



Supreme Court — THE JUDICIARY • STATE OF HAWAII

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Mark E. Recktenwald
CHIEF JUSTICE

November 29, 2019

The Honorable Ronald D. Kouchi
President
Hawaii State Senate
State Capitol, Room 409
Honolulu, HI 96813

The Honorable Scott K. Saiki
Speaker
House of Representatives
State Capitol, Room 431
Honolulu, HI 96813

Dear President Kouchi and Speaker Saiki:

Please find enclosed the *Final Report of the House Concurrent Resolution 218 Task Force on Fair and Proportional Fines to the Thirtieth Legislature of the State of Hawaii*, as requested by House Concurrent Resolution No. 218, S.D. 1, Regular Session of 2019.

In accordance with Section 93-16, Hawaii Revised Statutes, we are also transmitting a copy of this report to the Legislative Reference Bureau Library.

The public may view an electronic copy of this report on the Judiciary's website at the following link: http://www.courts.state.hi.us/news_and_reports/reports/reports.html.

Should you have any questions regarding this report, please feel free to contact Karen Takahashi of the Judiciary's Legislative Coordinating Office at 539-4896, or via e-mail at Karen.T.Takahashi@courts.hawaii.gov.

Sincerely,

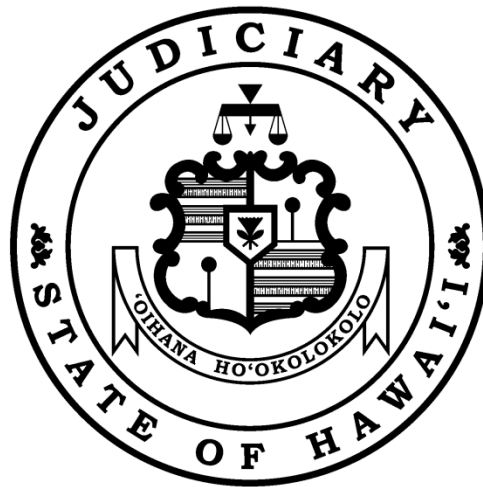
A handwritten signature in black ink that reads "Mark E. Recktenwald".

Mark E. Recktenwald
Chief Justice

Enclosure

c: Honorable Sherri-Ann Iha, Chair, HCR 218 (2019) Task Force
Rodney A. Maile, Administrative Director of the Courts
Legislative Reference Bureau Library

**FINAL REPORT OF THE
HOUSE CONCURRENT RESOLUTION 218 TASK FORCE (2019)
ON
FAIR AND PROPORTIONAL FINES
TO THE THIRTIETH LEGISLATURE
2020 REGULAR SESSION**



**Prepared by:
HCR 218 TASK FORCE**

December 2020

TASK FORCE MEMBERSHIP

Many thanks to the following members and participants for their hard work and dedication to the effort, and to the Judiciary's Legislative Coordinating Office for its facilitation.

Judge Sherri-Ann Iha, Chair
District Court of the First Circuit

Representative Chris Lee,
Chair, House Committee on Judiciary

Senator Glenn Wakai,
Vice Chair, Senate Committee on Judiciary

Albert Cook
Deputy Attorney General, Department of Attorney General

Jerry Villanueva
Deputy Public Defender, Office of Public Defender

Dwight Nadamoto
Acting Prosecuting Attorney, City and County of Honolulu

Donald Guzman
Prosecuting Attorney, County of Maui

Mitch Roth
Prosecuting Attorney, County of Hawai'i

Justin Kollar
Prosecuting Attorney, County of Kaua'i

Acknowledgements

Adam Cohen
Program Evaluation Analyst, Planning and Program Evaluation Division

Daylin-Rose Heather
Special Assistant to the Administrative Director of the Courts

Karen Takahashi
Special Projects Coordinator, Legislative Coordinating/Special Projects Office

Mark Tom
Deputy Prosecuting Attorney, City and County of Honolulu

FAIR AND PROPORTIONAL FINE TASK FORCE

A. Introduction

The Thirtieth Legislature, 2019 Regular Session, State of Hawai'i, adopted House Concurrent Resolution No. 218, Senate Draft 1 (HCR 218), requesting a task force to review and report on the establishment of fair and proportional fines for certain penalties in Hawai'i to ensure a fair and meaningful deterrent to illegal behavior for individuals across the economic spectrum. Attached as *Appendix A* is a copy of HCR 218.

B. Legislative Mandate

Pursuant to HCR 218, Chief Justice Mark E. Recktenwald established the Fair and Proportional Fines Task Force (hereinafter Task Force). HCR 218 provided:

WHEREAS, penalties for some violations and infractions in all areas of law in Hawai'i tend to be flat fines, including but not limited to speeding, and negligent or reckless actions; and

WHEREAS, such actions can lead to serious injuries or death and, in the case of traffic violations, are a leading cause of vehicular accidents and manslaughter in Hawai'i; and

WHEREAS, penalties for those violations and infractions should serve as a meaningful deterrent to illegal behavior; however, a flat fine often serves as a meaningful deterrent only for those to whom it has a financial impact, making for an unfair application of justice in Hawai'i; and

WHEREAS, while a fine for \$200 may serve as a meaningful deterrent to illegal behavior for an individual of average means, it may require a \$2,000 fine to serve as a meaningful deterrent to illegal behavior for a wealthy individual.

HCR 218 also provided that the Task Force shall be composed of the following members or their designees:

1. Chief Justice of the Hawai'i Supreme Court;
2. Attorney General;
3. Public Defender;
4. Prosecuting Attorney of each county;
5. Chair of the House of Representatives Committee on Judiciary;
6. Member of the Senate designated by the President of the Senate; and
7. Any others appointed by the chair of the task force.

The Task Force was chaired by Judge Sherri-Ann Iha, District Court of the First Circuit. HCR 218 requested that the Task Force submit a report to the legislature of its findings and recommendations, including any proposed legislation, no later than December 1, 2019.

C. Review and Findings

The Task Force met as a whole on August 13, September 9, and October 14, 2019. Each meeting included considerable discussion about the scope and purpose of the Task Force. It was shared that the Task Force was charged with examining the use of a pilot project to establish proportional fines, such as day fines,¹ to address legislative concerns about recidivism among wealthy offenders.

Given the language of HCR 218, the Task Force focused on the issue of recidivism for traffic crimes, which includes serious offenses such as reckless driving. The Task Force determined that discussion should not include OVUII (operating a vehicle while under the influence of an intoxicant) and HOVUII (habitually operating a vehicle while under the influence of an intoxicant) offenses, given that the legislature had recently increased the penalties for those offenses.² Attached as *Appendix B* is a copy of Act 169, SLH 2019.

Task force members further noted that Act 112, SLH 2019 (Act 112) mandated the creation of a Financial Hardship Task Force³ charged with examining mechanisms to help those who are unable to pay assessed traffic fines and fees, including the court's continued use of ability to pay

¹ One report describes day fines as follows:

Structured fines, also called “day fines,” constitute a type of monetary sanction that can be used to sentence convicted criminal offenders. Initially developed in Europe, structured fines are based on a simple concept: punishment by a fine should be proportionate to the seriousness of the offense and should have roughly similar impact (in terms of economic sting) on persons with differing financial resources who are convicted of the same offense. Structured fines are set through a two-step process that determines the severity of the punishment separately from assessment of a specific dollar amount. First, on the basis of a scale that ranks offenses according to their gravity, the number of structured fine units for the crime is determined. Second, the dollar amount of the fine is figured by multiplying the number of fine units by a portion of a defendant's net daily income (hence the term “day fine”), adjusted to account for dependents and special circumstances.

BUREAU OF JUSTICE ASSISTANCE, HOW TO USE STRUCTURED FINES (DAY FINES) AS AN INTERMEDIATE SANCTION 1 (1996). Day fines were piloted in the United States in the 1980s and 1990s; however, those pilots are no longer running. See Beth A. Colgan, Graduated Economic Sanctions According to Ability to Pay, 203 IOWA L. REV. 53 (2017); see also Joe Pinkser, Finland, Home of the \$103,000 Speeding Ticket, THE ATLANTIC (Mar. 12, 2015), available at <https://www.theatlantic.com/business/archive/2015/03/finland-home-of-the-103000-speeding-ticket/387484/>. At least two states currently have statutes authorizing the use of day fines, Alabama and Oklahoma, but to the Task Force's knowledge neither state has day fine programs currently in place.

² House Bill No. 703, House Draft 1, Senate Draft 2, Conference Draft 1, which became law as Act 169, increased the penalties for OVUII and HOVUII offenses, and called for the convening of a task force to examine other OVUII and HOVUII-related issues.

³ The Financial Hardship Task Force was established pursuant to House Bill No. 903, House Draft 1, Senate Draft 1, Concurrent Draft 1 (2019), which became law as Act 112.

determinations to adjust monetary assessments for those facing financial hardship. Attached as *Appendix C* is a copy of Act 112.

Task Force members noted that they commonly see issues with people not having enough money to pay traffic-related fines and fees, but that they are less familiar with issues of wealthy individuals reoffending after being convicted of traffic crimes. As a result, before Task Force members are able to determine whether a day fine program would help to lower recidivism among wealthy offenders, a baseline assessment is needed to further define the scope and nature of the problem.

D. Recommendations

The Task Force recommends that the Legislative Reference Bureau, in conjunction with information from the Judiciary Information Management System and other sources, conduct research to determine whether recidivism based on income level is an issue in criminal traffic cases. The Task Force recommends that this research compare the recidivism rate for those offenses with mandatory fines to the recidivism rate for those offenses with graduated sentencing.

ATTACHMENT A

**House Concurrent Resolution 218,
S.D. 1 (2019)**

HOUSE CONCURRENT RESOLUTION

REQUESTING A TASK FORCE TO REVIEW AND REPORT ON THE
ESTABLISHMENT OF FAIR AND PROPORTIONAL FINES FOR CERTAIN
PENALTIES IN HAWAII TO ENSURE A FAIR AND MEANINGFUL
DETERRENT TO ILLEGAL BEHAVIOR FOR INDIVIDUALS ACROSS THE
ECONOMIC SPECTRUM.

1 WHEREAS, penalties for some violations and infractions in
2 all areas of law in Hawaii tend to be flat fines, including but
3 not limited to speeding, and negligent or reckless actions; and
4

5 WHEREAS, such actions can lead to serious injuries or death
6 and, in the case of traffic violations, are a leading cause of
7 vehicular accidents and manslaughter in Hawaii; and
8

9 WHEREAS, penalties for those violations and infractions
10 should serve as a meaningful deterrent to illegal behavior;
11 however, a flat fine often serves as a meaningful deterrent only
12 for those to whom it has a financial impact, making for an
13 unfair application of justice in Hawaii; and
14

15 WHEREAS, while a fine for \$200 may serve as a meaningful
16 deterrent to illegal behavior for an individual of average
17 means, it may require a \$2,000 fine to serve as a meaningful
18 deterrent to illegal behavior for a wealthy individual; now,
19 therefore,
20

21 BE IT RESOLVED by the House of Representatives of the
22 Thirtieth Legislature of the State of Hawaii, Regular Session of
23 2019, the Senate concurring, that a task force be established to
24 review and report on the establishment of fair and proportional
25 fines for certain penalties in Hawaii to ensure a fair and
26 meaningful deterrent to illegal behavior for individuals across
27 the economic spectrum; and
28



1 BE IT FURTHER RESOLVED that the task force is requested to
2 consist of:

- 3
- 4 (1) The Chief Justice of the Hawaii Supreme Court, or the
5 Chief Justice's designee, who shall chair the task
6 force;
- 7
- 8 (2) The Attorney General, or the Attorney General's
9 designee;
- 10
- 11 (3) The Public Defender, or the Public Defender's
12 designee;
- 13
- 14 (4) The Prosecuting Attorney of each county, or the
15 Prosecuting Attorney's designee;
- 16
- 17 (5) The Chair of the House of Representatives Committee on
18 Judiciary;
- 19
- 20 (6) One member of the Senate designated by the President
21 of the Senate; and
- 22
- 23 (7) Any others appointed by the chair of the task force;
24 and
- 25

26 BE IT FURTHER RESOLVED that the task force is requested to
27 submit a report of its findings and recommendations, including
28 any proposed legislation, to the Legislature no later than
29 December 1, 2019; and

30

31 BE IT FURTHER RESOLVED that certified copies of this
32 Concurrent Resolution be transmitted to the Governor; Chief
33 Justice of the Hawaii Supreme Court; Attorney General of the
34 State of Hawaii; Public Defender of the State of Hawaii; and
35 Prosecuting Attorney of each county.



ATTACHMENT B

Act 169, SLH 2019

**(House Bill No. 703, H.D. 1,
S.D.2, C.D. 1, Relating to
Intoxicating Liquor)**



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

June 27, 2019

GOV. MSG. NO. 1271

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirtieth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirtieth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 27, 2019, the following bill was signed into law:

HB703 HD1 SD2 CD1

RELATING TO INTOXICATING LIQUOR.
ACT 169 (19)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO INTOXICATING LIQUOR.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 291E-61, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) A person committing the offense of operating a
4 vehicle under the influence of an intoxicant shall be sentenced
5 without possibility of probation or suspension of sentence as
6 follows:

7 (1) For the first offense, or any offense not preceded
8 within a [~~five-year~~] ten-year period by a conviction
9 for an offense under this section or section
10 291E-4 (a):

11 (A) A fourteen-hour minimum substance abuse
12 rehabilitation program, including education and
13 counseling, or other comparable program deemed
14 appropriate by the court;

15 (B) One-year revocation of license and privilege to
16 operate a vehicle during the revocation period
17 and installation during the revocation period of



- 1 an ignition interlock device on any vehicle
2 operated by the person;
- 3 (C) Any one or more of the following:
- 4 (i) Seventy-two hours of community service work;
- 5 (ii) [~~Not~~] No less than forty-eight hours and
6 [~~not~~] no more than five days of
7 imprisonment; or
- 8 (iii) A fine of [~~not~~] no less than [~~\$150~~] \$250 but
9 [~~not~~] no more than \$1,000;
- 10 (D) A surcharge of \$25 to be deposited into the
11 neurotrauma special fund; and
- 12 (E) A surcharge, if the court so orders, of up to \$25
13 to be deposited into the trauma system special
14 fund;
- 15 (2) For an offense that occurs within [~~five~~] ten years of
16 a prior conviction for an offense under this section
17 or section 291E-4(a):
- 18 (A) Revocation for [~~not~~] no less than [~~eighteen~~]
19 twenty-four months nor more than [~~two~~] three
20 years of license and privilege to operate a
21 vehicle during the revocation period and



1 installation during the revocation period of an
2 ignition interlock device on any vehicle operated
3 by the person;

4 (B) Either one of the following:

5 (i) [~~Not~~] No less than two hundred forty hours
6 of community service work; or

7 (ii) [~~Not~~] No less than five days but [~~not~~] no
8 more than thirty days of imprisonment, of
9 which at least forty-eight hours shall be
10 served consecutively;

11 (C) A fine of [~~not~~] no less than [~~\$500~~] \$1,000 but
12 [~~not~~] no more than [~~\$1,500~~] \$3,000;

13 (D) A surcharge of \$25 to be deposited into the
14 neurotrauma special fund; and

15 (E) A surcharge of up to \$50, if the court so orders,
16 to be deposited into the trauma system special
17 fund;

18 ~~[(3) For an offense that occurs within five years of two~~
19 ~~prior convictions for offenses under this section or~~
20 ~~section 291E 4(a):~~



- 1 ~~(A) A fine of not less than \$500 but not more than~~
2 ~~\$2,500;~~
- 3 ~~(B) Revocation for two years of license and privilege~~
4 ~~to operate a vehicle during the revocation period~~
5 ~~and installation during the revocation period of~~
6 ~~an ignition interlock device on any vehicle~~
7 ~~operated by the person;~~
- 8 ~~(C) Not less than ten days but not more than thirty~~
9 ~~days imprisonment, of which at least forty eight~~
10 ~~hours shall be served consecutively;~~
- 11 ~~(D) A surcharge of \$25 to be deposited into the~~
12 ~~neurotrauma special fund; and~~
- 13 ~~(E) A surcharge of up to \$50 if the court so orders,~~
14 ~~to be deposited into the trauma system special~~
15 ~~fund;~~
- 16 ~~(4)]~~ (3) In addition to a sentence imposed under
17 paragraphs (1) [~~through (3),~~] and (2), any person
18 eighteen years of age or older who is convicted under
19 this section and who operated a vehicle with a
20 passenger, in or on the vehicle, who was younger than
21 fifteen years of age, shall be sentenced to an



1 additional mandatory fine of \$500 and an additional
2 mandatory term of imprisonment of forty-eight hours;
3 provided that the total term of imprisonment for a
4 person convicted under this paragraph shall not exceed
5 the maximum term of imprisonment provided in paragraph
6 (1) ~~(7)~~ or (2), ~~[ex-(3)-7]~~ as applicable.

7 Notwithstanding paragraphs (1) and (2), the revocation
8 period for a person sentenced under this paragraph
9 shall be ~~[not]~~ no less than two years; and

10 ~~[(5)]~~ (4) If the person demonstrates to the court that the
11 person:

12 (A) Does not own or have the use of a vehicle in
13 which the person can install an ignition
14 interlock device during the revocation period; or

15 (B) Is otherwise unable to drive during the
16 revocation period,

17 the person shall be absolutely prohibited from driving during
18 the period of applicable revocation provided in paragraphs (1)
19 to ~~[(4)-7]~~ (3); provided that the court shall not issue an
20 ignition interlock permit pursuant to subsection (i) and the
21 person shall be subject to the penalties provided by section



1 291E-62 if the person drives during the applicable revocation
2 period."

3 SECTION 2. Section 291E-61.5, Hawaii Revised Statutes, is
4 amended as follows:

5 1. By amending subsection (b) to read:

6 "(b) For the purposes of this section:

7 (1) "Convicted [~~three~~] two or more times for offenses of
8 operating a vehicle under the influence" means that,
9 at the time of the behavior for which the person is
10 charged under this section, the person had [~~three~~] two
11 or more times within ten years of the instant offense:

12 (A) A judgment on a verdict or a finding of guilty,
13 or a plea of guilty or nolo contendere, for a
14 violation of section 291-4, 291-4.4, or 291-7 as
15 those sections were in effect on December 31,
16 2001, or section 291E-61 or 707-702.5;

17 (B) A judgment on a verdict or a finding of guilty,
18 or a plea of guilty or nolo contendere, for an
19 offense that is comparable to section 291-4,
20 291-4.4, or 291-7 as those sections were in



1 effect on December 31, 2001, or section 291E-61
2 or 707-702.5; or
3 (C) An adjudication of a minor for a law or probation
4 violation that, if committed by an adult, would
5 constitute a violation of section 291-4, 291-4.4,
6 or 291-7 as those sections were in effect on
7 December 31, 2001, or section 291E-61 or
8 707-702.5,
9 that, at the time of the instant offense, had not been
10 expunged by pardon, reversed, or set aside. All
11 convictions that have been expunged by pardon,
12 reversed, or set aside [~~prior to~~] before the instant
13 offense shall not be deemed prior convictions for the
14 purposes of proving that the person is a habitual
15 operator of a vehicle while under the influence of an
16 intoxicant.
17 (2) "Convicted one or more times for offenses of
18 habitually operating a vehicle under the influence"
19 means that, at the time of the behavior for which the
20 person is charged under this section, the person had



1 one or more times within ten years of the instant
2 offense:

3 (A) A judgment on a verdict or a finding of guilty,
4 or a plea of guilty or nolo contendere, for a
5 violation of this section or section 291-4.4 as
6 that section was in effect on December 31, 2001;

7 (B) A judgment on a verdict or a finding of guilty,
8 or a plea of guilty or nolo contendere, for an
9 offense that is comparable to this section or
10 section 291-4.4 as that section was in effect on
11 December 31, 2001; or

12 (C) An adjudication of a minor for a law or probation
13 violation that, if committed by an adult, would
14 constitute a violation of this section or section
15 291-4.4 as that section was in effect on December
16 31, 2001,

17 that, at the time of the instant offense, had not been
18 expunged by pardon, reversed, or set aside. All
19 convictions that have been expunged by pardon,
20 reversed, or set aside [~~prior to~~] before the instant
21 offense shall not be deemed prior convictions for the



1 purposes of proving the person's status as a habitual
2 operator of a vehicle while under the influence of an
3 intoxicant.

4 (3) "Habitual operator of a vehicle while under the
5 influence of an intoxicant" means that the person:

6 (A) Was convicted [~~three~~] two or more times for
7 offenses of operating a vehicle under the
8 influence; or

9 (B) Was convicted one or more times for offenses of
10 habitually operating a vehicle under the
11 influence."

12 2. By amending subsection (d) to read:

13 "(d) For a conviction under this section, the sentence
14 shall be either:

15 (1) An indeterminate term of imprisonment of five years;
16 or

17 (2) A term of probation of five years, with conditions to
18 include:

19 (A) Mandatory revocation of license and privilege to
20 operate a vehicle for a period [~~not~~] no less than



1 ~~[one year]~~ three years but ~~[not]~~ no more than
2 five years;

3 (B) ~~[Not]~~ No less than ten days imprisonment, of
4 which at least forty-eight hours shall be served
5 consecutively;

6 (C) A fine of no less than \$2,000 but no more than
7 \$5,000;

8 ~~[(C)]~~ (D) Referral to a certified substance abuse
9 counselor as provided in section 291E-61(d);

10 ~~[(D)]~~ (E) A surcharge of \$25 to be deposited into the
11 neurotrauma special fund; and

12 ~~[(E)]~~ (F) May be charged a surcharge of up to \$50 to
13 be deposited into the trauma system special fund
14 if the court so orders.

15 In addition to the foregoing, any vehicle owned and operated by
16 the person committing the offense shall be subject to forfeiture
17 pursuant to chapter 712A~~[7]~~; provided that the department of
18 transportation shall provide storage for vehicles forfeited
19 under this subsection."

20 SECTION 3. Section 291E-62, Hawaii Revised Statutes, is
21 amended by amending subsection (a) to read as follows:



1 (a) No person whose license and privilege to operate a
2 vehicle have been revoked, suspended, or otherwise restricted
3 pursuant to this section or to part III or section 291E-61 or
4 291E-61.5, or to part VII or part XIV of chapter 286 or section
5 200-81, 291-4, 291-4.4, 291-4.5, or 291-7 as those provisions
6 were in effect on December 31, 2001, shall operate or assume
7 actual physical control of any vehicle:

- 8 (1) In violation of any restrictions placed on the
9 person's license;
- 10 (2) While the person's license or privilege to operate a
11 vehicle remains suspended or revoked;
- 12 (3) Without installing an ignition interlock device
13 required by this chapter; or
- 14 (4) With an ignition interlock permit unless the person
15 has the ignition interlock permit [~~and a valid State~~
16 ~~of Hawaii identification card~~] in the person's
17 immediate possession."

18 SECTION 4. (a) The president of the senate and the
19 speaker of the house of representatives shall convene a task
20 force to examine and propose legislation that would allow the
21 courts, under certain circumstances, to prohibit a person



1 convicted of operating a vehicle under the influence of an
2 intoxicant or habitually operating a vehicle under the influence
3 of an intoxicant from purchasing or publicly consuming alcohol
4 for a probation period.

5 (b) The task force shall include:

6 (1) Two members to be appointed by the president of the
7 senate;

8 (2) Two members to be appointed by the speaker of the
9 house of representatives;

10 (3) Two district court judges appointed by the chief
11 justice; and

12 (4) The director of transportation who shall serve as an
13 ex-officio member.

14 The task force may add additional members as it deems necessary.

15 (c) The task force shall submit a report of its findings
16 and recommendations to the legislature no later than twenty days
17 before the convening of the regular session of 2020.

18 SECTION 5. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.

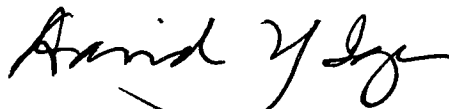


1 SECTION 6. If any provision of this Act, or the
2 application thereof to any person or circumstance, is held
3 invalid, the invalidity does not affect other provisions or
4 applications of the Act that can be given effect without the
5 invalid provision or application, and to this end the provisions
6 of this Act are severable.

7 SECTION 7. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 8. This Act shall take effect on July 1, 2019.

APPROVED this 27 day of JUN , 2019



GOVERNOR OF THE STATE OF HAWAII



HB No. 703, HD 1, SD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 30, 2019
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2019.



Scott K. Saiki
Speaker
House of Representatives

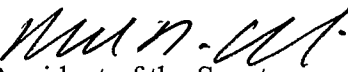



Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI'I

Date: April 30, 2019
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2019.


President of the Senate


Clerk of the Senate

ATTACHMENT C

Act 112, SLH 2019

**(House Bill No. 903, H.D. 1,
S.D.1, C.D. 1, Relating to the
Judiciary)**



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

June 21, 2019

GOV. MSG. NO. 1214

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirtieth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirtieth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 21, 2019, the following bill was signed into law:

HB903 HD1 SD1 CD1

RELATING TO THE JUDICIARY.
ACT 112 (19)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO THE JUDICIARY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the imposition of
2 excessive fines and fees has dire consequences for low-income
3 individuals. Under Hawaii law, individuals who cannot afford to
4 pay court-ordered fines or fees may have their driver's licenses
5 suspended for failure to pay. For many individuals, especially
6 those living in more remote areas with minimal or no public
7 transportation, driver's license suspensions may deprive
8 individuals of their only means of transportation to and from
9 work. Furthermore, individuals with suspended driver's licenses
10 who are unable to find alternative means of transportation may
11 lose their employment. With limited or no income, individuals
12 are even less likely to pay fines or fees, which may lead to
13 greater penalties simply because those individuals are unable to
14 pay initial fines or fees in one lump sum.

15 The purpose of this Act is to address the financial
16 disparity imposed on low-income individuals who cannot afford to



1 pay court-ordered fines and fees by requiring the judiciary to
2 establish a financial hardship task force.

3 SECTION 2. (a) There is established within the judiciary
4 the financial hardship task force to:

- 5 (1) Examine the financial disparity imposed on low-income
6 individuals in the court system;
- 7 (2) Analyze other mechanisms regarding the nonpayment of
8 fines rather than suspending driver's licenses;
- 9 (3) Coordinate with applicable agencies; and
- 10 (4) Analyze any other programs deemed necessary.

11 (b) The task force shall be composed of the following
12 members or their designees:

- 13 (1) The chief justice, who shall serve as chair;
- 14 (2) The attorney general;
- 15 (3) The director of public safety;
- 16 (4) The director of transportation; and
- 17 (5) The chief of police of each county.

18 (c) Members of the task force shall serve without
19 compensation but shall be reimbursed for expenses incurred,
20 including travel expenses, necessary for the performance of
21 their duties.



1 (d) The task force shall be exempt from chapter 92, Hawaii
2 Revised Statutes.

3 (e) The task force shall submit a report to the
4 legislature of its findings and recommendations, including any
5 proposed legislation, no later than twenty days before the
6 convening of the regular session of 2020.

7 (f) The task force shall cease to exist on June 30, 2020.

8 SECTION 3. This Act shall take effect upon its approval.

APPROVED this 21 day of JUN, 2019



GOVERNOR OF THE STATE OF HAWAII



HB No. 903, HD 1, SD 1, CD 1

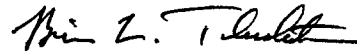
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2019
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2019.



Scott K. Saiki
Speaker
House of Representatives





Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI‘I

Date: April 30, 2019
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirtieth Legislature of the State of Hawai‘i, Regular Session of 2019.


President of the Senate


Clerk of the Senate