

MAR 13 2015

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## SENATE RESOLUTION

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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  
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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  
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  
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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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30           WHEREAS, certain penalties require only a fine and no  
31 imprisonment or probation, which are the type of violations that  
32 should be decriminalized and exempted from a court arraignment;  
33 and



1  
 2 WHEREAS, the Judiciary is uniquely suited to review its own  
 3 district court daily dockets and calendars to identify the types  
 4 of cases that may be better adjudicated without a court  
 5 appearance; now, therefore,

6  
 7 BE IT RESOLVED by the Senate of the Twenty-eighth  
 8 Legislature of the State of Hawaii, Regular Session of 2015,  
 9 that the Judiciary is requested to conduct a study to identify  
 10 traffic offenses and crimes, petty misdemeanor offenses,  
 11 misdemeanor offenses, and other violations of law that cause a  
 12 disproportionate workload for the Judiciary and that may be  
 13 appropriate for decriminalization as infractions; and

14  
 15 BE IT FURTHER RESOLVED that the Judiciary include in its  
 16 study the types and number of cases of each type of case that  
 17 have been adjudicated in each of the past four years; and

18  
 19 BE IT FURTHER RESOLVED that the Judiciary report to the  
 20 Legislature no later than twenty days prior to the convening of  
 21 the Regular Session of 2016 its findings and recommendations,  
 22 including any proposed legislation; and

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 24 BE IT FURTHER RESOLVED that the Legislative Reference  
 25 Bureau assist the Judiciary in the drafting of any proposed  
 26 legislation; and

27  
 28 BE IT FURTHER RESOLVED that certified copies of this  
 29 Resolution be transmitted to the Chief Justice of the Hawaii  
 30 Supreme Court and the Director of the Legislative Reference  
 31 Bureau.

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OFFERED BY: Michelle Kidani

*Jim*  
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*Clarence*  
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*M.H.W.*

