

MAR 13 2015

SENATE CONCURRENT RESOLUTION

REQUESTING THE JUDICIARY TO CONDUCT A STUDY TO IDENTIFY TRAFFIC OFFENSES AND CRIMES, PETTY MISDEMEANOR OFFENSES, AND MISDEMEANOR OFFENSES THAT CAUSE A DISPROPORTIONATE WORKLOAD FOR THE JUDICIARY AND THAT MAY BE APPROPRIATE FOR DECRIMINALIZATION AS INFRACTIONS.

1 WHEREAS, the District Courts of the Hawaii State Judiciary
2 are overwhelmed daily with hearing cases that should not be
3 deemed to be criminal cases; and
4

5 WHEREAS, in recognition that traffic cases are usually not
6 a criminal offense, the Legislature enacted Act 222, Session
7 Laws of Hawaii 1978, codified as chapter 291D, Hawaii Revised
8 Statutes (HRS), to decriminalize certain traffic offenses, not
9 serious in nature, to the status of violations; and
10

11 WHEREAS, other offenses or violations that currently
12 require a court appearance by a defendant should be
13 decriminalized to reduce the necessity for arraignments, allow
14 disposition of uncontested violations by mail, and provide
15 informal hearings where the violation or the proposed penalty is
16 questioned; and
17

18 WHEREAS, the goal of decriminalizing certain offenses and
19 violations is to streamline the handling of those cases to
20 achieve a more expeditious system for the judicial processing of
21 infractions and violations; and
22

23 WHEREAS, an example of decriminalization of offenses is the
24 State Harbors civil violations system under section 266-29, HRS;
25 and
26

27 WHEREAS, section 706-605(4), HRS, excludes imprisonment for
28 convictions of a violation; and
29



S.C.R. NO. 98

1 WHEREAS, certain penalties require only a fine and no
 2 imprisonment or probation, which are the type of violations that
 3 should be decriminalized and exempted from a court arraignment;
 4 and

5
 6 WHEREAS, the Judiciary is uniquely suited to review its own
 7 district court daily dockets and calendars to identify the types
 8 of cases that may be better adjudicated without a court
 9 appearance; now, therefore,

10
 11 BE IT RESOLVED by the Senate of the Twenty-eighth
 12 Legislature of the State of Hawaii, Regular Session of 2015, the
 13 House of Representatives concurring, that the Judiciary is
 14 requested to conduct a study to identify traffic offenses and
 15 crimes, petty misdemeanor offenses, misdemeanor offenses, and
 16 other violations of law that cause a disproportionate workload
 17 for the Judiciary and that may be appropriate for
 18 decriminalization as infractions; and

19
 20 BE IT FURTHER RESOLVED that the Judiciary include in its
 21 study the types and number of cases of each type of case that
 22 have been adjudicated in each of the past four years; and

23
 24 BE IT FURTHER RESOLVED that the Judiciary report to the
 25 Legislature no later than twenty days prior to the convening of
 26 the Regular Session of 2016 its findings and recommendations,
 27 including any proposed legislation; and

28
 29 BE IT FURTHER RESOLVED that the Legislative Reference
 30 Bureau assist the Judiciary in the drafting of any proposed
 31 legislation; and

32
 33 BE IT FURTHER RESOLVED that certified copies of this
 34 Concurrent Resolution be transmitted to the Chief Justice of the
 35 Hawaii Supreme Court and the Director of the Legislative
 36 Reference Bureau.

37
 38
 39

OFFERED BY: Michelle Sidani

jm
Michelle Sidani
Clarence K. Washburn
Marlene S. Inoué
MU n. H.