	
<input type="checkbox"/> HRS 291-25(a) (No / Defective) Headlight on Motor Vehicle	\$47	
<input type="checkbox"/> HRS 291-31(a) (No / Defective) Tail Light on Motor Vehicle	\$47	
<input type="checkbox"/> HRS 291-35.1 Bumper Height Regulation	\$137	
<input type="checkbox"/> HRS 291C-14 Duty to (Give Information / Render Aid)	\$347	
<input type="checkbox"/> HRS 291C-15 Duty Upon Striking Unattended (Vehicle / Property)	\$347	
<input type="checkbox"/> HRS 291C-32(a)(3)(A) Disregarding Steady Red Signal	\$97	
<input type="checkbox"/> HRS 291C-38 Disregarding (_____) Traffic Lane Lines	\$97	
<input type="checkbox"/> HRS 291C-47(b) No Passing Zones	\$97	
<input type="checkbox"/> HRS 291C-63(b) Disregarding Stop Sign	\$107	
<input type="checkbox"/> HRS 291C-81(3) Prohibited Turn at Intersection	\$97	
<input type="checkbox"/> HRS 291C-101 Basic Speed Rule	\$157	
<input type="checkbox"/> HRS 291C-102(a)(1) Exceeding the Speed Limit		
<input type="checkbox"/> 1-10 MPH Over Limit (_____ MPH over)	\$ _____	
<input type="checkbox"/> 11-29 MPH Over Limit (_____ MPH over)	\$ _____	
<input type="checkbox"/> HRS 291C-104 Speeding in Construction Zone	\$407	
<input type="checkbox"/> HRS 291C-104(a) Speeding in School Zone	\$422	
<input type="checkbox"/> HRS 291C-137(a) Mobile Elec Device Prohibited	\$307	
<input type="checkbox"/> HRS 291C-137(a) Mobile Elec Device Prohibited - School/Constr zone	\$357	
<input type="checkbox"/> HRS 291C-137(c) Mobile Elec Device Prohibited (under 18yrs)	\$257	
<input type="checkbox"/> HRS 291C-137(c) Mobile Elec Device Prohibited (under 18yrs) - School/Constr zone	\$307	
<input type="checkbox"/> KCC 16-17.30 No (Windshield / Hood / Fenders / Bumpers)	\$72	
<input type="checkbox"/> KCC 16-17.31 No Mudguards	\$72	
SECTION	DESCRIPTION	\$

DETAILS REGARDING THE INFRACTION(S) CHARGED			
DATE (Month / Day / Year)	TIME	DISTRICT	BEAT
NO. OF OCCUPANTS:		ADULT MALE(S)	ADULT FEMALE(S) CHILDREN
LOCATION OF VIOLATION			MM#
VANTAGE POINT			
LANE OF TRAVEL			
SIGN(S) POSTED			
ACTUAL SPEED	POSTED SPEED	SPEED VIOLATION MEASURED BY <input type="checkbox"/> PACE <input type="checkbox"/> LASER <input type="checkbox"/> RADAR	
<input type="checkbox"/> I WAS CERTIFIED IN THE ABOVE DEVICE		<input type="checkbox"/> LASER DISTANCE _____	
<input type="checkbox"/> DEVICE/SPEEDOMETER WAS ACCURATE, TESTED, & WORKING PROPERLY			
COMPANION CITATION(S)/NOTICE(S) <small>(list citation / notice no.)</small>		ACCIDENT <input type="checkbox"/> YES <input type="checkbox"/> NO	INJURY <input type="checkbox"/> YES <input type="checkbox"/> NO
PROPERTY DAMAGE <input type="checkbox"/> MAJOR (\$3,000+) <input type="checkbox"/> MINOR		REPORT NO.	
OFFICER'S OBSERVATIONS (optional)			
COMPLAINING OFFICER INFORMATION			
PRINT RANK, FIRST INITIAL, & LAST NAME			ID NO.
OFFICER'S SIGNATURE			DATE OF ISSUANCE

DEFENDANT'S ACKNOWLEDGMENT: By signing below, I acknowledge service of this Notice. I understand that my signature is not an admission of responsibility.

X _____ DEFENDANT REFUSES TO SIGN

Defendant's Signature
NOTE TO DEFENDANT: Please read the instructions on the reverse side carefully, then complete and return your Answer to this Notice (tear-away flap on the preprinted envelope), along with any payment or written statement in support of your Answer, within 21 calendar days from the date of this Notice, either by mail, in person, via the Internet, or by telephone. If you choose to mail an Answer, payment, or written statement, please use the preprinted envelope, seal the contents, affix postage, and be sure your mailing is postmarked within 21 calendar days from the date of this Notice. The Post Office will not deliver without proper postage. Please calculate the total amount due by adding the monetary assessments for each infraction charged and enter the total in the box at right.

TOTAL DUE

If you are a "PROVISIONAL LICENSE HOLDER" or if the word "COURT" is listed next to an infraction that you are charged with committing, you are hereby directed to appear before the District Court of the Fifth Circuit on the date and at the time and location designated below to answer the charge(s). Failure to obey this Notice and Summons may result in a fine, imprisonment, arrest on other charges, and/or other penalties.

SUMMONS		
COURT LOCATION District Court of the Fifth Circuit • 3970 Kā'ana Street, Līhū'e, Hawai'i 96766		
DATE	TIME	COURTROOM 2

**State of Hawai'i - Notice of Traffic Infraction(s)
In the District Court of the Fifth Circuit**

CITATION NO.

COMPLAINT: The undersigned officer, on behalf of Plaintiff State of Hawai'i, declares under penalty of law that he/she has reasonable grounds to believe and does believe that on the date, at the time, and under the conditions indicated, the named defendant did commit the civil traffic infraction(s) noted below and that the same is correct to the best of his/her knowledge and belief.

DEFENDANT		ID on Person <input type="checkbox"/> Y <input type="checkbox"/> N	
LAST NAME		REGISTERED OWNER <input type="checkbox"/> Y <input type="checkbox"/> N	
FIRST NAME		MIDDLE INITIAL(S)	
ADDRESS			
CITY		STATE	ZIP CODE
JUVENILE <input type="checkbox"/> Y <input type="checkbox"/> N	PROV. LIC. <input type="checkbox"/> Y <input type="checkbox"/> N	PARENT'S NAME (if juvenile operator)	
OPERATOR LICENSE NO.		STATE	EXP. DATE (Month/Day/Year)
DATE OF BIRTH (Month/Day/Year)		HEIGHT	WEIGHT
ETHNICITY (optional)			
CDL <input type="checkbox"/> Y <input type="checkbox"/> N		SEX <input type="checkbox"/> M <input type="checkbox"/> F	SSN-Last 4 digits (optional, for identification purposes) XXX - XX - _____
CONTACT PHONE NUMBER(S)		MILITARY SERVICE <input type="checkbox"/> Y <input type="checkbox"/> N	MILITARY ID (last 4 characters)
EMPLOYER (if driving company vehicle)			

VEHICLE INFORMATION					
LICENSE PLATE/VIN				STATE	HAZ MAT <input type="checkbox"/> Y <input type="checkbox"/> N
MAKE	MODEL	TYPE	COLOR	YEAR	CMV <input type="checkbox"/> Y <input type="checkbox"/> N

TRAFFIC INFRACTION(S) COMMITTED & MONETARY ASSESSMENT(S) PAYABLE (INCLUDING FEES)

<input type="checkbox"/> HRS 249-2 Delinquent Vehicle Tax; (exp. _____)	\$70	
<input type="checkbox"/> HRS 249-7 (No / Obstructed / Unclean) License Plate; (Front / Rear)	\$70	
<input type="checkbox"/> HRS 249-11(a) Fraudulent Use of (Plates / Tags / Emblems)	\$280	
<input type="checkbox"/> HRS 286-25 (No / Expired) Certificate of Inspection; (exp. _____)	\$70	
<input type="checkbox"/> HRS 286-47(3) No Certificate of Registration in Vehicle	\$70	
<input type="checkbox"/> HRS 286-102.6 Violation of Provisional License Requirements	COURT	
<input type="checkbox"/> HRS 286-116(a) No (License / Insurance Card) on Person	\$122	
<input type="checkbox"/> HRS 291-11.6(a) No Seat Belt	\$112	
<input type="checkbox"/> HRS 291-21.5(a) Tinted Glaze Glass - Owner	\$287	
<input type="checkbox"/> HRS 291-25(a) (No / Defective) Headlight on Motor Vehicle	\$47	
<input type="checkbox"/> HRS 291-31(a) (No / Defective) Tail Light on Motor Vehicle	\$47	
<input type="checkbox"/> HRS 291-35.1 Bumper Height Regulation	\$137	
<input type="checkbox"/> HRS 291C-14 Duty to (Give Information / Render Aid)	\$347	
<input type="checkbox"/> HRS 291C-15 Duty Upon Striking Unattended (Vehicle / Property)	\$347	
<input type="checkbox"/> HRS 291C-32(a)(3)(A) Disregarding Steady Red Signal	\$97	
<input type="checkbox"/> HRS 291C-38 Disregarding (_____) Traffic Lane Lines	\$97	
<input type="checkbox"/> HRS 291C-47(b) No Passing Zones	\$97	
<input type="checkbox"/> HRS 291C-63(b) Disregarding Stop Sign	\$107	
<input type="checkbox"/> HRS 291C-81(3) Prohibited Turn at Intersection	\$97	
<input type="checkbox"/> HRS 291C-101 Basic Speed Rule	\$157	
<input type="checkbox"/> HRS 291C-102(a)(1) Exceeding the Speed Limit		
<input type="checkbox"/> 1-10 MPH Over Limit (_____ MPH over)	\$ _____	
<input type="checkbox"/> 11-29 MPH Over Limit (_____ MPH over)	\$ _____	
<input type="checkbox"/> HRS 291C-104 Speeding in Construction Zone	\$407	
<input type="checkbox"/> HRS 291C-104(a) Speeding in School Zone	\$422	
<input type="checkbox"/> HRS 291C-137(a) Mobile Elec Device Prohibited	\$307	
<input type="checkbox"/> HRS 291C-137(a) Mobile Elec Device Prohibited - School/Constr zone	\$357	
<input type="checkbox"/> HRS 291C-137(c) Mobile Elec Device Prohibited (under 18yrs)	\$257	
<input type="checkbox"/> HRS 291C-137(c) Mobile Elec Device Prohibited (under 18yrs) - School/Constr zone	\$307	
<input type="checkbox"/> KCC 16-17.30 No (Windshield / Hood / Fenders / Bumpers)	\$72	
<input type="checkbox"/> KCC 16-17.31 No Mudguards	\$72	
SECTION	DESCRIPTION	\$

DETAILS REGARDING THE INFRACTION(S) CHARGED			
DATE (Month / Day / Year)	TIME	DISTRICT	BEAT
NO. OF OCCUPANTS:		ADULT MALE(S)	ADULT FEMALE(S) CHILDREN
LOCATION OF VIOLATION			MM#
VANTAGE POINT			
LANE OF TRAVEL			
SIGN(S) POSTED			
ACTUAL SPEED	POSTED SPEED	SPEED VIOLATION MEASURED BY <input type="checkbox"/> PACE <input type="checkbox"/> LASER <input type="checkbox"/> RADAR	
<input type="checkbox"/> I WAS CERTIFIED IN THE ABOVE DEVICE		<input type="checkbox"/> LASER DISTANCE _____	
<input type="checkbox"/> DEVICE/SPEEDOMETER WAS ACCURATE, TESTED, & WORKING PROPERLY			
COMPANION CITATION(S)/NOTICE(S) <small>(list citation / notice no.)</small>		ACCIDENT <input type="checkbox"/> YES <input type="checkbox"/> NO	INJURY <input type="checkbox"/> YES <input type="checkbox"/> NO
PROPERTY DAMAGE <input type="checkbox"/> MAJOR (\$3,000+) <input type="checkbox"/> MINOR		REPORT NO.	
OFFICER'S OBSERVATIONS (optional)			
COMPLAINING OFFICER INFORMATION			
PRINT RANK, FIRST INITIAL, & LAST NAME			ID NO.
OFFICER'S SIGNATURE			DATE OF ISSUANCE

DEFENDANT'S ACKNOWLEDGMENT: By signing below, I acknowledge service of this Notice. I understand that my signature is not an admission of responsibility.

X _____ DEFENDANT REFUSES TO SIGN

Defendant's Signature
NOTE TO DEFENDANT: Please read the instructions on the reverse side carefully, then complete and return your Answer to this Notice (tear-away flap on the preprinted envelope), along with any payment or written statement in support of your Answer, within 21 calendar days from the date of this Notice, either by mail, in person, via the Internet, or by telephone. If you choose to mail an Answer, payment, or written statement, please use the preprinted envelope, seal the contents, affix postage, and be sure your mailing is postmarked within 21 calendar days from the date of this Notice. The Post Office will not deliver without proper postage. Please calculate the total amount due by adding the monetary assessments for each infraction charged and enter the total in the box at right.

TOTAL DUE

If you are a "PROVISIONAL LICENSE HOLDER" or if the word "COURT" is listed next to an infraction that you are charged with committing, you are hereby directed to appear before the District Court of the Fifth Circuit on the date and at the time and location designated below to answer the charge(s). Failure to obey this Notice and Summons may result in a fine, imprisonment, arrest on other charges, and/or other penalties.

SUMMONS		
COURT LOCATION District Court of the Fifth Circuit • 3970 Kā'ana Street, Līhu'e, Hawai'i 96766		
DATE	TIME	COURTROOM 2

**State of Hawai'i - Notice of Traffic Infraction(s)
In the District Court of the Fifth Circuit**

**IMPORTANT INSTRUCTIONS REGARDING YOUR NOTICE
OF TRAFFIC INFRACTION(S)**

This Notice of Traffic Infraction(s) (Notice) charges you with committing one or more civil traffic infractions. **IF YOU ARE A "PROVISIONAL LICENSE HOLDER" OR IF THE WORD "COURT" IS LISTED NEXT TO AN INFRACTION THAT YOU ARE CHARGED WITH COMMITTING, YOU MUST APPEAR BEFORE THE DISTRICT COURT OF THE FIFTH CIRCUIT ON THE DATE AND AT THE TIME AND LOCATION DESIGNATED IN THE SUMMONS ON THE FRONT OF THIS NOTICE. Failure to appear in court as summoned may result in your arrest for other offenses and/or imposition of other penalties, including fines, court costs, fees, and imprisonment.**

If you are charged with committing an infraction with a listed monetary assessment AND the Summons does not indicate any date and time that you are to appear in court, you must answer this Notice within 21 calendar days from the date of this Notice by choosing Option 1, 2, or 3, below. If you do not answer within 21 calendar days from the date of this Notice, the court will enter a default judgment against you for the total amount of monetary assessments and fees indicated on this Notice. If you fail to timely pay the default judgment, late fees and other costs will be assessed, your account may be referred to a collection agency and you may be charged for collection costs, and any state tax refund owed to you may be used to pay your obligations. The court may also order a license stopper, preventing you from acquiring/renewing your driver's license until all obligations are paid in full. **YOU MUST TAKE ACTION WITHIN 21 CALENDAR DAYS FROM THE DATE OF THIS NOTICE TO AVOID ENTRY OF DEFAULT JUDGMENT AGAINST YOU.**

OPTION 1: ADMIT & PAY

If you admit committing the traffic infraction(s), complete, sign, and date the Answer to Notice (tear-away flap on the preprinted envelope) and return it with the total amount due and your copy of this Notice. You may pay by mail (using the preprinted envelope), in person at any district court, via the Internet, or by telephone. A \$25 service fee will be charged for dishonored payments. **PLEASE NOTE THAT A PORTAL ADMINISTRATIVE FEE WILL BE ASSESSED FOR FINANCIAL TRANSACTIONS.**

- **By Mail** - Your Answer, payment, and copy of this Notice must be postmarked within 21 calendar days from the date of this Notice. **DO NOT SEND CASH.** Imprinted checks or money orders (U.S. dollars only, payable to "DISTRICT COURT") and credit or debit cards (MasterCard, VISA & Discover) are accepted.
- **In Person** - Pay at any district court statewide within 21 calendar days from the date of this Notice. Counter service hours for all district courts (except Hana) are 8:00 A.M. to 4:00 P.M. Monday through Friday. All district courts are closed on state holidays and weekends. Cash, imprinted checks and money orders (U.S. dollars only, payable to "DISTRICT COURT"), and credit or debit cards (MasterCard, VISA & Discover) are accepted.
- **Via Internet** - Pay via the Internet at <http://www.courts.state.hi.us> (Click on "Pay Fines") within 21 calendar days from the date of this Notice. Credit or debit cards (MasterCard, VISA & Discover) are accepted.
- **By Telephone** - Call 1-800-679-5949 within 21 calendar days from the date of this Notice. Credit or debit cards (MasterCard, VISA & Discover) are accepted.

OPTION 2: DENY

If you deny committing the traffic infraction(s), you may either (1) request a hearing and appear in person to contest the infraction(s), or (2) submit a written statement explaining the grounds on which you contest the infraction(s). In either event, you must complete, sign, and date the Answer to Notice (tear-away flap on the preprinted envelope) and return your Answer to Notice, your copy of this Notice, and any written statement, within 21 calendar days from the date of this Notice, either by mail, using the preprinted envelope, or in person at any district court.

- **Contest in Person** - If you request a hearing to contest the infraction(s) in person, the court will notify you in writing of the date, time, and location of the hearing. You must appear at the hearing to explain the grounds on which you contest the infraction(s). If you want the issuing officer or any other witness present at the hearing, you must request a subpoena from the district court at least 10 days before the hearing date, have the subpoena served, and pay mileage/witness fees required to effectuate service. If you fail to appear at the hearing, the court may enter a default judgment against you for the total amount of monetary assessments and fees indicated on this Notice. You will be notified of the judge's decision after the hearing. If you disagree with the judge's decision, you may request a trial.
- **Contest By Written Statement** - If you submit a written statement explaining the grounds on which you contest the infraction(s), include your name, address, operator license number, citation number, and signature on the statement. When you submit a written statement with your Answer to Notice, no hearing will be scheduled. You will be notified by mail of the judge's decision. If you disagree with the judge's decision, you may request a trial.

OPTION 3: ADMIT BUT EXPLAIN MITIGATING CIRCUMSTANCES

If you admit committing the traffic infraction(s) but wish to explain mitigating circumstances, you may either (1) request a hearing and appear in person to explain mitigating circumstances, or (2) submit a written statement explaining the mitigating circumstances. In either event, you must complete, sign, and date the Answer to Notice (tear-away flap on the preprinted envelope) and return your Answer to Notice, your copy of this Notice, and any written statement, within 21 calendar days from the date of this Notice, either by mail, using the preprinted envelope, or in person at any district court.

- **Explain Mitigating Circumstances In Person** - If you request a hearing to explain mitigating circumstances in person, the court will notify you in writing of the date, time, and location of the hearing. If you fail to appear at the hearing, you must pay the total amount of monetary assessments and fees indicated on this Notice. You will be notified of the judge's decision after the hearing. **The judge's decision is FINAL and cannot be appealed.**
- **Explain Mitigating Circumstances By Written Statement** - If you submit a written statement explaining the grounds on which you contest the infraction(s), include your name, address, operator license number, citation number, and signature on the statement. When you submit a written statement with your Answer to Notice, no hearing will be scheduled. You will be notified by mail of the judge's decision. **The judge's decision is FINAL and cannot be appealed.**

UNABLE TO PAY THE MONETARY ASSESSMENT?

If you are unable to pay all or part of your monetary assessment because of financial hardship, you may request that the court consider your ability to pay. The court may permit community service instead of payment or may make other adjustments to the assessment.

IMPORTANT NOTE FOR JUVENILES UNDER AGE 18

Your parent or legal guardian must accompany you when appearing before the court and must co-sign any payment or written statement submitted to the court.

INFORMATION ABOUT YOUR PRIVACY

Disclosure of the last four digits of your social security number (SSN) on this Notice is optional. The last four digits of your SSN will be used for identification purposes in administering state and federal driver's license and motor vehicle laws.

**ADDRESS FOR THE
DISTRICT COURT OF THE FIFTH CIRCUIT**

Traffic Operations Branch
3970 Kā'ana Street, Suite 206
Līhu'e, Hawai'i 96766-1282
(808) 482-2355



If you require an accommodation for a disability when working with a court program, service, or activity, please contact the Disability Accommodations Coordinator at (808) 482-2355, FAX: (808) 482-2553, TTY: (808) 482-2533, at least ten (10) working days before your proceeding, hearing, or appointment date.

**State of Hawai'i - Citation for Traffic Crime(s) Arrest
In the District Court of the First Circuit**

CITATION NO.

COMPLAINT: The undersigned officer, on behalf of Plaintiff State of Hawai'i, declares under penalty of law that he/she has probable cause to believe and does believe that on the date, at the time, and under the conditions indicated, the named defendant did commit the criminal offense(s) noted below and that the same is true and correct to the best of his/her knowledge and belief.

DEFENDANT		ID on Person <input type="checkbox"/> Y <input type="checkbox"/> N	
LAST NAME		REGISTERED OWNER <input type="checkbox"/> Y <input type="checkbox"/> N	
FIRST NAME		MIDDLE INITIAL(S)	
ADDRESS			
CITY		STATE	ZIP CODE
JUVENILE <input type="checkbox"/> Y <input type="checkbox"/> N	PROV. LIC. <input type="checkbox"/> Y <input type="checkbox"/> N	PARENT'S NAME (if juvenile operator)	
OPERATOR LICENSE NO.		STATE	EXP. DATE (Month/Day/Year)
DATE OF BIRTH (Month/Day/Year)	HEIGHT	WEIGHT	ETHNICITY (optional)
CDL <input type="checkbox"/> Y <input type="checkbox"/> N	SEX <input type="checkbox"/> M <input type="checkbox"/> F	SSN-Last 4 digits (required by HRS 803-6(c)(2)) XXX - XX -	
CONTACT PHONE NUMBER(S)		MILITARY SERVICE <input type="checkbox"/> Y <input type="checkbox"/> N	MILITARY ID (last 4 characters)
EMPLOYER (if driving company vehicle)			

VEHICLE INFORMATION					
LICENSE PLATE/VIN				STATE	HAZ MAT <input type="checkbox"/> Y <input type="checkbox"/> N
MAKE	MODEL	TYPE	COLOR	YEAR	CMV <input type="checkbox"/> Y <input type="checkbox"/> N

LAW(S) VIOLATED & TRAFFIC CRIMES COMMITTED	
<input type="checkbox"/>	HRS 286-30 (Make / Issue / Use) False Certificate of Inspection
<input type="checkbox"/>	HRS 286-102 Driving Motor Vehicle Without Valid Driver's License
<input type="checkbox"/>	HRS 286-132 Driving Motor Vehicle While License (Suspended / Revoked)
<input type="checkbox"/>	HRS 286-133 Permitting unlicensed driver to drive
<input type="checkbox"/>	HRS 291-2 Reckless (Driving of Vehicle / Riding of Animal)
<input type="checkbox"/>	HRS 291-3.1(b) Possess Open Liquor Container; (MV / Moped) Operator
<input type="checkbox"/>	HRS 291-3.2(b) Possess Open Liquor Container; (MV / Moped) Passenger
<input type="checkbox"/>	HRS 291-11.5(a)(1) No Child Passenger Restraint (Under 4 yrs old)
<input type="checkbox"/>	HRS 291-11.5(a)(2) No Child Safety Seat / Booster Seat (4-7 yrs old)
<input type="checkbox"/>	HRS 291-12 Inattention to Driving
<input type="checkbox"/>	HRS 291C-13 Leave Scene of Accident Involving (Vehicle / Property) Damage
<input type="checkbox"/>	HRS 291C-27 Duty Upon Approach of Emergency Vehicle
<input type="checkbox"/>	HRS 291C-103(a)(c) Racing on Highway
<input type="checkbox"/>	HRS 291C-103(a)(d) Exhibition of Speed
<input type="checkbox"/>	HRS 291C-105(a)(1) Excessive Speeding - 30+ MPH over speed limit
<input type="checkbox"/>	HRS 291C-105(a)(2) Excessive Speeding - 81+ MPH
<input type="checkbox"/>	HRS 291E-62(a) Operate Vehicle After License (Suspended / Revoked) For OVUII
<input type="checkbox"/>	HRS 431:10C-104 No Motor Vehicle Insurance Policy
<input type="checkbox"/>	HRS 431:10G-102 No motorcycle/scooter liability insurance
<input type="checkbox"/>	ROH 41-31.1(a)(2) Stereo or similar device in/on MV

SECTION	DESCRIPTION
SECTION	DESCRIPTION
SECTION	DESCRIPTION
SECTION	DESCRIPTION

DETAILS REGARDING THE OFFENSE(S) CHARGED			
DATE (Month / Day / Year)	TIME	DISTRICT	BEAT
WEATHER	<input type="checkbox"/> CLEAR	<input type="checkbox"/> OVERCAST	<input type="checkbox"/> DRIZZLE <input type="checkbox"/> RAIN
ROAD	<input type="checkbox"/> DRY	<input type="checkbox"/> WET	<input type="checkbox"/> CONCRETE <input type="checkbox"/> ASPHALT <input type="checkbox"/> DIRT
TRAFFIC	<input type="checkbox"/> LIGHT	<input type="checkbox"/> MEDIUM	<input type="checkbox"/> HEAVY
LIGHTING	<input type="checkbox"/> DAWN	<input type="checkbox"/> DAYLIGHT	<input type="checkbox"/> DUSK <input type="checkbox"/> DARKNESS
NO. OF OCCUPANTS:	ADULT MALE(S)	ADULT FEMALE(S)	CHILDREN
LOCATION OF VIOLATION			
VANTAGE POINT			
LANE OF TRAVEL			
SIGN(S) POSTED			
ACTUAL SPEED	POSTED SPEED	SPEED VIOLATION MEASURED BY <input type="checkbox"/> PACE <input type="checkbox"/> LASER <input type="checkbox"/> RADAR	
<input type="checkbox"/> I WAS CERTIFIED IN THE ABOVE DEVICE		<input type="checkbox"/> LASER DISTANCE _____	
<input type="checkbox"/> DEVICE/SPEEDOMETER WAS ACCURATE, TESTED, & WORKING PROPERLY			
COMPANION CITATION(S)/NOTICE(S) <small>(list citation / notice no.)</small>		ACCIDENT <input type="checkbox"/> Y <input type="checkbox"/> N	INJURY <input type="checkbox"/> Y <input type="checkbox"/> N
ACCIDENT REPORT NO.		PROPERTY DAMAGE <input type="checkbox"/> MAJOR (\$3,000+) <input type="checkbox"/> MINOR	
OFFICER'S STATEMENT OF FACTS			
COMPLAINING OFFICER INFORMATION			
PRINT RANK, FIRST INITIAL, & LAST NAME			ID NO.
OFFICER'S SIGNATURE			DATE OF ISSUANCE

DEFENDANT'S ACKNOWLEDGMENT: By signing below, I agree to appear before the District Court of the First Circuit on the date and at the time and location designated below to answer the charge(s). I understand that my signature is not an admission to the charge(s).

X _____ **DEFENDANT REFUSES TO SIGN**
Defendant's Signature (Please read instructions on the reverse side)

The Defendant is hereby directed to appear before the District Court of the First Circuit on the date and at the time and location designated below (see reverse side for address) to answer the charge(s). Failure to appear in court as summoned may result in your arrest for other offenses and/or imposition of additional penalties, including fines, court costs, fees, and imprisonment.

SUMMONS				
COURT LOCATION (see addresses on reverse side)				
<input type="checkbox"/> HONOLULU	<input type="checkbox"/> KĀNE'OHE	<input type="checkbox"/> EWA	<input type="checkbox"/> WAHIAWĀ	<input type="checkbox"/> WAI'ANAÉ
DATE	TIME	COURTROOM		

**State of Hawai'i - Citation for Traffic Crime(s) Arrest
In the District Court of the First Circuit**

CITATION NO.

COMPLAINT: The undersigned officer, on behalf of Plaintiff State of Hawai'i, declares under penalty of law that he/she has probable cause to believe and does believe that on the date, at the time, and under the conditions indicated, the named defendant did commit the criminal offense(s) noted below and that the same is true and correct to the best of his/her knowledge and belief.

DEFENDANT			ID on Person <input type="checkbox"/> Y <input type="checkbox"/> N		
LAST NAME			REGISTERED OWNER <input type="checkbox"/> Y <input type="checkbox"/> N		
FIRST NAME		MIDDLE INITIAL(S)			
ADDRESS					
CITY			STATE	ZIP CODE	
JUVENILE <input type="checkbox"/> Y <input type="checkbox"/> N	PROV. LIC. <input type="checkbox"/> Y <input type="checkbox"/> N	PARENT'S NAME (if juvenile operator)			
OPERATOR LICENSE NO.			STATE	EXP. DATE (Month/Day/Year)	
DATE OF BIRTH (Month/Day/Year)		HEIGHT	WEIGHT	ETHNICITY (optional)	
CDL <input type="checkbox"/> Y <input type="checkbox"/> N		SEX <input type="checkbox"/> M <input type="checkbox"/> F	SSN-Last 4 digits (required by HRS 803-6(c)(2)) XXX - XX -		
CONTACT PHONE NUMBER(S)		MILITARY SERVICE <input type="checkbox"/> Y <input type="checkbox"/> N	MILITARY ID (last 4 characters)		
EMPLOYER (if driving company vehicle)					
VEHICLE INFORMATION					
LICENSE PLATE/VIN			STATE	HAZ MAT <input type="checkbox"/> Y <input type="checkbox"/> N	
MAKE	MODEL	TYPE	COLOR	YEAR	CMV <input type="checkbox"/> Y <input type="checkbox"/> N
LAW(S) VIOLATED & TRAFFIC CRIMES COMMITTED					
<input type="checkbox"/> HRS 286-30 (Make / Issue / Use) False Certificate of Inspection <input type="checkbox"/> HRS 286-102 Driving Motor Vehicle Without Valid Driver's License <input type="checkbox"/> HRS 286-132 Driving Motor Vehicle While License (Suspended / Revoked) <input type="checkbox"/> HRS 286-133 Permitting unlicensed driver to drive <input type="checkbox"/> HRS 291-2 Reckless (Driving of Vehicle / Riding of Animal) <input type="checkbox"/> HRS 291-3.1(b) Possess Open Liquor Container; (MV / Moped) Operator <input type="checkbox"/> HRS 291-3.2(b) Possess Open Liquor Container; (MV / Moped) Passenger <input type="checkbox"/> HRS 291-11.5(a)(1) No Child Passenger Restraint (Under 4 yrs old) <input type="checkbox"/> HRS 291-11.5(a)(2) No Child Safety Seat / Booster Seat (4-7 yrs old) <input type="checkbox"/> HRS 291-12 Inattention to Driving <input type="checkbox"/> HRS 291C-13 Leave Scene of Accident Involving (Vehicle / Property) Damage <input type="checkbox"/> HRS 291C-27 Duty Upon Approach of Emergency Vehicle <input type="checkbox"/> HRS 291C-103(a)(c) Racing on Highway <input type="checkbox"/> HRS 291C-103(a)(d) Exhibition of Speed <input type="checkbox"/> HRS 291C-105(a)(1) Excessive Speeding - 30+ MPH over speed limit <input type="checkbox"/> HRS 291C-105(a)(2) Excessive Speeding - 81+ MPH <input type="checkbox"/> HRS 291E-62(a) Operate Vehicle After License (Suspended / Revoked) For OVUII <input type="checkbox"/> HRS 431:10C-104 No Motor Vehicle Insurance Policy <input type="checkbox"/> HRS 431:10G-102 No motorcycle/scooter liability insurance <input type="checkbox"/> ROH 41-31.1(a)(2) Stereo or similar device in/on MV					
SECTION	DESCRIPTION				
SECTION	DESCRIPTION				
SECTION	DESCRIPTION				
SECTION	DESCRIPTION				

DETAILS REGARDING THE OFFENSE(S) CHARGED			
DATE (Month / Day / Year)	TIME	DISTRICT	BEAT
WEATHER	<input type="checkbox"/> CLEAR	<input type="checkbox"/> OVERCAST	<input type="checkbox"/> DRIZZLE <input type="checkbox"/> RAIN
ROAD	<input type="checkbox"/> DRY	<input type="checkbox"/> WET	<input type="checkbox"/> CONCRETE <input type="checkbox"/> ASPHALT <input type="checkbox"/> DIRT
TRAFFIC	<input type="checkbox"/> LIGHT	<input type="checkbox"/> MEDIUM	<input type="checkbox"/> HEAVY
LIGHTING	<input type="checkbox"/> DAWN	<input type="checkbox"/> DAYLIGHT	<input type="checkbox"/> DUSK <input type="checkbox"/> DARKNESS
NO. OF OCCUPANTS:	ADULT MALE(S)	ADULT FEMALE(S)	CHILDREN
LOCATION OF VIOLATION			
VANTAGE POINT			
LANE OF TRAVEL			
SIGN(S) POSTED			
ACTUAL SPEED	POSTED SPEED	SPEED VIOLATION MEASURED BY <input type="checkbox"/> PACE <input type="checkbox"/> LASER <input type="checkbox"/> RADAR	
<input type="checkbox"/> I WAS CERTIFIED IN THE ABOVE DEVICE <input type="checkbox"/> LASER DISTANCE _____ <input type="checkbox"/> DEVICE/SPEEDOMETER WAS ACCURATE, TESTED, & WORKING PROPERLY			
COMPANION CITATION(S)/NOTICE(S) <small>(list citation / notice no.)</small>		ACCIDENT <input type="checkbox"/> Y <input type="checkbox"/> N	INJURY <input type="checkbox"/> Y <input type="checkbox"/> N
ACCIDENT REPORT NO.		PROPERTY DAMAGE <input type="checkbox"/> MAJOR (\$3,000+) <input type="checkbox"/> MINOR	
OFFICER'S STATEMENT OF FACTS			
COMPLAINING OFFICER INFORMATION			
PRINT RANK, FIRST INITIAL, & LAST NAME			ID NO.
OFFICER'S SIGNATURE			DATE OF ISSUANCE

DEFENDANT'S ACKNOWLEDGMENT: By signing below, I agree to appear before the District Court of the First Circuit on the date and at the time and location designated below to answer the charge(s). I understand that my signature is not an admission to the charge(s).

X _____ **DEFENDANT REFUSES TO SIGN**
 Defendant's Signature (Please read instructions on the reverse side)

The Defendant is hereby directed to appear before the District Court of the First Circuit on the date and at the time and location designated below (see reverse side for address) to answer the charge(s). Failure to appear in court as summoned may result in your arrest for other offenses and/or imposition of additional penalties, including fines, court costs, fees, and imprisonment.

SUMMONS				
COURT LOCATION (see addresses on reverse side)				
<input type="checkbox"/> HONOLULU	<input type="checkbox"/> KANE'OHE	<input type="checkbox"/> EWA	<input type="checkbox"/> WAHIAWA	<input type="checkbox"/> WAI'ANAЕ
DATE	TIME	COURTROOM		

**State of Hawai'i - Citation for Traffic Crime(s) Arrest
In the District Court of the First Circuit**

CITATION NO.

COMPLAINT: The undersigned officer, on behalf of Plaintiff State of Hawai'i, declares under penalty of law that he/she has probable cause to believe and does believe that on the date, at the time, and under the conditions indicated, the named defendant did commit the criminal offense(s) noted below and that the same is true and correct to the best of his/her knowledge and belief.

DEFENDANT		ID on Person ■ Y ■ N	
LAST NAME		REGISTERED OWNER <input type="checkbox"/> Y <input type="checkbox"/> N	
FIRST NAME		MIDDLE INITIAL(S)	
ADDRESS			
CITY		STATE	ZIP CODE
JUVENILE <input type="checkbox"/> Y <input type="checkbox"/> N	PROV. LIC. <input type="checkbox"/> Y <input type="checkbox"/> N	PARENT'S NAME (if juvenile operator)	
OPERATOR LICENSE NO.		STATE	EXP. DATE (Month/Day/Year)
DATE OF BIRTH (Month/Day/Year)	HEIGHT	WEIGHT	ETHNICITY (optional)
CDL <input type="checkbox"/> Y <input type="checkbox"/> N	SEX <input type="checkbox"/> M <input type="checkbox"/> F	SSN-Last 4 digits (required by HRS 803-6(c)(2)) XXX - XX -	
CONTACT PHONE NUMBER(S)		MILITARY SERVICE <input type="checkbox"/> Y <input type="checkbox"/> N	MILITARY ID (last 4 characters)
EMPLOYER (if driving company vehicle)			
VEHICLE INFORMATION			
LICENSE PLATE/VIN		STATE	HAZ MAT <input type="checkbox"/> Y <input type="checkbox"/> N
MAKE	MODEL	TYPE	COLOR YEAR CMV <input type="checkbox"/> Y <input type="checkbox"/> N
LAW(S) VIOLATED & TRAFFIC CRIMES COMMITTED			
<input type="checkbox"/> HRS 286-30 (Make / Issue / Use) False Certificate of Inspection <input type="checkbox"/> HRS 286-102 Driving Motor Vehicle Without Valid Driver's License <input type="checkbox"/> HRS 286-132 Driving Motor Vehicle While License (Suspended / Revoked) <input type="checkbox"/> HRS 286-133 Permitting unlicensed driver to drive <input type="checkbox"/> HRS 291-2 Reckless (Driving of Vehicle / Riding of Animal) <input type="checkbox"/> HRS 291-3.1(b) Possess Open Liquor Container; (MV / Moped) Operator <input type="checkbox"/> HRS 291-3.2(b) Possess Open Liquor Container; (MV / Moped) Passenger <input type="checkbox"/> HRS 291-11.5(a)(1) No Child Passenger Restraint (Under 4 yrs old) <input type="checkbox"/> HRS 291-11.5(a)(2) No Child Safety Seat / Booster Seat (4-7 yrs old) <input type="checkbox"/> HRS 291-12 Inattention to Driving <input type="checkbox"/> HRS 291C-13 Leave Scene of Accident Involving (Vehicle / Property) Damage <input type="checkbox"/> HRS 291C-27 Duty Upon Approach of Emergency Vehicle <input type="checkbox"/> HRS 291C-103(a)(c) Racing on Highway <input type="checkbox"/> HRS 291C-103(a)(d) Exhibition of Speed <input type="checkbox"/> HRS 291C-105(a)(1) Excessive Speeding - 30+ MPH over speed limit <input type="checkbox"/> HRS 291C-105(a)(2) Excessive Speeding - 81+ MPH <input type="checkbox"/> HRS 291E-62(a) Operate Vehicle After License (Suspended / Revoked) For OVUII <input type="checkbox"/> HRS 431:10C-104 No Motor Vehicle Insurance Policy <input type="checkbox"/> HRS 431:10G-102 No motorcycle/scooter liability insurance <input type="checkbox"/> ROH 41-31.1(a)(2) Stereo or similar device in/on MV			
SECTION	DESCRIPTION		
SECTION	DESCRIPTION		
SECTION	DESCRIPTION		
SECTION	DESCRIPTION		

DETAILS REGARDING THE OFFENSE(S) CHARGED			
DATE (Month / Day / Year)	TIME	DISTRICT	BEAT
WEATHER	<input type="checkbox"/> CLEAR	<input type="checkbox"/> OVERCAST	<input type="checkbox"/> DRIZZLE <input type="checkbox"/> RAIN
ROAD	<input type="checkbox"/> DRY	<input type="checkbox"/> WET	<input type="checkbox"/> CONCRETE <input type="checkbox"/> ASPHALT <input type="checkbox"/> DIRT
TRAFFIC	<input type="checkbox"/> LIGHT	<input type="checkbox"/> MEDIUM	<input type="checkbox"/> HEAVY
LIGHTING	<input type="checkbox"/> DAWN	<input type="checkbox"/> DAYLIGHT	<input type="checkbox"/> DUSK <input type="checkbox"/> DARKNESS
NO. OF OCCUPANTS:		ADULT MALE(S)	ADULT FEMALE(S) CHILDREN
LOCATION OF VIOLATION			
VANTAGE POINT			
LANE OF TRAVEL			
SIGN(S) POSTED			
ACTUAL SPEED	POSTED SPEED	SPEED VIOLATION MEASURED BY <input type="checkbox"/> PACE <input type="checkbox"/> LASER <input type="checkbox"/> RADAR	
<input type="checkbox"/> I WAS CERTIFIED IN THE ABOVE DEVICE		<input type="checkbox"/> LASER DISTANCE _____	
<input type="checkbox"/> DEVICE/SPEEDOMETER WAS ACCURATE, TESTED, & WORKING PROPERLY			
COMPANION CITATION(S)/NOTICE(S) <small>(list citation / notice no.)</small>		ACCIDENT <input type="checkbox"/> Y <input type="checkbox"/> N	INJURY <input type="checkbox"/> Y <input type="checkbox"/> N
ACCIDENT REPORT NO.		PROPERTY DAMAGE <input type="checkbox"/> MAJOR (\$3,000+) <input type="checkbox"/> MINOR	
OFFICER'S STATEMENT OF FACTS			
COMPLAINING OFFICER INFORMATION			
PRINT RANK, FIRST INITIAL, & LAST NAME			ID NO.
OFFICER'S SIGNATURE			DATE OF ISSUANCE

DEFENDANT'S ACKNOWLEDGMENT: By signing below, I agree to appear before the District Court of the First Circuit on the date and at the time and location designated below to answer the charge(s). I understand that my signature is not an admission to the charge(s).

X _____ **DEFENDANT REFUSES TO SIGN**
Defendant's Signature (Please read instructions on the reverse side)

The Defendant is hereby directed to appear before the District Court of the First Circuit on the date and at the time and location designated below (see reverse side for address) to answer the charge(s). Failure to appear in court as summoned may result in your arrest for other offenses and/or imposition of additional penalties, including fines, court costs, fees, and imprisonment.

SUMMONS			
COURT LOCATION (see addresses on reverse side)			
<input type="checkbox"/> HONOLULU	<input type="checkbox"/> KĀNE'ŌHE	<input type="checkbox"/> EWA	<input type="checkbox"/> WAHIAWĀ <input type="checkbox"/> WAI'ANAE
DATE	TIME	COURTROOM	

State of Hawai'i - Citation for Traffic Crime(s) Arrest In the District Court of the First Circuit

IMPORTANT INSTRUCTIONS - READ CAREFULLY

This Citation for Traffic Crime(s) Arrest (Citation) charges you with committing one or more traffic crimes, in violation of a section of the Hawai'i Revised Statutes (HRS), the Hawai'i Administrative Rules (HAR), or the Revised Ordinances of Honolulu (ROH). **This Citation summons you to appear before the District Court of the First Circuit to answer the charge(s) on the date and at the time and location designated in the Summons on the front of this Citation.** Failure to appear in court as summoned may result in your arrest for other offenses and/or imposition of additional penalties, including fines, court costs, fees, and imprisonment.

INFORMATION ABOUT YOUR COURT APPEARANCE

Please arrive early on the date of your court hearing. If you are not present in the courtroom when your case is called, a bench warrant for your arrest (for contempt of court, failure to appear, or other charges) may be issued, and your bail/bond may be forfeited. Bring this Citation to court with you, and check in with the bailiff or court clerk when you arrive at the proper courtroom.

Your Rights to Trial and Counsel: Depending on the charge(s) against you, you may be entitled to a trial by jury. Additionally, if you cannot afford an attorney and are charged with an offense punishable by imprisonment, you may be entitled to have an attorney appointed by the court to represent you at no cost to yourself. If you wish to apply for legal services through the Office of the Public Defender, you will be required to complete a written application. You will be informed of these rights at your court appearance.

Driver's License Offenses: If you are charged with operating a motor vehicle without a valid driver's license (e.g., expired, suspended, or revoked license), your case may be dismissed by the State (prosecuting attorney) if you produce in court a driver's license or other proof that you were validly licensed on the date of the offense (such as a certification from the Driver's Licensing Division of your state/county). Proof of valid license will NOT be accepted at the district court counter; you must appear in court on the date and at the time designated on this Citation.

Insurance Offenses: If you are charged with not having a valid motor vehicle insurance policy (HRS § 431:10C-104) or valid motorcycle/motor scooter insurance policy (HRS § 431:10G-102), your case may be dismissed by the State (prosecuting attorney) if you produce in court proof of insurance coverage, in the form of an affidavit from an insurance company licensed in the State of Hawai'i, that the motor vehicle or motorcycle/motor scooter was insured on

the date of the offense. Proof of valid insurance will NOT be accepted at the district court counter; you must appear in court on the date and at the time designated on this Citation.

If You Cannot Appear in Court on the Date and at the Time Designated in the Summons: If you have a valid reason for not being able to appear in court on the date and at the time designated in the Summons, you must file with the designated district court a written motion to request a continuance of your hearing, either (1) by mail to the designated court at the address listed below, or (2) in person at the designated court at the address listed below. You must explain your reason(s) for requesting a continuance. **The designated district court must receive your motion for continuance no later than 48 hours prior to your scheduled court date and time.** If your motion is granted, you will be informed of the new court date and time. If your motion is denied, you must appear in court as summoned by this Citation. Continuance request forms are available at any district court or via the Internet at <http://www.courts.state.hi.us>.

Inability to Pay: If the court imposes a monetary assessment as a result of this citation and you are unable to pay because of financial hardship, you may request that the court consider your ability to pay. The court may permit community service instead of payment or may make other adjustments to the assessment.

IMPORTANT NOTE FOR JUVENILE DEFENDANTS

Juvenile defendants under eighteen (18) years of age must be accompanied by a parent or legal guardian when appearing before the court.

INFORMATION ABOUT YOUR PRIVACY

Disclosure of the last four digits of your Social Security Number (SSN) on this Citation is mandatory pursuant to HRS §803-6(c)(2). The last four digits of your SSN will be used for identification purposes in administering state and federal driver's license and motor vehicle laws, including laws governing the revocation of a driver's license and proof of financial responsibility.

ADDRESSES FOR THE DISTRICT COURT OF THE FIRST CIRCUIT

HONOLULU

Traffic Violations Bureau
1111 Alakea Street
Honolulu, Hawai'i 96813
(808) 538-5500

'EWA

District Court, 'Ewa Division
870 Fourth Street
Pearl City, Hawai'i 96782
(808) 534-6900

KĀNE'OHE

District Court, Kāne'ohe Division
45-939 Po'okela Street
Kāne'ohe, Hawai'i 96744
(808) 534-6300

WAHIAWĀ

District Court, Wahiaiwā Division
1034 Kilani Avenue
Wahiaiwā, Hawai'i 96786
(808) 534-6200

WAI'ANAЕ (Kapolei Court Complex)

District Court, Wai'anae Division
4675 Kapolei Parkway
Kapolei, Hawai'i 96707
(808) 954-8575



If you require an accommodation for a disability when working with a court program, service, or activity, please contact the Disability Accommodations Coordinator at (808) 538-5121, FAX: (808) 538-5233, TTY: (808) 539-4853, at least ten (10) working days before your proceeding, hearing, or appointment date.

**State of Hawai'i - Citation for Traffic Crime(s) Arrest
In the District Court of the Second Circuit**

CITATION NO.

COMPLAINT: The undersigned officer, on behalf of Plaintiff State of Hawai'i, declares under penalty of law that he/she has probable cause to believe and does believe that on the date, at the time, and under the conditions indicated, the named defendant did commit the criminal offense(s) noted below and that the same is true and correct to the best of his/her knowledge and belief.

DEFENDANT				ID on Person <input type="checkbox"/> Y <input type="checkbox"/> N			
LAST NAME			REGISTERED OWNER				
			<input type="checkbox"/> Y <input type="checkbox"/> N				
FIRST NAME		MIDDLE INITIAL(S)					
ADDRESS							
CITY			STATE	ZIP CODE			
JUVENILE	PROV. LIC.	PARENT'S NAME (if juvenile operator)					
<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N						
OPERATOR LICENSE NO.			STATE	EXP. DATE (Month/Day/Year)			
DATE OF BIRTH (Month/Day/Year)		HEIGHT	WEIGHT	ETHNICITY (optional)			
CDL		SEX		SSN-Last 4 digits			
<input type="checkbox"/> Y <input type="checkbox"/> N		<input type="checkbox"/> M <input type="checkbox"/> F		(required by HRS 803-6(c)(2)) XXX - XX -			
CONTACT PHONE NUMBER(S)			MILITARY SERVICE	MILITARY ID			
			<input type="checkbox"/> Y <input type="checkbox"/> N	(last 4 characters)			
EMPLOYER (if driving company vehicle)							

VEHICLE INFORMATION						
LICENSE PLATE/VIN				STATE	HAZ MAT	
					<input type="checkbox"/> Y <input type="checkbox"/> N	
MAKE	MODEL	TYPE	COLOR	YEAR	CMV	
					<input type="checkbox"/> Y <input type="checkbox"/> N	

LAW(S) VIOLATED & TRAFFIC CRIMES COMMITTED	
<input type="checkbox"/> CCM 10.52.010 Operating Motor Vehicle Without Due Care <input type="checkbox"/> HRS 286-30 (Make / Issue / Use) False Certificate of Inspection <input type="checkbox"/> HRS 286-102 Driving Motor Vehicle Without Valid Driver's License <input type="checkbox"/> HRS 286-132 Driving Motor Vehicle While License (Suspended / Revoked) <input type="checkbox"/> HRS 286-133 Permitting Unlicensed Driver to Drive (MV / Moped) <input type="checkbox"/> HRS 291-2 Reckless (Driving of Vehicle / Riding of Animal) <input type="checkbox"/> HRS 291-11.5(a)(1) No Child Passenger Restraint (Under 4 yrs old) <input type="checkbox"/> HRS 291-11.5(a)(2) No Child Safety / Booster Seat (4-7 yrs old) <input type="checkbox"/> HRS 291-12 Inattention to Driving <input type="checkbox"/> HRS 291-31.5(a) (Use / Possess) Blue Light on (MV / Motorcycle / Motor Scooter / Moped / Bicycle) <input type="checkbox"/> HRS 291C-12.6(a) Accident Involving Bodily Injury <input type="checkbox"/> HRS 291C-13 Leave Scene of Accident Involving (Vehicle / Property) Damage <input type="checkbox"/> HRS 291C-27 Duty Upon Approach of Emergency Vehicle <input type="checkbox"/> HRS 291C-103(a)(c) Racing on Highway <input type="checkbox"/> HRS 291C-103(a)(d) Exhibit Speed or Acceleration <input type="checkbox"/> HRS 291C-105(a)(1) Excessive Speeding - 30+ MPH over speed limit <input type="checkbox"/> HRS 291C-105(a)(2) Excessive Speeding - 81+ MPH <input type="checkbox"/> HRS 291E-62(a) Operate Vehicle After License (Suspended / Revoked) For Operating A Vehicle Under the Influence of an Intoxicant <input type="checkbox"/> HRS 431:10C-104 No Motor Vehicle Insurance Policy <input type="checkbox"/> HRS 431:10G-102 No (Motorcycle / Motor Scooter) Insurance Policy	

SECTION	DESCRIPTION
SECTION	DESCRIPTION

DETAILS REGARDING THE INFRACTION(S) CHARGED			
DATE (Month / Day / Year)	TIME	DISTRICT	BEAT
WEATHER <input type="checkbox"/> CLEAR <input type="checkbox"/> OVERCAST <input type="checkbox"/> DRIZZLE <input type="checkbox"/> RAIN ROAD <input type="checkbox"/> DRY <input type="checkbox"/> WET <input type="checkbox"/> CONCRETE <input type="checkbox"/> ASPHALT <input type="checkbox"/> DIRT TRAFFIC <input type="checkbox"/> LIGHT <input type="checkbox"/> MEDIUM <input type="checkbox"/> HEAVY LIGHTING <input type="checkbox"/> DAWN <input type="checkbox"/> DAYLIGHT <input type="checkbox"/> DUSK <input type="checkbox"/> DARKNESS			
NO. OF OCCUPANTS:		ADULT MALE(S)	ADULT FEMALE(S) CHILDREN

LOCATION OF VIOLATION		
VANTAGE POINT	SIGNS POSTED	BODY CAMERA
	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N
ACTUAL SPEED	POSTED SPEED	SPEED VIOLATION MEASURED BY
		<input type="checkbox"/> PACE <input type="checkbox"/> LASER <input type="checkbox"/> RADAR
<input type="checkbox"/> I WAS CERTIFIED IN THE ABOVE DEVICE <input type="checkbox"/> LASER DISTANCE _____ <input type="checkbox"/> DEVICE/SPEEDOMETER WAS ACCURATE, TESTED, & WORKING PROPERLY		
COMPANION CITATION(S)/NOTICE(S) <small>(list citation / notice no.)</small>		ACCIDENT
		<input type="checkbox"/> Y <input type="checkbox"/> N
PROPERTY DAMAGE		REPORT NO.
<input type="checkbox"/> MAJOR (\$3,000+) <input type="checkbox"/> MINOR		

OFFICER'S STATEMENT OF FACTS	

COMPLAINING OFFICER INFORMATION	
PRINT RANK, FIRST INITIAL, & LAST NAME OF COMPLAINING OFFICER	ID NO.
OFFICER'S SIGNATURE	DATE OF ISSUANCE

DEFENDANT'S ACKNOWLEDGMENT: By signing below, I agree to appear before the District Court of the Second Circuit on the date and at the time and location designated below to answer the charge(s). **I understand that my signature is not an admission to the charge(s).**

X _____ **DEFENDANT REFUSES TO SIGN**
 Defendant's Signature (Please read instructions on the reverse side)

The Defendant is hereby directed to appear before the District Court of the Second Circuit on the date and at the time and location designated below (see reverse side for address) to answer the charge(s). Failure to appear in court as summoned may result in your arrest for other offenses and/or imposition of additional penalties, including fines, court costs, fees, and imprisonment.

SUMMONS				
COURT LOCATION (see addresses on reverse side)				
<input type="checkbox"/> WAILUKU	<input type="checkbox"/> LAHAINA	<input type="checkbox"/> HANA	<input type="checkbox"/> LANAI	<input type="checkbox"/> MOLOKAI
DATE	TIME	COURTROOM		

State of Hawai'i - Citation for Traffic Crime(s) Arrest In the District Court of the Second Circuit

IMPORTANT INSTRUCTIONS - READ CAREFULLY

This Citation for Traffic Crime(s) Arrest (Citation) charges you with committing one or more traffic crimes, in violation of a section of the Hawai'i Revised Statutes (HRS), the Hawai'i Administrative Rules (HAR), or the Code of the County of Maui (CCM). **This Citation summons you to appear before the District Court of the Second Circuit to answer the charge(s) on the date and at the time and location designated in the Summons on the front of this Citation.** Failure to appear in court as summoned may result in your arrest for other offenses and/or imposition of additional penalties, including fines, court costs, fees, and imprisonment.

INFORMATION ABOUT YOUR COURT APPEARANCE

Please arrive early on the date of your court hearing. If you are not present in the courtroom when your case is called, a bench warrant for your arrest (for contempt of court, failure to appear, or other charges) may be issued, and your bail/bond may be forfeited. Bring this Citation to court with you, and check in with the bailiff or court clerk when you arrive at the proper courtroom.

Your Rights to Trial and Counsel: Depending on the charge(s) against you, you may be entitled to a trial by jury. Additionally, if you cannot afford an attorney and are charged with an offense punishable by imprisonment, you may be entitled to have an attorney appointed by the court to represent you at no cost to yourself. If you wish to apply for legal services through the Office of the Public Defender, you will be required to complete a written application. You will be informed of these rights at your court appearance.

Driver's License Offenses: If you are charged with operating a motor vehicle without a valid driver's license (e.g., expired, suspended, or revoked license), your case may be dismissed by the State (prosecuting attorney) if you produce in court a driver's license or other proof that you were validly licensed on the date of the offense (such as a certification from the Driver's Licensing Division of your state/county). Proof of valid license will NOT be accepted at the district court counter; you must appear in court on the date and at the time designated on this Citation.

Insurance Offenses: If you are charged with not having a valid motor vehicle insurance policy (HRS § 431:10C-104) or valid motorcycle/motor scooter insurance policy (HRS § 431:10G-102), your case may be dismissed by the State (prosecuting attorney) if you produce in court proof of insurance coverage, in the form of an affidavit from an insurance company licensed in the State of Hawai'i, that the motor vehicle or motorcycle/motor scooter was insured on

the date of the offense. Proof of valid insurance will NOT be accepted at the district court counter; you must appear in court on the date and at the time designated on this Citation.

If You Cannot Appear in Court on the Date and at the Time Designated in the Summons: If you have a valid reason for not being able to appear in court on the date and at the time designated in the Summons, you must file with the designated district court a written motion to request a continuance of your hearing, either (1) by mail to the designated court at the address listed below, or (2) in person at the designated court at the address listed below. You must explain your reason(s) for requesting a continuance. **The designated district court must receive your motion for continuance no later than 48 hours prior to your scheduled court date and time.** If your motion is granted, you will be informed of the new court date and time. If your motion is denied, you must appear in court as summoned by this Citation. Continuance request forms are available at any district court or via the Internet at <http://www.courts.state.hi.us>.

Inability to Pay: If the court imposes a monetary assessment as a result of this citation and you are unable to pay because of financial hardship, you may request that the court consider your ability to pay. The court may permit community service instead of payment or may make other adjustments to the assessment.

IMPORTANT NOTE FOR JUVENILE DEFENDANTS

Juvenile defendants under eighteen (18) years of age must be accompanied by a parent or legal guardian when appearing before the court.

INFORMATION ABOUT YOUR PRIVACY

Disclosure of the last four digits of your Social Security Number (SSN) on this Citation is mandatory pursuant to HRS §803-6(c)(2). The last four digits of your SSN will be used for identification purposes in administering state and federal driver's license and motor vehicle laws, including laws governing the revocation of a driver's license and proof of financial responsibility.

ADDRESSES FOR THE DISTRICT COURT OF THE SECOND CIRCUIT

WAILUKU
Wailuku Division
2145 Main Street, Suite 137
Wailuku, Hawai'i 96793-1679
(808) 244-2800

LAHAINA
Lahaina Division
1870 Honoapi'ilani Hwy.
Lahaina, Hawai'i 96761-1856
(808) 661-0970

HĀNA
Hāna Cultural Center
4974 Uakea Road
Hāna, Hawai'i 96713
(808) 661-0970
Mailing: 1870 Honoapi'ilani Hwy.
Lahaina, Hawai'i 96761-1856

LĀNA'I
Lāna'i Division
312 Eighth Street
Lāna'i City, Hawai'i 96763
(808) 565-6447
Mailing: 1870 Honoapi'ilani Hwy.
Lahaina, Hawai'i 96761-1856

MOLOKA'I
Moloka'i Division
(P.O. Box 284), 55 Makaena St.
Kaunakakai, Hawai'i 96748-0284
(808) 553-1100



If you require an accommodation for a disability when working with a court program, service, or activity, please contact the Disability Accommodations Coordinator at (808) 244-2800, FAX: (808) 244-2849, at least ten (10) working days before your proceeding, hearing, or appointment date.

**State of Hawai'i - Citation for Traffic Crime(s) Arrest
In the District Court of the Third Circuit**

CITATION NO.

COMPLAINT: The undersigned officer, on behalf of Plaintiff State of Hawai'i, declares under penalty of law that he/she has probable cause to believe and does believe that on the date, at the time, and under the conditions indicated, the named defendant did commit the criminal offense(s) noted below and that the same is true and correct to the best of his/her knowledge and belief.

DEFENDANT		ID on Person <input type="checkbox"/> Y <input type="checkbox"/> N	
LAST NAME		REGISTERED OWNER <input type="checkbox"/> Y <input type="checkbox"/> N	
FIRST NAME		MIDDLE INITIAL(S)	
ADDRESS			
CITY		STATE	ZIP CODE
JUVENILE <input type="checkbox"/> Y <input type="checkbox"/> N	PROV. LIC. <input type="checkbox"/> Y <input type="checkbox"/> N	PARENT'S NAME (if juvenile operator)	
OPERATOR LICENSE NO.		STATE	EXP. DATE (Month/Day/Year)
DATE OF BIRTH (Month/Day/Year)	HEIGHT	WEIGHT	ETHNICITY (optional)
CDL <input type="checkbox"/> Y <input type="checkbox"/> N	SEX <input type="checkbox"/> M <input type="checkbox"/> F	SSN-Last 4 digits (required by HRS 803-6(c)(2)) XXX - XX -	
CONTACT PHONE NUMBER(S)		MILITARY SERVICE <input type="checkbox"/> Y <input type="checkbox"/> N	MILITARY ID (last 4 characters)
EMPLOYER (if driving company vehicle)			
VEHICLE INFORMATION			
LICENSE PLATE/VIN		STATE	HAZ MAT <input type="checkbox"/> Y <input type="checkbox"/> N
MAKE	MODEL	TYPE	COLOR YEAR CMV <input type="checkbox"/> Y <input type="checkbox"/> N
LAW(S) VIOLATED & TRAFFIC CRIMES COMMITTED			
<input type="checkbox"/> HRS 286-102 Driving Motor Vehicle Without Valid Driver's License <input type="checkbox"/> HRS 286-132 Driving Motor Vehicle While License (Suspended / Revoked) <input type="checkbox"/> HRS 291-2 Reckless (Driving of Vehicle / Riding of Animal) <input type="checkbox"/> HRS 291-11.5(a)(1) No Child Passenger Restraint (Under 4 yrs old) <input type="checkbox"/> HRS 291-11.5(a)(2) No Child Safety Seat / Booster Seat (4-7 yrs old) <input type="checkbox"/> HRS 291-12 Inattention to Driving <input type="checkbox"/> HRS 291-31.5(a) (Use / Possess) Blue Light on (MV / Motorcycle / Motor Scooter / Moped / Bicycle) <input type="checkbox"/> HRS 291C-103(a)(c) Racing on Highway <input type="checkbox"/> HRS 291C-103(a)(d) Exhibit Speed or Acceleration <input type="checkbox"/> HRS 291C-105(a)(1) Excessive Speeding - 30+ MPH over speed limit <input type="checkbox"/> HRS 291C-105(a)(2) Excessive Speeding - 81+ MPH <input type="checkbox"/> HRS 291C-13 Accidents Involving Damage to Vehicle/Property <input type="checkbox"/> HRS 291E-62(a) Operate Vehicle After License (Suspended / Revoked) for Operating a Vehicle Under the Influence of an Intoxicant <input type="checkbox"/> HRS 431:10C-104 No Motor Vehicle Insurance Policy <input type="checkbox"/> HRS 431:10G-102 No (Motorcycle / Motor Scooter) Insurance Policy			
SECTION	DESCRIPTION		
SECTION	DESCRIPTION		
SECTION	DESCRIPTION		
SECTION	DESCRIPTION		

DETAILS REGARDING THE OFFENSE(S) CHARGED			
DATE (Month / Day / Year)	TIME	DISTRICT	BEAT
WEATHER	<input type="checkbox"/> CLEAR	<input type="checkbox"/> OVERCAST	<input type="checkbox"/> DRIZZLE <input type="checkbox"/> RAIN
ROAD	<input type="checkbox"/> DRY <input type="checkbox"/> WET	<input type="checkbox"/> CONCRETE <input type="checkbox"/> ASPHALT	<input type="checkbox"/> DIRT
TRAFFIC	<input type="checkbox"/> LIGHT	<input type="checkbox"/> MEDIUM <input type="checkbox"/> HEAVY	
LIGHTING	<input type="checkbox"/> DAWN	<input type="checkbox"/> DAYLIGHT	<input type="checkbox"/> DUSK <input type="checkbox"/> DARKNESS
NO. OF OCCUPANTS:	ADULT MALE(S)	ADULT FEMALE(S)	CHILDREN
LOCATION OF VIOLATION			
VANTAGE POINT			
LANE OF TRAVEL			
SIGN(S) POSTED			
ACTUAL SPEED	POSTED SPEED	SPEED VIOLATION MEASURED BY <input type="checkbox"/> PACE <input type="checkbox"/> LASER <input type="checkbox"/> RADAR	
<input type="checkbox"/> I WAS CERTIFIED IN THE ABOVE DEVICE <input type="checkbox"/> LASER DISTANCE _____			
<input type="checkbox"/> DEVICE/SPEEDOMETER WAS ACCURATE, TESTED, & WORKING PROPERLY			
COMPANION CITATION(S)/NOTICE(S) (list citation / notice no.)		ACCIDENT <input type="checkbox"/> YES <input type="checkbox"/> NO	INJURY <input type="checkbox"/> YES <input type="checkbox"/> NO
PROPERTY DAMAGE <input type="checkbox"/> MAJOR (\$3,000+) <input type="checkbox"/> MINOR		REPORT NO.	
OFFICER'S STATEMENT OF FACTS			
COMPLAINING OFFICER INFORMATION			
PRINT RANK, FIRST INITIAL, & LAST NAME OF COMPLAINING OFFICER		ID NO.	
OFFICER'S SIGNATURE		DATE OF ISSUANCE	

DEFENDANT'S ACKNOWLEDGMENT: By signing below, I agree to appear before the District Court of the Third Circuit on the date and at the time and location designated below to answer the charge(s). I understand that my signature is not an admission to the charge(s).

X _____ **DEFENDANT REFUSES TO SIGN**
Defendant's Signature (Please read instructions on the reverse side)

The Defendant is hereby directed to appear before the District Court of the Third Circuit on the date and at the time and location designated below (see reverse side for address) to answer the charge(s). Failure to appear in court as summoned may result in your arrest for other offenses and/or imposition of additional penalties, including fines, court costs, fees, and imprisonment.

SUMMONS		
COURT LOCATION (see addresses on reverse side) <input type="checkbox"/> HILO <input type="checkbox"/> S KOHALA <input type="checkbox"/> N & S KONA		
DATE	TIME	COURTROOM

State of Hawai'i - Citation for Traffic Crime(s) Arrest In the District Court of the Third Circuit

IMPORTANT INSTRUCTIONS - READ CAREFULLY

This Citation for Traffic Crime(s) Arrest (Citation) charges you with committing one or more traffic crimes, in violation of a section of the Hawai'i Revised Statutes (HRS), the Hawai'i Administrative Rules (HAR), or the Hawai'i County Code (HCC). **This Citation summons you to appear before the District Court of the Third Circuit to answer the charge(s) on the date and at the time and location designated in the Summons on the front of this Citation.** Failure to appear in court as summoned may result in your arrest for other offenses and/or imposition of additional penalties, including fines, court costs, fees, and imprisonment.

INFORMATION ABOUT YOUR COURT APPEARANCE

Please arrive early on the date of your court hearing. If you are not present in the courtroom when your case is called, a bench warrant for your arrest (for contempt of court, failure to appear, or other charges) may be issued, and your bail/bond may be forfeited. Bring this Citation to court with you, and check in with the bailiff or court clerk when you arrive at the proper courtroom.

Your Rights to Trial and Counsel: Depending on the charge(s) against you, you may be entitled to a trial by jury. Additionally, if you cannot afford an attorney and are charged with an offense punishable by imprisonment, you may be entitled to have an attorney appointed by the court to represent you at no cost to yourself. If you wish to apply for legal services through the Office of the Public Defender, you will be required to complete a written application. You will be informed of these rights at your court appearance.

Driver's License Offenses: If you are charged with operating a motor vehicle without a valid driver's license (HRS Section 286-102), your case may be dismissed by the Court if you produce in court proof of a valid driver's license, in the form of an affidavit from the Driver Licensing Division of your state/county, verifying that you were validly licensed on the date of the offense. You may also present a completed driver's license affidavit at the District Court, with a completed Motion, at least fourteen (14) days prior to your scheduled court date and seek a dismissal of the charge upon a judge's review. Motion forms are available at the Hilo, Kona and South Kohala District Court locations (see addresses below).

Insurance Offenses: If you are charged with not having a valid motor vehicle insurance policy (HRS Section 431:10C-104) or valid motorcycle/motor scooter insurance policy (HRS Section 431:10G-102), your case may be dismissed by the Court if you produce in court proof that the vehicle was covered by a policy of insurance

at the time of the alleged offense, in the form of an affidavit which is completed by the vehicle's insurance company. You may also present a completed insurance affidavit at the District Court, with a completed Motion, at least fourteen (14) days prior to your scheduled court date and seek a dismissal of the charge upon a judge's review. The insurance affidavit form and Motion forms are available at the Hilo, Kona and South Kohala District Court locations (see addresses below).

If You Cannot Appear in Court on the Date and at the Time Designated in the Summons: If you have a valid reason for not being able to appear in court on the date and at the time designated in the Summons, you must file with the designated district court a written motion to request a continuance of your hearing, either (1) by mail to the designated court at the address listed below, or (2) in person at the designated court at the address listed below. You must explain your reason(s) for requesting a continuance. **The designated district court must receive your motion for continuance no later than fourteen (14) days prior to your scheduled court date and time.** If your motion is granted, you will be informed of the new court date and time. If your motion is denied, you must appear in court as summoned by this Citation. Continuance request forms are available at any district court or via the Internet at <http://www.courts.state.hi.us>.

Inability to Pay: If the court imposes a monetary assessment as a result of this citation and you are unable to pay because of financial hardship, you may request that the court consider your ability to pay. The court may permit community service instead of payment or may make other adjustments to the assessment.

INFORMATION NOTE FOR JUVENILE DEFENDANTS

Juvenile defendants under eighteen (18) years of age must be accompanied by a parent or legal guardian when appearing before the court.

INFORMATION ABOUT YOUR PRIVACY

Disclosure of the last four digits of your Social Security Number (SSN) on this Citation is mandatory pursuant to HRS §803-6(c)(2). The last four digits of your SSN will be used for identification purposes in administering state and federal driver's license and motor vehicle laws, including laws governing the revocation of a driver's license and proof of financial responsibility.

HILO & PUNA DIVISION

Hale Kaulike
777 Kilauea Avenue
Hilo, Hawai'i 96720
(808) 961-7470
Mail: 777 Kilauea Avenue
Hilo, Hawai'i 96720

N & S KOHALA & HĀMAKUĀ DIVISION

Waimea Civic Center
67-5187 Kamamalu Street
Kamuela, Hawai'i 96743
(808) 443-2030
Mail: 67-5187 Kamamalu Street
Kamuela, Hawai'i 96743-8439

N & S KONA & KA'Ū DIVISION

Keahuolū Courthouse
74-5451 Kamakaeha Avenue
Kailua-Kona, Hawai'i 96740
(808) 322-8700
Mail: 74-5451 Kamakaeha Avenue
Kailua-Kona, Hawai'i 96740



If you require an accommodation for a disability when working with a court program, service, or activity, please contact the Disability Accommodations Coordinator at (808) 961-7629, FAX: (808) 961-7577, or email adarequest@courts.hawaii.gov, at least ten (10) working days before your proceeding, hearing, or appointment date.

State of Hawai'i - Citation for Traffic Crime(s) Arrest In the District Court of the Fifth Circuit

IMPORTANT INSTRUCTIONS - READ CAREFULLY

This Citation for Traffic Crime(s) Arrest (Citation) charges you with committing one or more traffic crimes, in violation of a section of the Hawai'i Revised Statutes (HRS), the Hawai'i Administrative Rules (HAR), or the Kaua'i County Code (KCC). **This Citation summons you to appear before the District Court of the Fifth Circuit to answer the charge(s) on the date and at the time and location designated in the Summons on the front of this Citation.** Failure to appear in court as summoned may result in your arrest for other offenses and/or imposition of additional penalties, including fines, court costs, fees, and imprisonment.

INFORMATION ABOUT YOUR COURT APPEARANCE

Please arrive early on the date of your court hearing. If you are not present in the courtroom when your case is called, a bench warrant for your arrest (for contempt of court, failure to appear, or other charges) may be issued, and your bail/bond may be forfeited. Bring this Citation to court with you.

Your Rights to Trial and Counsel: Depending on the charge(s) against you, you may be entitled to a trial by jury. Additionally, if you cannot afford an attorney and are charged with an offense punishable by imprisonment, you may be entitled to have an attorney appointed by the court to represent you at no cost to yourself. If you wish to apply for legal services through the Office of the Public Defender, you will be required to complete a written application. You will be informed of these rights at your court appearance.

Driver's License Offenses: If you are charged with operating a motor vehicle without a valid driver's license (e.g., expired, suspended, or revoked license), your case may be dismissed by the State (prosecuting attorney) if you produce in court proof of a valid driver's license, in the form of an affidavit from the Driver's Licensing Division of your state/county, verifying that you were validly licensed on the date of the offense. The driver's license affidavit form is available from the District Court of the Fifth Circuit (see address below). You may present a completed driver's license affidavit at the district court not less than 7 working days PRIOR to your scheduled court date (before the actual day that you are supposed to appear in court) and seek a dismissal of the charge upon a judge's review of the proof. You may also appear in court, on your scheduled court date, and present the driver's license affidavit for a judge's review at the time your case is called.

Insurance Offenses: If you are charged with not having a valid motor vehicle insurance policy (HRS § 431:10C-104) or valid

motorcycle/motor scooter insurance policy (HRS § 431:10G-102), your case may be dismissed by the State (prosecuting attorney) if you produce in court proof that the vehicle was covered by a policy of insurance at the time of the alleged offense, in the form of an affidavit which is completed by the vehicle's insurance company. The insurance affidavit form is available from the District Court of the Fifth Circuit (see address below). You may present a completed insurance affidavit at the district court not less than 7 working days PRIOR to your scheduled court date (before the actual day that you are supposed to appear in court) and seek a dismissal of the charge upon a judge's review of the proof. You may also appear in court, on your scheduled court date, and present the insurance affidavit for a judge's review at the time your case is called.

If You Cannot Appear in Court on the Date and at the Time Designated in the Summons: If you have a valid reason for not being able to appear in court on the date and at the time designated in the Summons, you must file with the District Court of the Fifth Circuit a written motion to request a continuance of your hearing, either (1) by mail to the designated court at the address listed below, or (2) in person at the designated court at the address listed below. You must explain your reason(s) for requesting a continuance. **The District Court of the Fifth Circuit must receive your motion for continuance no later than 48 hours prior to your scheduled court date and time.** If your motion is granted, you will be informed of the new court date and time. If your motion is denied, you must appear in court as summoned by this Citation. Continuance request forms are available at any district court or via the Internet at <http://www.courts.state.hi.us>.

Inability to Pay: If the court imposes a monetary assessment as a result of this citation and you are unable to pay because of financial hardship, you may request that the court consider your ability to pay. The court may permit community service instead of payment or may make other adjustments to the assessment.

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ADDRESS FOR THE DISTRICT COURT OF THE FIFTH CIRCUIT

Traffic Operations Branch
3970 Kā'ana Street, Suite 206
Līhu'e, Hawai'i 96766-1282
(808) 482-2355



If you require an accommodation for a disability when working with a court program, service, or activity, please contact the Disability Accommodations Coordinator at (808) 482-2355, FAX: (808) 482-2553, TTY: (808) 482-2533, at least ten (10) working days before your proceeding, hearing, or appointment date.