



The Judiciary, State of Hawai'i

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

Tuesday, February 12, 2019, 4:00 p.m.
State Capitol, Conference Room 325

by

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WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 509, Relating to Dismissal of Criminal Cases.

Purpose: Requires trials in criminal cases to commence within six months pursuant to Rule 48(b)(c), and (d) of the Hawai'i Rules of Penal Procedure, and provides that any periods of delay for court congestion be excluded from the computation of time. This section shall not apply to certain traffic cases and criminal cases involving abuse of a family or household member.

Judiciary's Position:

The Judiciary acknowledges the good intentions behind this proposed legislation. The Judiciary, however, opposes this bill and offers the following comments.

The courts of the State all strive to handle criminal cases in an expeditious manner. Issues related to court congestion are caused by the increased number of criminal cases filed each year, limited courtrooms, judges, and staff.

To address these issues, the Judiciary, in its 2019 legislative package, requested the authorization for one additional district court judge for the first circuit and one additional district court judge for the second circuit. As noted in our testimony submitted in support of House



House Bill No. 509, Relating to Dismissal of Criminal Cases
House Committee on Judiciary
Tuesday, February 12, 2019
Page 2

Bill No. 511, Relating to District Court Judges, the additional judgeships will allow the Judiciary to increase the overall effectiveness of the district courts and help alleviate court congestion, case backlog, and case dismissals.

In addition to requesting additional judge positions, the Supreme Court, pursuant to its rulemaking power set forth in Article VI, section 7 of the Hawai‘i Constitution, is continually reviewing court procedures and rules of court, including Rule 48 of the Hawai‘i Rules of Penal Procedure, to address the effective and timely handling of cases by the trial courts. With these administrative tools, the Judiciary believes that it can efficiently handle issues related to court congestion without the need for legislation.

Thank you for the opportunity to testify and for your consideration of the Judiciary’s comments.