
A BILL FOR AN ACT

RELATING TO THE COMMUNITY COURT OUTREACH PROJECT.

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

1 SECTION 1. The legislature finds that hundreds of Honolulu
2 residents are cited or arrested for offenses such as drinking
3 liquor in public, being in public parks after hours of closure,
4 and camping on sidewalks, beaches, and other restricted public
5 places. Many of those cited do not come to court, which leads
6 to the issuance of bench warrants for their arrest. Time and
7 resources are then expended to bring these individuals to court.
8 The legislature also finds that once these offenders are
9 brought into court, the sentences imposed are often monetary
10 fines, as the offenses are not usually serious enough to warrant
11 incarceration. However, most offenders have little or no income
12 and are unable to pay the fines. This noncompliance leads to
13 another bench warrant, which repeats the cycle and keeps the
14 offenders in the system without offering any rehabilitative
15 measures. In addition, the prosecution of these cases burdens
16 and congests the court system without producing a meaningful
17 resolution that will prevent recurrence of the offenses.



1 The legislature further finds that the prosecuting attorney
2 of the city and county of Honolulu has worked with the judiciary
3 and the public defender on a community court outreach project,
4 which is described as the criminal justice system's response to
5 the many nonviolent offenses that overburden the courts and law
6 enforcement. The goal of the project is to help nonviolent
7 offenders who face problems such as drug abuse and mental health
8 challenges to obtain basic services and necessities, like food
9 and shelter.

10 The community court is intended to function as a mobile
11 justice system that travels to neighborhoods and resolves cases
12 against offenders who may suffer psychological conditions that
13 make it difficult for them to attend a traditional court setting
14 or pay fines imposed. The community court is also intended to
15 impose alternative sentences such as community service and
16 mandatory participation in programs deemed appropriate for
17 individual offenders based on their need for specific mental
18 health services, substance abuse treatment, sustenance, and
19 shelter.

20 The purpose of this Act is to support these efforts by
21 establishing a community court outreach project in the city and



1 county of Honolulu to offer combined accountability and
2 treatment options to offenders that will reduce crime and
3 recidivism. The legislature intends to evaluate the community
4 court outreach project during its operational period and
5 determine whether the project should be expanded to other
6 counties of the State.

7 SECTION 2. **Definitions.** For the purposes of this Act:

8 "Community court outreach project" or "project" means the
9 community court outreach project established by this Act.

10 "Prosecuting attorney" means the prosecuting attorney of
11 the city and county of Honolulu.

12 "Public defender" means the public defender of the State.

13 SECTION 3. **Community court outreach project;**

14 **establishment; purpose.** (a) There is established the community
15 court outreach project to help nonviolent offenders who face
16 problems such as drug abuse and mental health challenges to
17 obtain basic services and necessities, like food and shelter.
18 The program shall be administered and operated by the judiciary
19 in the city and county of Honolulu from July 1, 2017.

20 (b) The purpose of the project shall be to operate a
21 mobile court that:



- 1 (1) Travels to communities where defendants:
- 2 (A) Have been cited or arrested for certain
- 3 nonviolent offenses; and
- 4 (B) Do not pose a threat to the public; and
- 5 (2) Disposes of the cases of defendants who enter plea
- 6 agreements after negotiations between the prosecuting
- 7 attorney and public defender.

8 SECTION 4. **Project process.** (a) Under the project, the
9 court shall hold hearings at community sites to dispose of cases
10 for which the prosecuting attorney and public defender have
11 negotiated and reached plea agreements on the disposition of the
12 defendants.

13 (b) Only cases involving nonviolent, nonfelony offenses
14 under state law and city ordinance may be heard and disposed of
15 under the project.

16 (c) The public defender shall engage a social service or
17 health care professional to provide outreach services to
18 defendants charged with the identified offenses who:

- 19 (1) Are willing to participate in the project;
- 20 (2) Are willing to be represented by the public defender;
- 21 and



1 (3) May benefit from participation in the project.

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

6 (d) The prosecuting attorney shall review the list and may
7 select from the list those defendants who the prosecuting
8 attorney determines may be appropriate for participation in the
9 project. The prosecuting attorney shall enter into plea
10 agreement negotiations with the public defender for disposition
11 of those defendants.

12 (e) The plea agreement for a defendant may include a
13 proposed fine, community service, court-ordered treatment, other
14 court-ordered condition, or any other action that the court has
15 the authority to take.

16 (f) At the hearing, the court may finalize the plea
17 agreement by court order or judgment; provided that the court
18 shall not be bound by the proposed disposition in the plea
19 agreement.

20 SECTION 5. **Project; subject to the availability of funds.**

21 Subject to the availability of sufficient funds through a



1 specific appropriation, transfer of an appropriation from
2 another state agency, or a federal or other grant:

3 (1) The judiciary shall administer and operate the
4 project; and

5 (2) The prosecuting attorney and public defender shall
6 participate in the project.

7 SECTION 6. **Annual report.** The chief justice shall submit
8 a report on the project to the legislature and the governor at
9 least twenty days prior to the convening of the regular sessions
10 of 2018, 2019, and 2020. The report shall include a
11 quantification and discussion of program measures and outcomes.
12 In any report, the chief justice may recommend that this Act be
13 amended, expanded to other counties, or terminated. The report
14 shall also include the comments and recommendations of the
15 prosecuting attorney and public defender.

16 SECTION 7. This Act shall take effect on July 1, 2017.



S.B. NO. 718
S.D. 1
H.D. 1
C.D. 1

Report Title:

Community Court Outreach Project; Nonviolent Criminal Offenders;
Appropriation

Description:

Establishes a community court outreach project in the City and
County of Honolulu, subject to the availability of funds. (CD1)

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not legislation or evidence of legislative intent.*

