

## ACT 308

H.B. NO. 3016

A Bill for an Act Relating to Unserved Arrest Warrants.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The legislature finds that in the Oahu district court system there are over one hundred thousand outstanding bench warrants. It is unknown how many outstanding warrants there are on the neighbor islands. These numbers continue to increase because when a person is sentenced to prison, especially for a felony, and then misses an appearance in district court for a traffic case, a bench warrant is automatically issued and the case remains unresolved. Many outstanding traffic warrants also go unserved because the person is sentenced to a term of prison in an unrelated case and the underlying traffic case is never addressed.

The legislature also finds that the present practice regarding service of traffic bench warrants causes numerous problems. First, outstanding warrants clog up the court system for years. This situation is partly due to the fact that incarcerated persons are unable to appear in district court to clear up minor traffic violations. The warrants are not served upon them in prison because the backlog is so extensive that law enforcement resources devoted to service of warrants are focused on arresting persons charged with serious offenses who are at large in the community. Second, inmates are denied parole or drug treatment because they have not resolved outstanding court matters. Third, inmates, once released from prison, must immediately turn themselves back in on traffic warrants that have remained pending for three, five, ten, or even twenty years.

The purpose of this Act is to require due diligence in serving all traffic warrants issued against a defendant and to require the Hawaii paroling authority to report to the appropriate court and arresting authorities whether a parolee has any outstanding traffic warrants.

## PART I

SECTION 2. Chapter 353, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§353- Suspension or revocation; arrest warrants arising from traffic violations.** In the event of suspension or revocation of parole, the Hawaii paroling authority shall inform the appropriate courts and arresting authorities of all outstanding traffic warrants issued against the parolee so that the warrants may be served on the parolee in a timely manner.”

SECTION 3. Chapter 604, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§604- Arrest warrants arising from traffic violations.** In any criminal proceeding, due diligence shall be used in serving any outstanding traffic warrants on the defendant.”

## PART II

SECTION 4. The judicial council, established pursuant to section 601-4, Hawaii Revised Statutes, through a review committee, shall conduct a comprehensive review of the backlog of arrest warrants waiting to be served upon persons incarcerated in the state's correctional facilities and the entire backlog of unserved

arrest warrants and recommend to the legislature action necessary so that these warrants will be served without further delay. The participants of the review committee shall consist of representatives from:

- (1) The judiciary;
- (2) The department of the attorney general;
- (3) The department of public safety;
- (4) The office of the prosecuting attorney for each of the counties;
- (5) The police department for each of the counties;
- (6) The office of the public defender; and
- (7) Private criminal law practitioners, as recommended by the Hawaii State Bar Association.

The review shall cover more than fiscal problems and shall investigate actions to be taken by the participants to permanently alleviate the problem.

The study shall be concluded and a final report submitted to the legislature, together with any proposed implementing legislation, no later than twenty days prior to the convening of the regular session of 2007.

**SECTION 5.** New statutory material is underscored.<sup>1</sup>

**SECTION 6.** This Act shall take effect upon its approval.

(Became law on July 11, 2006, without the Governor's signature, pursuant to Art. III, §16, State Constitution.)

**Note**

1. Edited pursuant to HRS §23G-16.5.