The Judiciary, State of Hawaii

Testimony to the House Committee on Judiciary
Representative Karl Rhoads, Chair
Representative Joy A. San Buenaventura, Vice Chair

Tuesday, March 15, 2016, 2:00 p.m.
State Capitol, Conference Room 325

By:

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WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 2100, S.D. 2, Relating to District Judges.

Purpose: Increases the number of district court judges in the second judicial circuit from three to four judges by amending HRS Section 604-1.

Judiciary's Position:

The Judiciary strongly supports this bill which is part of the Judiciary's legislative package. This bill is an authorization request for an additional district court judge for the Second Circuit.

The last Second Circuit District Court Judgeship was legislatively authorized in 1982, approximately 34 years ago. That authorization increased the number of District Court judge positions from two to three. Since that time, the Maui County population has more than doubled from 76,970 in 1982 to an estimated 163,019 in 2014. Maui County's population grew faster than any other county in Hawaii over the two year period from 2012 to 2014. The estimated population for 2015 is approximately 168,000 with the de facto (which includes tourists) population estimated at 211,600. The present indicators suggest that this population growth will continue, especially with Maui's demand as a desired tourist destination.

The Second Circuit serves the islands of Maui, Molokai, and Lanai. At the present time, the District Court has three (3) full-time sitting judges to serve the entire circuit. The additional

judgeship is needed to address the increase in criminal and traffic cases as well as the time required to schedule and hear cases on the court calendars.

The Second Circuit has been experiencing an increase in criminal and traffic filings that have resulted in court calendars often taking all day to complete. For example, new criminal filings increased from 2,859 in FY 2011 to 4,167 in FY 2015, an almost 50 percent increase, and traffic filings increased from 21,694 in FY 2011 to 23,315 in FY 2015. These increases leave District Court Judges unable to timely attend to other judicial duties such as requests for finding of probable cause for extended restraint of liberty of warrantless arrestees (JDPCs); requests for review and approval of charging by felony information packet; requests for orders pertaining to bail; requests for execution of search warrants; requests for orders to show cause; requests for approval of temporary restraining orders and protective orders; review of civil traffic written statements; review of traffic notices of discrepancies; review and action on ex-parte and non-hearing motions.

The District Court convenes in Hana and Lanai only once a month and on Molokai only twice a month. These calendars are insufficient to keep up with the growing number of cases being filed in the rural courts and off-island courts. On Maui, court congestion is exacerbated by the fact that nearly all District Court civil, criminal and traffic cases in the Second Circuit fall within the venue of the Division of Wailuku, and are heard in Hoapili Hale in Wailuku.

The additional judge will help address the growing caseload in criminal and traffic filings while permitting the courts to accommodate the needs of its growing rural communities that are underserved at present. The additional judgeship will also enable the judges to attend to other judicial duties.

Thank you for the opportunity to testify on Senate Bill No. 2100, S.D. 2.