



The Judiciary, State of Hawai‘i

Testimony to the Twenty-Ninth State Legislature, 2017 Session

House Committee on Transportation

Representative Henry J. C. Aquino, Chair

Representative Sean Quinlan, Vice Chair

Wednesday, March 22, 2017, 9:30 a.m.

State Capitol, Conference Room 423

By

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Bill No. and Title: Senate Bill No. 221, S.D. 2, Relating to Highway Safety.

Purpose: Establishes the photo red light imaging detector systems program. Authorizes counties to administer the program. Requires proceeds of fines to be expended in the county from which they were collected for operation of the program. Makes an appropriation. Establishes Red Light Running Committee.

Judiciary's Position:

The Judiciary takes no position on the merits of Senate Bill No. 221, S.D. 2. However, the Judiciary respectfully requests to be included as a member of the Red Light Running Committee and offers the following concerns:

The bill calls for the form of the summons or citation to be “adopted or prescribed by the administrative judge of the district courts and shall be printed on a form commensurate with the form of other summonses or citations used in modern methods of arrest...”. However, most traffic citations currently used by the police department include carbons. The carbon copy is given to the motorist and the original is submitted to district court to initiate the case. In Fiscal Year 2016, the traffic citation books for traffic infractions cost \$70,682.63. Adding a photograph of the driver for the red light imaging system will most likely require an entirely new type of summons or citation. The bill as currently written does not indicate if the county will be paying for the summons or citation.



The bill does not address how the courts will be sent information when the summons or citation is issued by the county agency. If the summons or citations will be electronically sent to the courts, the Judiciary would have to ensure that the software used by the counties will be compatible with the current Judiciary Information Management System (JIMS). Any potential modifications to JIMS would require additional appropriations and time.

The bill calls for the summons or citations to be issued to the registered owners of the offending vehicle. However, the governmental body responsible for the managing of the motor vehicle registrations is not always current with its vehicle registrations and there are always pending vehicle transfer transactions. These pending transfers may result in the summons, or citations, being mailed to the previous owners causing discrepancies which puts a tremendous burden on the District Court staff. Should the defendant contest the summons or citation by either submitting written statements or by making requests for court hearings, District Court staff will need to prepare these written statements for review or schedule the cases for court hearings.

The bill would require that the fines collected for the photo red light summons or citation be deposited into a photo red light imaging detector systems program account. As these fines will be different from other traffic citations, the Judiciary will need to determine fiscal implications that may be caused by this new system. New procedures may need to be created to ensure that the fines are transferred to the account while the administrative fee and other fees are correctly transmitted.

In light of the concerns raised above, the Judiciary respectfully requests that the Deputy Chief Court Administrator for the District Court of the First Circuit or their designee be included as a member of the Red Light Running Committee tasked with the review of this measure, if enacted into law.

Thank you for the opportunity to provide comments on this measure.