
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 crimes include drinking
4 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 paperwork due to
8 the transient and unstable nature of homelessness. When a
9 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 person and expends law enforcement
12 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 outreach
16 court project to make court appearances more accessible to
17 homeless persons. The legislature formalized the community



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

16 The legislature recognizes that the community outreach
17 court program has been successful. Since its inception, the
18 program has addressed more than ten thousand cases, recalled
19 more than nine hundred bench warrants, lifted more than six
20 thousand driver license stoppers, and assisted more than six
21 hundred participants with social 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) Utilize alternative sentencing, including community
14 service sentences, and support the offender's
15 participation in programs based on the person's needs,
16 including mental health services, substance abuse
17 treatment, sustenance or shelter assistance, or other
18 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 \$854,900 or so much
3 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) \$96,100 each for four full-time equivalent (4.0 FTE)
7 court clerk positions;

8 (2) \$72,500 for one full-time equivalent (1.0 FTE) court
9 bailiff position;

10 (3) \$81,500 for one full-time equivalent (1.0 FTE) adult
11 client services branch judicial clerk V position; and

12 (4) \$105,500 each for three full-time equivalent (3.0 FTE)
13 adult client services position.

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

16 SECTION 6. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$250,000 or so much
18 thereof as may be necessary for fiscal year 2024-2025 for two
19 full-time equivalent (2.0 FTE) deputy sheriff positions to
20 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 \$288,500 or so much
5 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) \$131,000 for one full-time equivalent (1.0 FTE) deputy
9 public defender;

10 (2) \$87,500 for one full-time equivalent (1.0 FTE)
11 paralegal; and

12 (3) \$70,000 for one full-time equivalent (1.0) FTE) social
13 worker or mental health worker, assigned to the office
14 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 \$310,000 or so much
19 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) \$170,000 for one full-time equivalent (1.0 FTE) deputy
2 prosecuting attorney;
- 3 (2) \$80,000 for one full-time equivalent (1.0 FTE)
4 paralegal; and
- 5 (3) \$60,000 for one full-time equivalent (1.0 FTE) legal
6 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 \$40,000 or so much
12 thereof as may be necessary for fiscal year 2024-2025 for the
13 operations of the community outreach court, including security,
14 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.



1 SECTION 11. This Act shall take effect on July 1, 2024.



Report Title:

Judiciary; Community Outreach Court; Homeless; Expenditure
Ceiling; Appropriations

Description:

Permanently establishes and appropriates moneys for the
Community Outreach Court as a division of the District Court of
the First Circuit. Declares that the general fund expenditure
ceiling is exceeded. (SD1)

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not legislation or evidence of legislative intent.*

