



DEPARTMENT OF THE PROSECUTING ATTORNEY  
COUNTY OF MAUI  
150 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
PHONE (808) 270-7777 • FAX (808) 270-7625

CONTACT: RICHARD K. MINATOYA  
Deputy Prosecuting Attorney  
Supervisor - Appellate, Asset Forfeiture and Administrative Services Division

TESTIMONY  
ON  
SB 322, SD 1 - RELATING TO COURT JURISDICTION

March 29, 2017

The Honorable Scott Y. Nishimoto  
Chair  
The Honorable Joy A. San Buenaventura  
Vice Chair  
and Members  
House Committee on Judiciary

Chair Nishimoto, Vice Chair San Buenaventura and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui strongly supports SB 322, SD 1. This measure provides that circuit and family courts shall have concurrent jurisdiction regarding the offense of endangering the welfare of a minor in the first degree, endangering the welfare of a minor in the second degree, and endangering the welfare of an incompetent person. Provides that district and family courts shall have concurrent jurisdiction regarding the offense of endangering the welfare of a minor in the second degree and endangering the welfare of an incompetent person.

When a person commits the offense of Operating a Vehicle Under the Influence of an Intoxicant ("OVUII"), and the person has as passenger(s) in his/her vehicle (a) minor(s) and/or (an) incompetent person(s), the person also endangers the welfare of the minor(s)/incompetent person(s), and should be charged accordingly. However, double jeopardy protections require that a defendant be charged with all known potential charges at the same time. However, OVUII cannot be heard in family court, and family court has exclusive jurisdiction over endangerment cases. Thus, the State is caught in a Catch-22, and must either charge OVUII in district court or

endangerment in family court. This bill will allow circuit and district courts to have concurrent jurisdiction over endangerment cases, allowing for proper charging and prosecution of such cases.

Accordingly, the Department of the Prosecuting Attorney, County of Maui, requests that this measure be PASSED with an amendment correcting the effective date.

Thank you very much for the opportunity to testify.