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# 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 as criminal cases; and  
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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  
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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  
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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  
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23           WHEREAS, an example of decriminalization of offenses is the  
24 state harbors civil violations system under section 266-29, HRS;  
25 and  
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27           WHEREAS, section 706-605(4), HRS, excludes imprisonment for  
28 convictions of a violation; and  
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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

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

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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, in  
14 collaboration with stakeholders, including the Prosecuting  
15 Attorneys from each county and State Public Defender, is  
16 requested to conduct a study to identify traffic offenses and  
17 crimes, petty misdemeanor offenses, misdemeanor offenses, and  
18 other violations of law that cause a disproportionate workload  
19 for the Judiciary and that may be appropriate for  
20 decriminalization as infractions; and

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

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26 BE IT FURTHER RESOLVED that the Judiciary report to the  
27 Legislature no later than twenty days prior to the convening of  
28 the Regular Session of 2016 its findings and recommendations;  
29 and

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31 BE IT FURTHER RESOLVED that certified copies of this  
32 Concurrent Resolution be transmitted to the Chief Justice of the  
33 Hawaii Supreme Court, Prosecuting Attorney of each county, and  
34 State Public Defender.

