



The Judiciary, State of Hawai'i

Testimony to the Thirty-First State Legislature, 2022 Regular Session

Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair

Thursday, March 17, 2022, 9:35 a.m.
Conference Room 016 & Videoconference

by:
Kevin Thornton
Director of IT & Business Services

Bill No. and Title: House Bill No. 2365 – Relating to Electronic Citations

Purpose: Creates an electronic citation program under the judiciary and establishes an electronic citation surcharge. Appropriates funds. Effective 1/1/2023.

Judiciary's Position:

The Judiciary is in SUPPORT of this measure, and provides comments including a request for resources required to implement this measure.

First, we provide background information for the Committee's awareness. The Judiciary, the Maui Police Department (MPD) and Honolulu Police Department (HPD), and their prosecutor offices were fortunate to receive grants from the National Highway Traffic Safety Administration (NHTSA) via the State Department of Transportation (DOT) to create and implement an eCitation system that can be used statewide. The system has hand-held devices that are used by police officers on patrol replacing the paper citation book. These devices have been successfully used by some officers of the Maui Police Department and Honolulu Police Department as a pilot program. The pilot system was started in 2017 and has shown that the use of these devices has been successful and is viable. This process reduces the occurrence of errors because driver license and registration are scanned directly into the device and the information is populated into the ticket and transmitted to the court. Motorists receive a printed citation that is clear and legible. Motorists may resolve their citations in person at the courthouse or by using the Judiciary's existing online payment system. By replacing manual paper citation handling with electronic delivery, the system also improves citation delivery to the Judiciary, and the Judiciary anticipates that there will be less delay in traffic case initiation and the motorist's ability to pay eligible fines/fees online.

Full integration and expansion to the Third and Fifth Circuits will require additional resources including more equipment and personnel that is no longer feasible under the current grant. Further, the continued funding via NHTSA grants is expected to end on September 30, 2022.

Special Fund

The current version of this measure establishes a special fund under the Judiciary. To fund the eCitation system in each county it is estimated that \$5.00 per violation would be needed. This estimation used the number of paid citations from the past four calendar years, the cost of the system based on the costs for the pilot program for Maui County and Honolulu County incurred since 2017 with the pilot program, with estimates for Hawai'i and Kaua'i County. It is anticipated that of the \$5, 40 cents, 20 cents, and \$4.40 would be distributed to the Judiciary, Prosecutors, and Police Departments, respectively, in order to sustain the program. The total program cost is estimated at \$1 million annually.

The Judiciary takes the administration of a special fund very seriously. The electronic citation special fund presents fiscal and reporting challenges because there are eight external agencies involved. With this in mind and the added manual vouchering process that is required, disbursements to the County agencies will be annually in July, which will consist of collections posted from the previous fiscal year.

The Judiciary is obligated to ensure statutory compliance, accurate accounting, and appropriate use of the funds. The electronic citation special fund will need to meet the requirements as outlined in Section 37-52.3, HRS which states: 1) serve a need as demonstrated by purpose, the scope of the program, including financial information on fees to be charged, sources of projected revenue, and cost, and an explanation as to why the program cannot be implemented under the general fund appropriation process; 2) reflect a clear nexus between the benefits sought, and charges made upon the program users or beneficiaries or a clear link between the program and the sources of revenue; 3) provide an appropriate means of financing for the program or activity that is used only when essential to the successful operation of the program or activity; and 4) demonstrates the capacity to be financially self-sustaining.

Detailed procedures will need to be developed to ensure the appropriate use of funds as there will be eight external County agencies incurring expenses, and monitoring these expenditures will be a difficult and labor-intensive process.

Accordingly, the Judiciary requests that § 291C-C (d) of the new part of Chapter 291C, Hawai'i Revised Statutes, be amended to read as follows:

(d) The judiciary shall adopt procedures for the implementation of the electronic citation program and administration of the electronic citation special fund. The procedures shall address administrative, operational,

and financial requirements, including:

- (1) The judiciary program in charge of administering the fund;
- (2) Permissible expenditures from the electronic citation fund;
- (3) Method of calculating annual disbursements from the electronic citation fund to the respective law enforcement agencies;
- (4) Annual reporting requirements from each law enforcement agency; and
- (5) Remedies for failure to comply with the electronic citation program procedures.

This language will clarify the parameters of the procedures to implement the electronic citation program.

In addition, to ensure statutory compliance, accurate accounting, and appropriate use of the electronic citation special fund, the Judiciary respectfully requests one (1) permanent accountant position and salary funding of \$51,024 for the Administrative Fiscal Office within the Office of the Administrative Director of the Courts to ensure sound fiscal oversight of the electronic citation special fund.

The Judiciary acknowledges that the recent Auditor report of March 2022 (Analyses of Proposed Special and Revolving Funds 2022 report No. 22-03) states in pertinent part:

There is insufficient information to demonstrate a special fund is needed to support the program. Although revenue sources and expenses for the fund are identified, detailed financial information was not provided. Additionally, an explanation of why the program cannot be successfully implemented through the general fund appropriation process was not provided.

Nexus or linkage exists between the program and electronic citation surcharges collected pursuant to traffic violations, infractions, and crimes. However, nexus or linkage does not exist between the program and continued support from legislative appropriations.¹

The Judiciary is open to collaborating with the eight other agencies primarily involved to gather additional financial information, though the estimates earlier in this testimony may be helpful in that regard. In addition, the Judiciary believes that this testimony further develops the

¹ PDF page 20 of the Report.

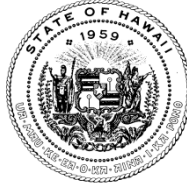
nexus between the program and continued support from legislative appropriations.

State General Fund

This Committee's approach in Senate Draft 1 of SB3227 is another potential approach. While the Judiciary is amenable, we acknowledge again that there are eight other agencies and this approach may pose challenges for others.

Thank you for the opportunity to testify on this measure.

DAVID Y. IGE
GOVERNOR



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

Deputy Directors
ROSS M. HIGASHI
EDUARDO P. MANGLALLAN
PATRICK H. MCCAIN
EDWIN H. SNIFFEN

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

March 17, 2022
9:35 A.M.

State Capitol, Conference Room 016/Teleconference

H.B. 2365
RELATING TO ELECTRONIC CITATIONS

Senate Committee on Judiciary

The Department of Transportation (DOT) **supports** H.B. 2365, which creates an electronic citation program under the Judiciary and establishes an electronic citation surcharge.

The implementation of an electronic, or eCitation, system would help rectify numerous deficiencies with paper citations, such as supervisors, prosecutors and Judiciary personnel having to decipher difficult-to-read handwritten notes, as well as delayed delivery of citations from law enforcement agencies to the Judiciary.

eCitation technology provides numerous benefits to law enforcement, Judiciary and to the general public, including:

- Time savings and accuracy by scanning driver license and registrations to auto populate eCitations;
- Officer and motorist safety as law enforcement officers spend less time on the side of the road writing and issuing the citation;
- More accurate citation data and less laborious data entry into multiple Records Management Systems;
- Electronic delivery of citations from rural police districts to the courts;
- Faster access to citations for violators who need to pay the fines; and
- Analysis of eCitation data (types of violations, geolocations, times of issuance, etc.) that can be used for traffic safety.

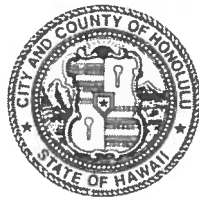
The DOT urges your support with H.B. 2365, which will streamline processes, as well as improve roadside safety for law enforcement and roadway users.

Thank you for the opportunity to provide testimony.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
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RICK BLANGIARDI
MAYOR



RADE K. VANIC
INTERIM CHIEF

OUR REFERENCE **AP-TK**

March 17, 2022

The Honorable Karl Rhoads, Chair
and Members
Committee on Judiciary
State Senate
Hawaii State Capitol
415 South Beretania Street, Room 016
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

SUBJECT: House Bill No. 2365, Relating to Electronic Citations

I am Andre Peters, Acting Captain of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 2365, Relating to Electronic Citations.

The HPD supports the proposal to create an electronic citation (eCitation) program under the Hawaii State Judiciary and to establish an eCitation surcharge.

The HPD and Maui Police Department are conducting a pilot program using an eCitation system. The eCitation system resolves issues that include the timely delivery of citations from the law enforcement agency to the Hawaii State Judiciary. Some of the benefits of the eCitation system are that it allows faster access for violators who wish to pay their fines and eliminates the task of prosecutors and Judiciary personnel from having to interpret difficult to read handwritten citations. Furthermore, the eCitation system decreases the time that the officers spend interacting with motorists on the roadside, which is an officer safety concern.

The establishment of an electronic surcharge will ensure that each participating county will have the necessary funding to cover the costs of maintaining this program.

The Honorable Karl Rhoads, Chair
and Members
March 17, 2022
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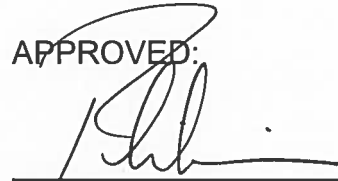
The HPD urges you to support House Bill No. 2365, Relating to Electronic Citations.

Thank you for the opportunity to testify.

Sincerely,



Andre Peters, Acting Captain
Traffic Division

APPROVED:


RK
Rade K. Vanic
Interim Chief of Police

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

GLORIA CHANG
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY
TESTIMONY BY CRAIG K. HIRAI
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE SENATE COMMITTEE ON JUDICIARY
ON
HOUSE BILL NO. 2365

March 17, 2022
9:35 a.m.
Room 016 and Videoconference

RELATING TO ELECTRONIC CITATIONS

The Department of Budget and Finance (B&F) offers comments on this bill.

House Bill (H.B.) No. 2365 establishes an electronic citation program and the Electronic Citation Special Fund (ECSF) to support the statewide electronic citation program at the Judiciary. This program intends to improve efficiency and accuracy in the issuing of traffic citations, eliminate the need for in-person or mail-delivered citations from the police or courts, and allow violators of traffic rules faster access to citations in order to pay online or in person. This bill also establishes a \$5 electronic citation surcharge per traffic violation to be charged to any person found to have committed a traffic infraction to support this program.

In addition, H.B. No. 2365 makes an unspecified special fund appropriation from the proposed ECSF to provide funding for the implementation, operation, oversight, and repair and maintenance of the electronic citation program.

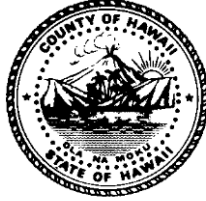
As a matter of general policy, B&F does not support the creation of any special fund which does not meet the requirements of Section 37-52.3, HRS. Special funds

should: 1) serve a need as demonstrated by the purpose, scope of work and an explanation why the program cannot be implemented successfully under the general fund appropriation process; 2) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries or a clear link between the program and the sources of revenue; 3) provide an appropriate means of financing for the program or activity; and 4) demonstrate the capacity to be financially self-sustaining. Regarding H.B. No. 2365, it is difficult to determine whether the proposed special fund would be self-sustaining.

B&F defers to the Judiciary regarding program implementation and funding.

Thank you for your consideration of our comments.

Mitchell D. Roth
Mayor



Paul K. Ferreira
Police Chief

Kenneth Bugado, Jr.
Deputy Police Chief

County of Hawai`i

POLICE DEPARTMENT

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March 14, 2022

Senator Karl Rhoads
Chairperson and Committee Members
Committee on Judiciary
415 South Beretania Street, Room 016
Honolulu, Hawai`i 96813

RE: HOUSE BILL 2365, RELATING TO ELECTRONIC CITATIONS
HEARING DATE: MARCH 17, 2022
TIME: 9:35 a.m.

Dear Senator Rhoads:

The Hawai`i Police Department supports House Bill 2365, with its purpose to establish an electronic citation surcharge and special fund to support a statewide electronic citation program under the judiciary. It also establishes a surcharge to be assessed to various traffic violations in order to fund the program.

The Hawai`i Police Department understands that using this technology will improve the efficiency and accuracy in issuing citations. An efficient system will reduce the amount of time an officer spends in hazardous situations near moving traffic. This process will improve the flow of documents through the law enforcement agency system to the judiciary. It will reduce the amount of time staff members spend deciphering, filing and delivering paper citations between agencies.

We support the recommended surcharge of five dollars per violation, which shall be deposited with the director of finance for the judiciary and credited to the electronic citation special fund. We understand that the judiciary would distribute the funds to the respective agencies in accordance with the adopted procedures.

It is for these reasons, we urge this committee to approve this legislation. Thank you for allowing the Hawai`i Police Department to provide comments relating to House Bill 2365.

Sincerely,

PAUL K. FERREIRA
POLICE CHIEF

HB-2365

Submitted on: 3/14/2022 6:27:30 PM

Testimony for JDC on 3/17/2022 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Gerard Silva	Individual	Oppose	Written Testimony Only

Comments:

This is Comunist Control and not wanted in Hawaii!!