
A BILL FOR AN ACT

RELATING TO THE COMMUNITY OUTREACH COURT.

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

1 SECTION 1. The legislature finds that increased
2 homelessness on the island of Oahu has led to more arrests and
3 citations for nonviolent crimes. These offenses include
4 drinking liquor in public; being in public parks after hours;
5 trespassing; and illegal lodging on sidewalks, beaches, and in
6 other public places. Many persons who receive citations are
7 unable to attend court or have misplaced their court paperwork
8 due to the transient and unstable nature of homelessness. When
9 a person fails to appear for court and has no known address, the
10 courts are left with no option but to issue a bench warrant.
11 This can be traumatic for the cited person and expends law
12 enforcement officers' time and resources.

13 To help address these issues, the judiciary, office of the
14 public defender, and department of the prosecuting attorney of
15 the city and county of Honolulu established a community court
16 outreach project to make court appearances more accessible for
17 homeless persons. The legislature formalized a community court



1 outreach project in Act 55, Session Laws of Hawaii 2017. The
2 community court's goal is to assist nonviolent offenders who are
3 charged with offenses that disproportionately impact the
4 homeless community. Court sessions are held in community
5 locations where large homeless populations are located. The
6 court may resolve active charges and impose alternative
7 sentencing in cases where the offender is unable to pay fines
8 and fees. Resolving an offender's pending cases, and avoiding
9 bench warrants, leaves the offender in a better position to
10 obtain basic necessities, including employment, income
11 assistance, and housing. Community court social workers may
12 also assess offender needs for mental health services, substance
13 abuse treatment, sustenance or shelter assistance, or other
14 appropriate social services. The social worker may also help
15 arrange other referred services.

16 The legislature recognizes that the project has been
17 successful. Since its inception, the project has addressed more
18 than ten thousand cases, recalled more than nine hundred bench
19 warrants, lifted more than six thousand driver license stoppers,
20 and assisted more than six hundred participants with social
21 services or referrals.



1 (b) In any case in which it has jurisdiction, the
2 community outreach court shall exercise general equity powers as
3 authorized by law. Nothing in this chapter shall be construed
4 to limit the jurisdiction and authority of any judge designated
5 as a judge of the community outreach court on matters within the
6 scope of this chapter.

7 § -3 **Principles and components of the court.** The
8 community outreach court shall:

- 9 (1) Facilitate the early identification and timely
10 placement of eligible offenders;
- 11 (2) Foster cooperation between the prosecuting attorney
12 and public defender to resolve cases;
- 13 (3) Impose alternative sentencing, including community
14 service sentences, and support the offender's
15 participation in programs based on the offender's
16 needs, including mental health services, substance
17 abuse treatment, sustenance or shelter assistance, or
18 other social services;
- 19 (4) Establish a coordinated strategy to respond to an
20 offender's compliance or noncompliance with the
21 offender's sentence; and



1 (5) Encourage partnerships between the court, public
2 agencies, community-based organizations, and other
3 entities, to maximize the court's effectiveness."

4 SECTION 3. Act 55, Session Laws of Hawaii 2017, is
5 repealed.

6 SECTION 4. In accordance with section 9 of article VII of
7 the Hawaii State Constitution and sections 37-91 and 37-93,
8 Hawaii Revised Statutes, the legislature has determined that the
9 appropriations contained in Act 164, Regular Session of 2023,
10 and this Act will cause the state general fund expenditure
11 ceiling for fiscal year 2024-2025 to be exceeded by
12 \$ or per cent. This current declaration takes
13 into account general fund appropriations authorized for fiscal
14 year 2024-2025 in Act 164, Regular Session of 2023, and this Act
15 only. The reasons for exceeding the general fund expenditure
16 ceiling are that:

17 (1) The appropriation made in this Act is necessary to
18 serve the public interest; and

19 (2) The appropriation made in this Act meets the needs
20 addressed by this Act.



1 SECTION 5. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$ or so
3 much thereof as may be necessary for fiscal year 2024-2025 to
4 establish permanent positions in support of the community
5 outreach court, including:

- 6 (1) \$ each for full-time equivalent
7 (FTE) court clerk positions;
- 8 (2) \$ for full-time equivalent (FTE)
9 court bailiff position;
- 10 (3) \$ for full-time equivalent (FTE)
11 adult client services branch judicial clerk V
12 position; and
- 13 (4) \$ each for full-time equivalent
14 (FTE) adult client services positions.

15 The sum appropriated shall be expended by the judiciary for
16 the purposes of this Act.

17 SECTION 6. There is appropriated out of the general
18 revenues of the State of Hawaii the sum of \$ or so
19 much thereof as may be necessary for fiscal year 2024-2025
20 for full-time equivalent (FTE) deputy sheriff
21 positions to support the community outreach court.



1 The sum appropriated shall be expended by the department of
2 law enforcement for the purposes of this Act.

3 SECTION 7. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$ or so
5 much thereof as may be necessary for fiscal year 2024-2025 for
6 permanent positions in support of the community outreach court,
7 including:

8 (1) \$ for full-time equivalent (FTE)
9 deputy public defender;

10 (2) \$ for full-time equivalent (FTE)
11 paralegal; and

12 (3) \$ for full-time equivalent (FTE)
13 social worker or mental health worker, assigned to the
14 office of the public defender.

15 The sum appropriated shall be expended by the office of the
16 public defender for the purposes of this Act.

17 SECTION 8. There is appropriated out of the general
18 revenues of the State of Hawaii the sum of \$ or so
19 much thereof as may be necessary for fiscal year 2024-2025 for
20 permanent positions in support of the community outreach court,
21 including:



- 1 (1) \$ for full-time equivalent (FTE)
- 2 deputy prosecuting attorney;
- 3 (2) \$ for full-time equivalent (FTE)
- 4 paralegal; and
- 5 (3) \$ for full-time equivalent (FTE)
- 6 legal assistant.

7 The sum appropriated shall be expended by the office of the
 8 prosecuting attorney of the city and county of Honolulu for the
 9 purposes of this Act.

10 SECTION 9. There is appropriated out of the general
 11 revenues of the State of Hawaii the sum of \$ or so
 12 much thereof as may be necessary for fiscal year 2024-2025 for
 13 the operations of the community outreach court, including
 14 security, equipment, training, and other operational needs.

15 The sum appropriated shall be expended by the judiciary for
 16 the purposes of this Act.

17 SECTION 10. This Act does not affect rights and duties
 18 that matured, penalties that were incurred, and proceedings that
 19 were begun before its effective date.

20 SECTION 11. This Act shall take effect on July 1, 3000.



Report Title:

Judiciary; Community Outreach Court; Homelessness;
Appropriation; Expenditure Ceiling

Description:

Permanently establishes and appropriates funds for the Community Outreach Court as a division of the District Court of the First Circuit. Effective 7/1/3000. (HD3)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

