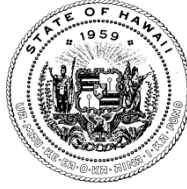


DAVID Y. IGE  
GOVERNOR



**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

February 16, 2022  
2:00 P.M.  
State Capitol, Teleconference

**H.B. 2365**  
**RELATING TO ELECTRONIC CITATIONS**

House Committee on Judiciary & Hawaiian Affairs

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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 citation 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.

Electronic citation 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 electronic citations;
- 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 electronic citation 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.



## *The Judiciary, State of Hawai'i*

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

#### **House Committee on Judiciary & Hawaiian Affairs**

Representative Mark M. Nakashima, Chair  
Representative Scot Z. Matayoshi, Vice Chair

Wednesday, February 16, 2022, 2:00 p.m.  
Via Videoconference

by:

Kevin Thornton  
Director of IT & Business Services

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**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 a pilot eCitation system that can be used statewide. To reduce costs, an off-the-shelf system from current vendors (<http://www.ecitationcoalition.com/coalitionmembers/>) that met data security requirements was used for the pilot system, and configured for use in Hawai'i. 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 are no longer feasible under the current grant. Further, the continued funding via NHTSA grants is expected to end on September 30, 2022.

The current version of this measure establishes a special fund under the Judiciary. The surcharge amount in the measure is based on the amount needed to sustain the system; this estimate was developed by reviewing data for all paid traffic citations from the Judiciary's case management system. The Judiciary takes the administration of a special fund very seriously. The electronic citation special fund presents fiscal and reporting challenges because eight external agencies are 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, Hawaii 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.

Thank you for the opportunity to testify on this measure.

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 HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS  
ON  
HOUSE BILL NO. 2365

**February 16, 2022**  
**2:00 p.m.**  
**Room 325 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 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.

**LATE**

**HB-2365**

Submitted on: 2/15/2022 5:22:46 PM

Testimony for JHA on 2/16/2022 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Karen Kahikina	Hawaii DOT	Support	Yes

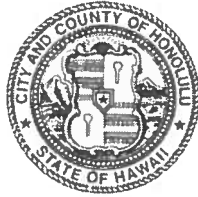
Comments:

I am with the DOT and am available for questions.

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96813  
TELEPHONE: (808) 529-3111 • INTERNET: www.honolulupd.org

RICK BLANGIARDI  
MAYOR



RADE K. VANIC  
INTERIM CHIEF

OUR REFERENCE JS-LC

February 16, 2022

The Honorable Mark M. Nakashima, Chair  
and Members  
Committee on Judiciary  
and Hawaiian Affairs  
House of Representatives  
Hawaii State Capitol  
415 South Beretania Street, Room 325  
Honolulu, Hawaii 96813

Dear Chair Nakashima and Members:

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

I am James Slayter, Acting Major 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 Honorable Mark M. Nakashima, Chair  
and Members  
February 16, 2022  
Page 2

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.

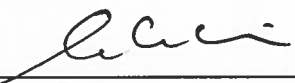
The HPD urges you to support House Bill No. 2365, Relating to Electronic Citations.

Thank you for the opportunity to testify.

Sincerely,

  
for James Slayter, Acting Major  
Traffic Division

APPROVED:

  
\_\_\_\_\_  
Rade K. Vanic  
Interim Chief of Police