



The Judiciary, State of Hawai‘i

**Testimony to the
Senate Committee on Judiciary**
Senator Brian T. Taniguchi, Chair
Senator Karl Rhoads, Vice Chair

and

Senate Committee on Transportation and Energy
Senator Lorraine R. Inouye, Chair
Senator Will Espero, Vice Chair

Tuesday, February 13, 2018, 9:30 a.m.
State Capitol, Conference Room 016

by
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Bill No. and Title: Senate Bill No. 3018, Relating to the Judiciary.

Purpose: Requires the Judiciary to implement a payment plan program that offers any person who is unable to pay any court-ordered fines, fees, surcharges, costs, or monetary assessments the option of entering into a payment plan. Prohibits the courts from taking certain actions against a person solely because of that person's inability to pay. Reinstates driver's licenses that were suspended for nonpayment under certain circumstances.

Judiciary's Position:

The Judiciary appreciates the intent of Senate Bill No. 3018, but respectfully opposes this bill.

Traffic payment plans in the past did not work and required a proof of compliance calendar where nonpayment of fines turned the Judiciary into a “debtor court.” Nonappearance on the payment calendar generated bench warrants for contempt of court and the issuance of



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penal summons for failing to appear. This should not be function of the court which is why the collection of outstanding fees and fines were referred to a private collection agency.

Implementation of this bill will require reversal of all accounts already referred to collection agencies and reinstatement of those accounts into Judiciary accounting systems for monitoring of payment. This will create increased costs for additional personnel, courtrooms and judges to assess, monitor, collect and control payments. The Judiciary would need a new financial department to create payment plans based on a person's ability to pay.

Currently, when a penalty is assessed for a traffic violation, whether decriminalized or a criminal offense, there are two schedules for payment. If the penalty is up to \$500, a party has up to three months to pay and up to six months if the penalty is more than \$500; otherwise, the unpaid portion is referred to a private collection service. Any arrangement for payment can be made with the collection service. Additionally, the Judiciary also allows fines to be converted to community service at the rate of \$10 per hour of community service and the ability to waive all administrative fees for financial hardship.

Furthermore, license suspensions are not imposed for nonpayment. A license stopper is activated for nonpayment which needs to be addressed when renewing a driver's license. However, even in that circumstance, the court may permit the issuance of a restricted driver's license when necessary for a party to maintain employment. See HRS 286-109(c).

In sum, the Judiciary believes that the creation of a Judiciary managed payment plan would not further the intent of this bill, but would welcome the opportunity to work with the Legislature to discuss other alternatives.

Thank you for the opportunity to testify on this measure.