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March 7, 2025

Committee on Judiciary & Hawaiian Affairs
Rep. David A. Tarnas, Chair
Rep. Mahina Poepoe, Vice Chair
415 South Beretania Street, Conf. Rm. 325
State Capital
Honolulu, HI 96813

Re: Testimony in Support of S.B. 361
Hearing: March 11, 2025, 2:00 PM

Dear Chair Marten, Vice Chair Olds and Committee Members:

This letter is in support of S.B. 361 which would permanently establish and appropriate moneys for the Community Outreach Court ("COC") as a division of the District Court of the First Circuit.

Since 2017, the Office of the Public Defender ("OPD"), the Department of the Prosecuting Attorney and the Judiciary have worked in concert to assist nonviolent offenders resolve pending and adjudicated offenses through alternative sentencing, including community service. COC has been instrumental in recalling and reducing the amount of outstanding and stagnant bench warrants and resolving thousands of pending cases with positive outcomes for both the offender and the community. The burden on law enforcement has been reduced through recalled bench warrants and penal summons that previously languished unserved. Participants who were previously unable to attend court due to transportation challenges have attended court to address their cases when they otherwise would not. Through convenient placement within a participant's home community, COC directly increases access to justice for the community it serves.

Don't fix what isn't broken! COC has demonstrated a clear track record of success as is. The "principles and components of the court" should remain unchanged. Defacing the existing principles and components of COC by adding additional unnecessary alternatives in sentencing will discourage participation and jeopardize COC's recent success. The following language should be omitted in its entirety:

(3) Alternative sentencing of defendants, such as community service and participation in programs based upon the defendant's need for **mental health services, substance abuse treatment**, sustenance, shelter, or other social services and willingness to voluntarily 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

COC is currently in very high demand for applicants. Allowing individuals to perform community service as an alternative to paying high balances of traffic fines and fees encourages this strong demand. Imposing mental health services and substance abuse treatment in addition to community service will stifle demand. Participants already have the option to seek services from providers as they see fit.

Providing for a “coordinated strategy” in the event of a participant’s noncompliance is unnecessary. Noncompliance already has a consequence: nongraduation.

COC provides a vital service to the community. Not only is the court able to clear thousands of unresolved cases that would have otherwise remained pending, but social service providers also assist COC participants at no cost to the taxpayer. By the time the participants graduate from COC, the graduates are entrenched in or one step closer to stable housing, employment and have had their legal matters resolved. These milestones are necessary to end the cycle of homelessness which COC is tackling, one participant at a time. The permanent establishment of COC is integral and necessary for our community.

Thank you for taking these comments into consideration.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



RYAN I. YAMANE
DIRECTOR
KA LUNA HO'OKELE

JOSEPH CAMPOS II
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF HUMAN SERVICES
KA 'OIHANA MĀLAMA LAWELawe KANAKA
Office of the Director
P. O. Box 339
Honolulu, Hawaii 96809-0339

TRISTA SPEER
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

March 8, 2025

TO: The Honorable Representative David A. Tarnas, Chair
House Committee on Judiciary & Hawaiian Affairs

FROM: Ryan I. Yamane, Director

SUBJECT: **SB 361 SD2 – RELATING TO THE COMMUNITY OUTREACH COURT.**

Hearing: March 11, 2025, 2:00 p.m.
Conference Room 325 & Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this bill and defers to the Judiciary, the Office of the Public Defender, and the Department of the Prosecuting Attorney. The community outreach court process assists non-violent individuals in addressing their pending legal issues that can be barriers to employment or the ability to secure housing. The community outreach court is a successful example of cross-branch collaboration to reduce homelessness, and it improves the public trust in the government.

PURPOSE: This bill permanently establishes and appropriates funds for the Community Outreach Court as a division of the District Court of the First Circuit. Effective 4/23/2057. (SD2)

The Committee on Judiciary amended the measure by:

- (1) Inserting an effective date of April 23, 2057, to encourage further discussion; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

The Committee on Ways and Means further amended the measure by:

- (1) Making amendments recommended by the Department of the Attorney General. Specifically:

March 8, 2025

Page 2

- (A) Amending the definition of "prosecuting attorney" to remove references to the Attorney General and Deputy Attorneys General;
 - (B) Deleting the Department of the Attorney General from the parties that may enter into plea agreement negotiations; and
 - (C) Deleting the appropriation in section 7 of the measure for one full-time Deputy Attorney General tasked with duties for the Community Outreach Court; and
- (2) Making technical, nonsubstantive edits for purposes of clarity, consistency, and style.

Thank you for the opportunity to provide comments in support of this measure.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



MIKE LAMBERT
DIRECTOR

SYLVIA LUKE
LT GOVERNOR
KE KE'ENA

STATE OF HAWAII | KA MOKU'ĀINA O HAWAII
DEPARTMENT OF LAW ENFORCEMENT

Ka 'Oihana Ho'okō Kānāwai

715 South King Street
Honolulu, Hawaii 96813

JARED K. REDULLA
Deputy Director
Law Enforcement

TESTIMONY ON SENATE BILL 361, SENATE DRAFT 2
RELATING TO THE COMMUNITY OUTREACH COURT

Before the House Committee on
JUDICIARY & HAWAIIAN AFFAIRS

Tuesday, March 11, 2025, 2:00 p.m.

State Capitol Conference Room 325 & Videoconference

WRITTEN TESTIMONY ONLY

Chair Tarnas, Vice Chair Poepoe, and members of the Committee:

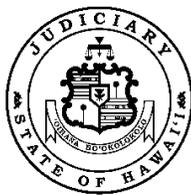
The Department of Law Enforcement (DLE) supports Senate Bill 361, Senate Draft 2. This bill permanently establishes and appropriates funds for the Community Outreach Court as a division of the District Court of the First Circuit. The Community Outreach Court provides an accessible, alternative approach to address non-violent offenses among individuals experiencing homelessness.

This bill represents a significant advancement in our criminal justice reform efforts. The Community Outreach Court model has proven effective in identifying and addressing the unique needs of community members who, due to their individual circumstances, benefit more from supportive services than from traditional incarceration. By bringing court proceedings to community locations, this initiative removes barriers to participation and increases access to justice for vulnerable populations.

The permanent establishment of this court division will enable greater coordination between law enforcement, social service providers, and the judiciary to develop comprehensive strategies for offender compliance and rehabilitation. This collaborative approach aligns with the DLE's commitment to public safety through both enforcement and community support.

From a law enforcement perspective, the Community Outreach Court provides officers with an effective alternative pathway for addressing low-level, non-violent offenses. This approach allows for more appropriate allocation of law enforcement resources while still holding individuals accountable through community service and engagement with supportive services.

Thank you for the opportunity to testify in support of this bill.



The Judiciary, State of Hawai‘i

Testimony to the Thirty-Third Legislature, 2025 Regular Session

House Committee on Judiciary & Hawaiian Affairs

Representative David A. Tarnas, Chair

Representative Mahina Poepoe, Vice Chair

Tuesday, March 11, 2025 at 2:00 p.m.

State Capitol, Conference Room 325 & Videoconference

by

Thomas A. K. Haia

District Court, First Circuit

Bill No. and Title: Senate Bill No. 361, S.D. 2, Relating to the Community Outreach Court.

Purpose: Permanently establishes and appropriates funds for the Community Outreach Court as a division of the District Court of the First Circuit. Effective 4/23/2057. (SD2)

Judiciary's Position:

The Judiciary offers its unconditional support for and urges the passage of Senate Bill No. 361, S.D. 2, Relating to the Community Outreach Court. Community Outreach Court has been in existence as a Judiciary project since the passing of Act 55, Session Laws of Hawai‘i 2017. Since then, Community Outreach Court – referred to by many participants and former participants as COC – has helped hundreds of unsheltered and sheltered individuals and, ultimately, their respective families.

With the passage of Senate Bill No. 361, S.D. 2, COC will become a permanent court, as opposed to a continued project. The Legislature’s approval of Senate Bill No. 361, S.D. 2 is essential for this to happen. The Judiciary strongly supports the passage of this measure and hopes COC will become a permanent court on July 1, 2025.

Since its inception under the late Judge Darolyn Lendio, COC has helped more than 600 participants, cleared nearly 11,000 cases, lifted more than 7,000 license stoppers, and recalled more than 900 bench warrants. These numbers show how COC helps all residents on O‘ahu.



Senate Bill No. 361, S.D. 2, Relating to the Community Outreach Court
House Committee on Judiciary & Hawaiian Affairs
March 11, 2025
Page 2

Here are two specific examples of how COC has had a positive impact on community members' lives.

One of our graduates shared how, as a single father of one who was involved with Child Welfare Services (CWS), he and his son had to ride TheBus for two hours one-way in order to get his son from Makaha to preschool in 'Ewa Beach, then ride another hour to get to work, repeating the process in reverse in the afternoon. He further shared the need for him to meet with his CWS social worker and service providers to complete his Family Service Plan, all done by transporting himself and his son on TheBus. After graduating from COC, he shared how he was able to obtain his Hawai'i driver's license and – now – is able to commute through use of his own vehicle.

Another COC graduate, also a single father of two children, shared how he was homeless living in his car with his children, one of whom is diagnosed autistic. Every morning, he drove his children to school and would, oftentimes, be stopped and cited for driving with no license. Following his graduation from COC, he was able to obtain his driver's license and became gainfully employed as an aide at his children's school.

When COC participants are able and willing to share their stories, it becomes abundantly clear how important COC is to our community. Moving this legislation forward to make COC a permanent court is essential to its continued success.

Thank you for this opportunity to offer testimony supporting Senate Bill No. 361, S.D. 2.



**STATE OF HAWAI'I
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
STATE COUNCIL ON MENTAL HEALTH**
P.O. Box 3378, Room 256
HONOLULU, HAWAII 96801-3378

**STATE COUNCIL ON MENTAL HEALTH
Testimony to the Committee on Judiciary and Hawaiian Affairs
In Support of S.B. 361 S.D. 2
RELATING TO COMMUNITY OUTREACH COURT
March 11, 2025 2:00 p.m., Room 325 and Video**

CHAIRPERSON
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1st VICE CHAIRPERSON
Kathleen Merriam,
LCSW CSAC

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Christine Montague-Hicks, MEd
Ray Rice, MEd
Asianna Saragosa-Torres
Forrest Wells, MSCP, LMHC
Kristin Will, MA, CL, CSAC

EX-OFFICIO:

Marian Tsuji, Deputy Director
Behavioral Health
Administration

Chair Tarnas, Vice-Chair Poepoe, and Members of the Committee:

Hawaii law, HRS §334-10, established the State Council on Mental Health as a 21-member body to advise on the allocation of resources, statewide needs, and programs affecting more than one county as well as to advocate for adults with serious mental illness, children with serious emotional disturbances, individuals with mental illness or emotional problems, including those with co-occurring substance abuse disorders. Members are residents from diverse backgrounds representing mental health service providers and recipients, students and youth, parents, and family members. Members include representatives of state agencies on mental health, criminal justice, housing, Medicaid, social services, vocational rehabilitation, and education. Members include representatives from the Hawaii Advisory Commission on Drug Abuse and Controlled Substances and county service area boards on mental health and substance abuse.

The State Council on Mental Health ("Council") fully supports SB361 SD1. This legislation acknowledges the success of the Community Outreach Court (COC) project in O'ahu and takes a crucial step toward establishing it as a permanent program.

The Council recognizes that individuals experiencing homelessness or transience often encounter legal challenges stemming from circumstances beyond their control. A permanent COC provides an essential alternative to traditional legal proceedings, preventing unnecessary and costly entanglements with the criminal justice system. This approach prioritizes public health, rehabilitation, and cost-effectiveness while ensuring that individuals receive appropriate support rather than punitive measures.

By solidifying the COC as a long-term solution, this measure not only enhances the well-being of affected individuals but also reduces strain on law enforcement, courts, and public resources. It represents a forward-thinking strategy that aligns with evidence-based practices for addressing homelessness and mental health challenges in our communities.

For these reasons, the Council strongly urges the passage of this measure. Thank you for the opportunity to testify in support. Should you have any questions, please contact us at DOH.SCMHChairperson@doh.hawaii.gov.

VISION: A Hawaii where people of all ages with mental health challenges can enjoy recovery in the community of their choice.

MISSION: To advocate for a Hawaii where all persons affected by mental illness can access necessary treatment and support to live full lives in the community of their choice.

SB-361-SD-2

Submitted on: 3/8/2025 10:15:09 AM

Testimony for JHA on 3/11/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jillian Anderson	Waikiki Neighborhood Board	Support	Written Testimony Only

Comments:

The Waikiki Neighborhood Board stands in **support** of SB361 SD2.

The permanent establishment of the Community Outreach Court would allow the positive impacts made by the pilot project to continue indefinitely. Streamlined process and a tailored approach to its target population makes Community Outreach Courts a fantastic alternative to the traditional legal system, particularly in outcomes for homeless individuals. The Community Outreach Court is the optimal combination of effectively using of our state’s resources while achieving better results.

For the First Circuit, which includes Waikiki, the permanency of the Community Outreach Court will allow our community to more effectively work with individuals who are homeless or who have mental health challenges and set them on a path with fewer barriers to attaining stable, permanent housing and all the benefits that come with it.

The Waikiki Neighborhood Board asks for your continued support of this measure which would greatly benefit our community.

Opportunity for Youth Action Hawai'i

KAWAIILOA

March 11, 2025

House Committee on Judiciary & Hawaiian Affairs
Hearing Time: 2:00 PM
Location: State Capitol Conference Room 325
Re: SB361 SD2, Relating to The Community Outreach Court

Aloha e Chair Tarnas, Vice Chair Poepoe, and members of the Committee:

On behalf of the Opportunity for Youth Action Hawai'i hui, we are writing in **support SB361 SD2, Relating to The Community Outreach Court**. This bill permanently establishes and appropriates funds for the Community Outreach Court as a division of the District Court of the First Circuit.

Permanently establishing and funding a community outreach court with a dedicated function for those who cannot consistently access court appointments is a significant step forward in improving efficiency and equity within our judicial system. It further ensures that non-violent offenders are not ingrained in the criminal justice system by the issuance of bench warrants. Given that homeless individuals often lack reliable transportation and other effective means to attend court, they are disproportionately affected by strict court attendance requirements. This challenge is especially prevalent among homeless youth accused of non-violent crimes, who are often victims of their circumstances rather than an active decision to neglect their responsibilities to the court.

A steady court record with multiple bench warrants not only perpetuates legal struggles but also significantly impedes reintegration efforts by making attempts to secure employment and stability more difficult. By permanently implementing a community outreach court, we can begin to change the cyclical relationship between homelessness and criminal charges and provide a pathway toward rehabilitation and services rather than repeated punishment. Ultimately, we see this bill, and the proposed principal components of a permanently established community outreach court as a highly beneficial addition to the criminal justice system. We hope that the state passes this bill as it would alleviate the stresses of stringent court appearances for many of Hawaii's youth who are already struggling to get by.

Opportunity for Youth Action Hawai'i is a collaboration of organizations and individuals committed to reducing the harmful effects of a punitive incarceration system for youth; promoting equity in the justice system; and improving and increasing resources to address adolescent and young adult mental health needs. We seek to improve the continuity of programs and services for youth and young adults transitioning from minor to adult status; eliminate youth houselessness and housing market discrimination against young adults; and promote and fund more holistic and culturally informed approaches among public/private agencies serving youth.

Please support SB361 SD2



The Institute for Human Services, Inc.
Ending the Cycle of Homelessness

TO: Honorable Representative David A. Tarnas,
Chair, House Committee on Judiciary & Hawaiian Affairs

Honorable Representative Mahina Poepoe,
Vice Chair, House Committee on Judiciary & Hawaiian Affairs

FROM: Angie Knight, Community Relations Manager
IHS, Institute for Human Services, Inc.

RE: SB 361 SD2 - RELATING TO THE COMMUNITY OUTREACH COURT.

DATE: March 10, 2025

POSITION: IHS supports the passing of SB 361 SD2

Aloha Chair and Committee members,

IHS, The Institute for Human Services, supports passing SB361 SD2 to permanently establish the Community Outreach Court. The Community Outreach Court exists to help connect individuals with non-violent offenses to opportunities for bettering of self and resources to stable, permanent housing.

Community Outreach Court's intention is to divert individuals from further involvement in the criminal justice system to resources focused on rehabilitation and community integration. By intervening earlier, potential barriers can be snuffed before they become even more limiting or daunting to face/overcome on one's own. Many people who have lost their housing quickly accumulate citations, fines, and criminal records for nonviolent, misdemeanor offenses such as expired vehicle registrations, sitting or lying on sidewalks, or remaining in parks after hours. Fines and criminal history then become a barrier to gainful employment and housing.

With the emphasis on community-based organization (CBO) support for individuals participating in Community Outreach Court, we suggest including monetary support to ensure CBOs can provide dedicated staff to share available resources or service opportunities.

Mahalo for the opportunity to testify.



SB361 SD2 Outreach Court
COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair

Rep. Mahina Poepoe, Vice Chair

Tuesday, Mar 11, 2025: 2:00: Room 325 Videoconference

Hawaii Substance Abuse Coalition Supports SB361 SD2:

ALOHA CHAIR, VICE CHAIR, AND DISTINGUISHED COMMITTEE MEMBERS. My name is Alan Johnson. I am the current chair of the Hawaii Substance Abuse Coalition (HSAC), a statewide organization for substance use disorder and co-occurring mental health disorder treatment and prevention agencies and recovery-oriented services.

HSAC supports Alternative sentencing of offenders for established needs for substance abuse treatment and mental health services following shelter or other social services.

Formal substance abuse treatment such as residential and intensive outpatient is still the most effective approach to achieve functionality and lasting recovery for offenders and community people.

Substance use disorder treatment coupled with mental health services is essential for offenders because it addresses the underlying issues that often contribute to criminal behavior and helps break the cycle of addiction and recidivism. Here's why this is important:

1. **High Rates of Substance Abuse Among Offenders:** Many offenders struggle with substance use disorders. Studies show that a significant proportion of crimes, including theft, assault, and drug-related offenses, are committed under the influence of drugs or alcohol.
2. **Reduces Recidivism:** Treating substance abuse can lower the likelihood of reoffending. Offenders who receive effective treatment are more likely to develop coping skills and lead crime-free lives after release.
3. **Addresses Root Causes of Criminal Behavior:** Substance abuse often coexists with mental health issues, trauma, or socioeconomic challenges.

Treatment programs can provide a comprehensive approach to addressing these interconnected factors.

4. **Improves Public Safety:** By helping offenders overcome addiction, substance abuse treatment reduces the risk of substance-fueled criminal activity, thereby improving community safety.

5. **Economic Benefits:** Providing treatment is often less expensive than incarceration. It also reduces the costs associated with repeated arrests, court proceedings, and imprisonment.

6. **Promotes Rehabilitation:** Substance abuse treatment supports offenders in reintegrating into society, securing employment, and rebuilding relationships, which are crucial for long-term success.

7. **Legal Mandates and Support:** Courts increasingly mandate substance abuse treatment as part of sentencing or probation, recognizing its importance in addressing criminal behavior effectively.

By addressing addiction, offenders are given an opportunity to rebuild their lives, contributing positively to society rather than being trapped in cycles of crime and incarceration.

We appreciate the opportunity to provide testimony and are available for questions.

SB-361-SD-2

Submitted on: 3/7/2025 3:16:46 PM

Testimony for JHA on 3/11/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Denise Boisvert	Individual	Support	Written Testimony Only

Comments:

I **FULLY SUPPORT** this much needed bill.

SB-361-SD-2

Submitted on: 3/7/2025 3:35:45 PM

Testimony for JHA on 3/11/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kim Jorgensen	Individual	Support	Written Testimony Only

Comments:

I fully support this bill!