



The Judiciary, State of Hawai‘i

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

Friday, February 1, 2019 2:00 PM
Conference Room 325

WRITTEN TESTIMONY ONLY

by
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Bill No. and Title: House Bill No. 903, Relating to the Judiciary.

Purpose: Requires the Judiciary to implement a program that offers any qualifying person the option to fulfill any court-ordered financial obligation through: (1) installment payments in a payment plan; or (2) the performance of community service. Prohibits the courts from taking certain actions against a person solely because of that person's inability to pay if the person has entered into and is in compliance with the programs. Reinstates driver's licenses that were suspended for nonpayment under certain circumstances.

Judiciary's Position:

The Judiciary appreciates the intent of House Bill No. 903, but respectfully opposes this bill.

The Judiciary offered traffic payment plans in the past, and they did not work. Instead, the Judiciary-managed program 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 or the issuance of a 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 instead referred to a private collection agency.

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,



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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 already 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.

Notably, the Judiciary recently updated its traffic citation booklets statewide to state that, if the court imposes a monetary assessment as a result of the citation and the defendant is unable to pay because of financial hardship, the defendant may request that the court consider his or her ability to pay. The citation also informs defendants that the court may permit community service instead of payment or may make other adjustments to the monetary assessment.

Furthermore, in Hawai'i, license suspensions are not imposed for nonpayment. Instead, when a defendant fails to comply with court-ordered fines or fees in the required time period, the court issues a license "stopper," which "stops" issuance of a new or renewal of a current Hawai'i license until the non-compliance is addressed. See HRS 291D-10a. 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).

Implementation of this bill would 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 tailored payment plans based on a person's ability to pay.

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

Thank you for the opportunity to testify on this measure.