



## *The Judiciary, State of Hawai‘i*

**Testimony to the House Committee on Judiciary**  
Representative Scott Y. Nishimoto, Chair  
Representative Joy A. San Buenaventura, Vice Chair

Wednesday, March 29, 2018, 2:00 p.m.  
State Capitol, Conference Room 325

By  
Calvin Ching  
Deputy Chief Court Administrator, First Circuit

### **WRITTEN TESTIMONY ONLY**

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**Bill No. and Title:** Senate Bill No. 2619, S.D. 2, H.D. 1, Relating to Aeronautics.

**Purpose:** Replaces criminal penalties for certain airport offenses addressed in Chapter 261, Hawai‘i Revised Statutes, or in certain administrative rules or orders issued pursuant thereto, with a civil penalty.

#### **Judiciary's Position:**

The Judiciary takes no position on the merits of Senate Bill No. 2619, S.D. 2, H.D. 1, however the Judiciary is concerned by the use of the term “civil penalty.” The bill would amend Section 261-21, Hawai‘i Revised Statutes to amend certain airport offenses from a misdemeanor to penalties termed as a “civil penalty.” The Judiciary would like to suggest that the term “civil penalty” be replaced with the term “fine” and that it be clear that these offenses are violations. As a violation, the court would be able to maintain consistency and continuity with other violations within the penal code.

The Judiciary would like to suggest that this bill be amended to be the same as House Bill No. 2590 H. D. 2, which makes it clear that these airport offenses are violations subject to a fine.

Thank you for the opportunity to testify on Senate Bill No. 2619, S.D. 2, H.D. 1.