
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 the worsening
2 problem of homelessness on Oahu has led to residents being cited
3 or arrested for drinking liquor in public, being in public parks
4 after hours, trespassing, illegal camping on sidewalks and other
5 public areas, and other nonviolent or status offenses. Many of
6 those cited are unable to attend court or have misplaced their
7 paperwork due to the transient and unstable nature of
8 homelessness. When a person fails to appear for court and has
9 no known address, courts are left with no option but to issue a
10 bench warrant.

11 Under Act 55, Session Laws of Hawaii 2017, the judiciary,
12 office of the public defender, and department of the prosecuting
13 attorney of the city and county of Honolulu established a
14 community court outreach project. The goal of the community
15 court outreach project is to assist nonviolent offenders who are
16 charged with offenses that disproportionately impact the
17 homeless community by making court attendance more accessible



1 through holding court in community locations where offenders are
2 found, resolving any active charges, and utilizing alternative
3 sentences such as community service work in cases where prior
4 court judgments could not be satisfied and offenders lack the
5 present ability to pay fines and fees. By resolving these
6 cases, the participants are in a better position to obtain basic
7 necessities such as jobs, income assistance, and housing. The
8 community court outreach project social worker assesses
9 offenders for participation in programs deemed appropriate based
10 upon an offender's need for mental health services, substance
11 abuse treatment, sustenance, shelter, or other appropriate
12 available social services and assists the offenders in obtaining
13 and voluntarily participating in these referred services.

14 The legislature finds that the community court outreach
15 project has been successful. Since its inception, the project
16 has addressed over ten thousand cases, recalled over nine
17 hundred bench warrants, lifted more than seven thousand driver
18 license stoppers, and provided assistance to over six hundred
19 participants at community-based sites in the judicial districts
20 where participants may live or have access to mental health
21 services, substance abuse treatment, sustenance, shelter, or



1 other social services and who have completed more than seven
2 thousand community service work hours.

3 Accordingly, the purpose of this Act is to permanently
4 establish and appropriate funds for the community outreach court
5 as a division of the district court of the first circuit.

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

9 **"CHAPTER**

10 **COMMUNITY OUTREACH COURT**

11 **§ -1 Definitions.** As used in this chapter:

12 "Community outreach court" or "court" means a division of
13 the district court of the first circuit that shall address cases
14 brought before it for nonviolent, nonfelony defendants in which
15 the prosecuting attorney and public defender have reached plea
16 agreements.

17 "Prosecuting attorney" means:

18 (1) The prosecuting attorney for the city and county of
19 Honolulu;



(2) Any deputy prosecuting attorney of the department of the prosecuting attorney of the city and county of Honolulu;

(3) The attorney general; and

(4) Any deputy attorney general of the department of the attorney general.

"Public defender" means the public defender and any deputy public defender of the office of the public defender, including any court-appointed private attorney appearing on behalf of a defendant based on a conflict with the office of the public defender.

§ -2 Community outreach court; establishment. (a) The community outreach court shall be established as a division of the district court of the first circuit.

(b) The community outreach court shall be held at any duly designated location within the first judicial circuit by any designated judge of the community outreach court.

§ -3 Jurisdiction. (a) The community outreach court shall have concurrent jurisdiction with all district courts of the first circuit to consider and adjudicate nonviolent, nonfelony criminal and traffic offenses, including traffic



1 infractions under chapter 291D, charged to defendants deemed
2 appropriate, after application and acceptance, for participation
3 in the community outreach court.

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

10 § -4 **Principles and components of the court.** The
11 community outreach court shall include the following components:

- 12 (1) Emphasis on the early identification and timely
13 placement of eligible defendants;
14 (2) Cooperation between the prosecuting attorney and
15 public defender to resolve cases;
16 (3) Alternative sentencing of defendants, such as
17 community service and participation in programs based
18 upon the defendant's need for mental health services,
19 substance abuse treatment, sustenance, shelter, or
20 other social services and willingness to voluntarily
21 participate in those programs;



(4) Establishment of a coordinated strategy by the community outreach court to respond to a defendant's compliance or noncompliance with the defendant's sentence; and

(5) Encouragement by the community outreach court of partnerships between the court, public agencies, community-based organizations, and other entities to promote the court's effectiveness.

§ -5 **Court process.** (a) The court shall hold hearings at community sites to dispose of cases for which the prosecuting attorney and public defender have negotiated and reached plea agreements on the disposition of the defendants.

(b) The court may only hear and dispose of cases involving nonviolent, nonfelony offenses under laws of the State and ordinances of the city and county of Honolulu determined to be appropriate by the department of the prosecuting attorney of the city and county of Honolulu.

(c) The public defender shall engage a social service or health care professional to provide outreach services to defendants charged with nonviolent, nonfelony offenses who:

(1) Are willing to participate in the court;



1 (2) Are willing to be represented by the public defender;

2 and

3 (3) May benefit from participation in the court.

4 After consulting with the social service or health care
5 professional, the public defender shall develop a list of the
6 defendants who are potential participants in the court and
7 transmit the list to the prosecuting attorney.

8 (d) Defendants on the potential participant list charged
9 by the department of the prosecuting attorney of the city and
10 county of Honolulu shall be reviewed by the prosecuting
11 attorney, who will decide whether they should participate in the
12 court proceedings. The prosecuting attorney may enter into plea
13 agreement negotiations with the public defender for disposition
14 of those defendants' accepted into the community outreach court.

15 (e) The plea agreement for a defendant may include a fine,
16 community service, court-ordered treatment, other court-ordered
17 condition, or any other action that the court has the authority
18 to take and deems appropriate.

19 (f) At the hearing, the court may finalize the plea
20 agreement by court order or judgment; provided that the court



1 shall not be bound by the proposed disposition in the plea
2 agreement."

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

5 SECTION 4. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$ or so
7 much thereof as may be necessary for fiscal year 2025-2026 and
8 the same sum or so much thereof as may be necessary for fiscal
9 year 2026-2027 for the operations of the community outreach
10 court, including:

11 (1) \$ for security through a contracted service
12 provider;

13 (2) \$ for facilities and associated costs,
14 including for use of the Waianae public library;

15 (3) \$ for equipment, including laptops and a
16 mobile hotspot for internet access;

17 (4) \$ for transportation costs, including a van
18 and associated parking costs; and

19 (5) \$ for other miscellaneous operational needs,
20 including driver permit workbooks, printer cartridges,



1 pencils, erasers, pens, markers, paper towels, and
2 other office supplies.

3 The judiciary may enter into an intergovernmental agreement
4 or memorandum of understanding with the office of the public
5 defender, department of the prosecuting attorney of the city and
6 county of Honolulu, department of the attorney general, or any
7 other agency of the State or the city and county of Honolulu for
8 the purpose of collaboration, cooperation, coordination,
9 combination of resources, funding distribution, or the
10 administration of the community outreach court.

11 SECTION 5. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of \$ or so
13 much thereof as may be necessary for fiscal year 2025-2026 and
14 the same sum or so much thereof as may be necessary for fiscal
15 year 2026-2027 to establish permanent positions in support of
16 the community outreach court, including:

17 (1) \$ each for two full-time equivalent (2.0
18 FTE) court clerk positions;
19 (2) \$ for one full-time equivalent (1.0 FTE)
20 court bailiff position;



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

(4) \$ each for three full-time equivalent (3.0
FTE) adult client services branch social worker
positions.

The sums appropriated shall be expended by the judiciary
for the purposes of this Act.

SECTION 6. There is appropriated out of the general
revenues of the State of Hawaii the sum of \$ or so
much thereof as may be necessary for fiscal year 2025-2026 and
the same sum or so much thereof as may be necessary for fiscal
year 2026-2027 for two full-time equivalent (2.0 FTE) deputy
sheriff positions to support the community outreach court.

The sums appropriated shall be expended by the judiciary
for the purposes of this Act.

SECTION 7. There is appropriated out of the general
revenues of the State of Hawaii the sum of \$ or so
much thereof as may be necessary for fiscal year 2025-2026 and
the same sum or so much thereof as may be necessary for fiscal
year 2026-2027 for one full-time equivalent (1.0 FTE) deputy



1 attorney general tasked with duties for the community outreach
2 court.

3 The sums appropriated shall be expended by the department
4 of the attorney general for the purposes of this Act.

5 SECTION 8. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$ or so
7 much thereof as may be necessary for fiscal year 2025-2026 and
8 the same sum or so much thereof as may be necessary for fiscal
9 year 2026-2027 for permanent positions in support of the
10 community outreach court, including:

- 11 (1) \$ for one full-time equivalent (1.0 FTE)
12 deputy public defender;
13 (2) \$ for one full-time equivalent (1.0 FTE)
14 paralegal; and
15 (3) \$ for one full-time equivalent (1.0 FTE)
16 social service or mental health care professional
17 assigned to the office of the public defender.

18 The sums appropriated shall be expended by the office of
19 the public defender for the purposes of this Act.

20 SECTION 9. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of \$ or so



1 much thereof as may be necessary for fiscal year 2025-2026 and
2 the same sum or so much thereof as may be necessary for fiscal
3 year 2026-2027 as a grant-in-aid for permanent positions in the
4 office of the prosecuting attorney of the city and county of
5 Honolulu in support of the community outreach court, including:

6 (1) \$ for one full-time equivalent (1.0 FTE)

7 deputy prosecuting attorney;

8 (2) \$ for one full-time equivalent (1.0 FTE)

9 paralegal; and

10 (3) \$ for one full-time equivalent (1.0 FTE)

11 legal assistant.

12 The sums appropriated shall be expended by the office of
13 the prosecuting attorney of the city and county of Honolulu for
14 the purposes of this Act.

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

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



H.B. NO. 280 H.D. 2

Report Title:

Judiciary; Community Outreach Court; Homelessness; Appropriation

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. (HD2)

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