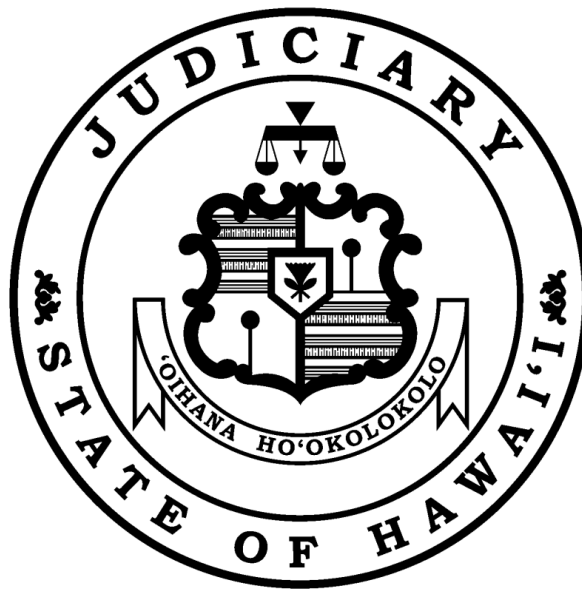


**REPORTS TO THE THIRTY-THIRD LEGISLATURE
2026 REGULAR SESSION**

SUBMITTED BY

THE JUDICIARY, STATE OF HAWAII



DECEMBER 2025

**REPORTS TO THE THIRTY-THIRD LEGISLATURE
2026 REGULAR SESSION**

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Office of the Administrative Director of the Courts – THE JUDICIARY • STATE OF HAWAII
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Brandon M. Kimura
ADMINISTRATIVE DIRECTOR

Daylin-Rose H. Heather
DEPUTY ADMINISTRATIVE DIRECTOR

December 10, 2025

Via electronic submission

The Honorable Ronald D. Kouchi
President of the Senate
State Capitol
Honolulu, HI 96813

The Honorable Nadine Nakamura
Speaker of the House of Representatives
State Capitol
Honolulu, HI 96813

Dear President Kouchi and Speaker Nakamura:

Pursuant to Section 37-52.5, Hawai'i Revised Statutes (HRS), the Judiciary is transmitting a copy of the *Report on Administratively Established Accounts and Funds of the Judiciary for FY 2025*.

In accordance with Section 93-16, Hawai'i 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: https://www.courts.state.hi.us/news_and_reports/reports/reports.

Should you have any questions regarding this report, please feel free to contact Karen Takahashi of the Judiciary's Legislative Affairs and Special Projects Division at 808-539-4896, or via e-mail at Karen.T.Takahashi@courts.hawaii.gov.

Sincerely,

Brandon Kimura

Brandon M. Kimura
Administrative Director of the Courts

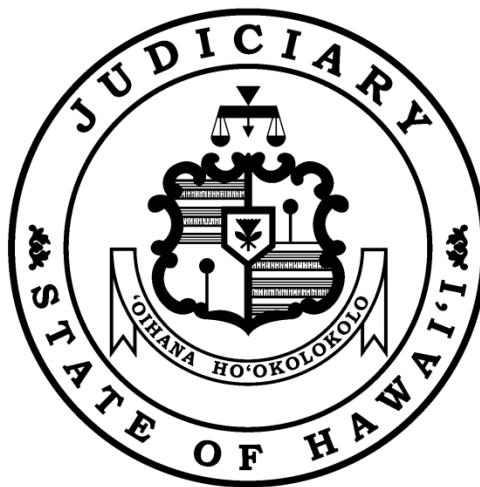
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c: Legislative Reference Bureau Library

**REPORT TO THE THIRTY-THIRD LEGISLATURE
2026 REGULAR SESSION**

**Report on Administratively-Established Accounts and Funds of the Judiciary
FY 2025**

Pursuant to HRS § 37-52.5



Prepared by:

The Judiciary, State of Hawai'i

December 2025

**REPORT TO THE THIRTY-THIRD LEGISLATURE
2026 REGULAR SESSION**

**Report on Administratively-Established Accounts and Funds of the Judiciary
FY 2025**

Pursuant to HRS § 37-52.5

Hawai'i Revised Statutes (HRS) section 37-52.5 requires expending departments or agencies to submit a report to the Legislature of newly administratively-established accounts or funds. In addition, each department or agency, at least 20 days prior to the convening of each regular session, shall submit a report to the Legislature that includes the following: (1) a list of all administratively established accounts or funds; and (2) all revenues, expenditures, encumbrances, and ending balances of each account or fund.

The following is a list of administratively established accounts and funds for the Judiciary for Fiscal Year (FY) 2025.

ADMINISTRATIVELY CREATED FUNDS REPORT FY25
PURSUANT TO HRS, SECTION 37-52.5

NAME OF FUND (1) PURPOSE (2)	LAW AUTHORIZING FUND (1)	CURRENT PROGRAM ACTIVITY WHICH FUND SUPPORTS (3)	BEG BALANCE (2026) (4)	PRIOR YEAR EXPENDITURES (2025) (5)	PRIOR YEAR REVENUE (2025) (6)	TRANSFER FROM FUNDS (2025) (7)	BEG ENCUMBERED BALANCE (2026) (8)
Judicial Training FY24 (S-224) This grant aims to train district court judges with jurisdiction to preside over traffic matters that require information about legal issues and court procedures that may encourage increased compliance with existing traffic laws. Judges who attend judicial training sessions on impaired driving will increase their knowledge about the latest developments in the adjudication of traffic cases.	National Highway Traffic Safety Administration Fixing America's Surface Transportation Act Section 154, Section 164 and/or Section 405 program funds	Office of the Administrative Director of the Courts	-	4,797	3,129	-	-
Judiciary DWI court (S-225) The grant funds will support the continued operation of the Driving While Impaired (DWI) Court program in the District Court of the First Circuit by enhancing supervision resources for program participants and expanding training opportunities for staff. With the 2025 Legislature's approval of funding to make the DWI Court a permanent program, these funds will also support two permanent positions and ongoing program operations. This stable funding marks a significant milestone, allowing the DWI Court to grow and expand beyond its pilot phase and establish itself as a lasting part of the judicial system.	National Highway Traffic Safety Administration Fixing America's Surface Transportation Act Section 154, Section 164 and/or Section 405 program	District Court, First Circuit	-	33,959	32,562	-	-
Judiciary Electronic Citation Traffic Records (S-226) This grant enables the Judiciary Traffic Violation Bureau (TVB) for 1st and 2nd Circuits to continue to receive electronic citations (eCitations) from their respective police departments. eCitations have the benefit of reducing paper transport delays and therein provide immediate access to citation data to the courts, prosecutors, and police departments.	National Highway Traffic Safety Administration Fixing America's Surface Transportation Act 402	Office of the Administrative Director of the Courts	-	-	-	-	-
Judiciary Gunshot Detection Program Phase 3 (S-227) This grant is provided to mitigate, prevent, prepare, respond, and recover from threats and incidents of terrorism. It supports the Judiciary, State of Hawaii in leveraging funding to support the National Preparedness System initiatives.	The Homeland Security Act of 2002 (Public Law 107-296) (6 U.S.C. 603). The Appropriation Act, 2020, (Public Law 115-31).	Office of the Administrative Director of the Courts	-	8,042	8,042	-	-
Enhancing the Hawaii Drug Court (S-231) This grant program provides financial and technical assistance to states, state courts, local courts, and units of local government to implement and enhance the operations of adult drug courts and veteran treatment courts. The BJA allows award recipients to implement or enhance the most appropriate drug court model to accommodate the needs and available resources of their jurisdictions. The focus is to reduce opioid, stimulant, and substance abuse.	FY20 (BJA - Drug Courts) 34 USC 10611; Pub. L. No. 116-93, 133 Stat 2317, 2409	Circuit Court, First Circuit	-	17,110	17,110	-	-
FY2024 Access and Visitation Program (S-232) This grant provides safe Supervised Child Visitation/Exchange for families experiencing domestic violence on Oahu with a secure visitation center. The families are referred by Family Court. "Each year, about \$10 million in mandatory grant funding goes to states and territories to operate the AV program, which helps increase noncustodial parents' access to and time with their children. States are permitted to use grant funds to develop programs and provide services such as: mediation, development of parenting plans, education, counseling, visitation enforcement (including monitored and supervised visitation, and neutral drop-off and pick-up) and development of guidelines for visitation and alternative custody arrangements."	Title IV, Part D, Section 469B of the Social Security Act (the Act), 42 US Code 669b	Family Court, First Circuit	-	27,273	27,273	-	-

NAME OF FUND (1) PURPOSE (2)	LAW AUTHORIZING FUND (1)	CURRENT PROGRAM ACTIVITY WHICH FUND SUPPORTS (3)	BEG BALANCE (2026) (4)	PRIOR YEAR EXPENDITURES (2025) (5)	PRIOR YEAR REVENUE (2025) (6)	TRANSFER FROM FUNDS (2025) (7)	BEG ENCUMBERED BALANCE (2026) (8)
State Court Improvement Program (S-234) This grant provides assessment and improvement activities of the child welfare functions of the court system to promote continuous quality improvement with respect to due process, timeliness, and quality of court hearings; quality legal representation; and engagement of the entire family in the court process. It also allows state courts to make improvements to provide for the safety, well-being, and permanence of children in foster care and assist in the implementation of the PIP as a result of the CFSR.	Title IV Part B, Subpart 2, Section 438 of the Social Security Act (Act)	Family Court, First Circuit	-	111,076	111,076	-	-
Sustaining a Multi-Pronged Approach to Domestic Violence (S-240) To sustain efforts supported by prior Stop Violence Against Women Act grant awards through a multi-pronged approach that addresses ongoing education on the dynamics of domestic violence for judges and for the larger community, effective domestic violence intervention for those who perpetrate domestic violence, and strengthening coordinated community responses.	Title IV of the Violence Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 3796	Family Court, First Circuit	-	31,305	44,889	-	-
Homeland Security Grant Program (S-241) - New The FY 2024 HSGP funds are provided to Mitigate, Prevent, Prepare, Respond, and Recover from threats and incidents of terrorism. The FY 2024 HSGP supports the Judiciary, State of Hawaii in leveraging funding to support the National Preparedness System initiatives.	The Homeland Security Act of 2002 (Public Law 107-296) (6 U.S.C. 603). The Appropriation Act, 2020, (Public Law 115-31).	Office of the Administrative Director of the Courts	-	-	99,012	-	-
State Access and Visitation Program (FY23) (S-242) This grant provides safe Supervised Child Visitation/Exchange for families experiencing domestic violence on Oahu with a secure visitation center. The families are referred by Family Court. "Each year, about \$10 million in mandatory grant funding goes to states and territories to operate the AV program, which helps increase noncustodial parents' access to and time with their children. States are permitted to use grant funds to develop programs and provide services such as: mediation, development of parenting plans, education, counseling, visitation enforcement (including monitored and supervised visitation, and neutral drop-off and pick-up) and development of guidelines for visitation and alternative custody arrangements."	Social Security Act, Title IV, Part D, Section 469B, 42 US Code 669b	Family Court, First Circuit	-	-	-	-	-
COSSAP Hawaii (S-243) This grant will provide treatment, recovery support services and family court interventions by implementing and expanding comprehensive efforts to identify, respond to, treat, and support those impacted by drug abuse in the adult and the juvenile justice system on Oahu, Hawaii.	34 USC 10701; Public Law 116- 260, 134 Stat. 1182, 1259	Circuit Court, First Circuit	-	335,411	335,411	-	-
Judiciary DWI Court (FY25) (S-245) - New The grant funds will support the continued operation of the Driving While Impaired (DWI) Court program in the District Court of the First Circuit by enhancing supervision resources for program participants and expanding training opportunities for staff. With the 2025 Legislature's approval of funding to make the DWI Court a permanent program, these funds will also support two permanent positions and ongoing program operations. This stable funding marks a significant milestone, allowing the DWI Court to grow and expand beyond its pilot phase and establish itself as a lasting part of the judicial system.	National Highway Traffic Safety Administration Fixing American's Surface Transportation Act Section 154, Section 164and/or Section 405 program funds; Bipartisan Infrastructure Law(BIL) Section 154, Section 164 and/or Section 405d program funds; and /or Supplemental BIL Section 405d program funds.	District Court, First Circuit	-	30,621	30,621	-	-

NAME OF FUND (1) PURPOSE (2)	LAW AUTHORIZING FUND (1)	CURRENT PROGRAM ACTIVITY WHICH FUND SUPPORTS (3)	BEG BALANCE (2026) (4)	PRIOR YEAR EXPENDITURES (2025) (5)	PRIOR YEAR REVENUE (2025) (6)	TRANSFER FROM FUNDS (2025) (7)	BEG ENCUMBERED BALANCE (2026) (8)
Judicial Training (FY25) (S-248) - New This grant aims to train district court judges with jurisdiction to preside over traffic matters that require information about legal issues and court procedures that may encourage increased compliance with existing traffic laws. Judges who attend judicial training sessions on impaired driving will increase their knowledge about the latest developments in the adjudication of traffic cases.	National Highway Traffic Safety Administration Fixing America's Surface Transportation Act Section 154, Section 164 and/or Section 405 program funds	Office of the Administrative Director of the Courts	-	-	-	-	-
Homeland Security Grant Program (FY22) (S-252) A portion of this grant (160K) covers Phase 4 of the Courthouse Security Camera Surveillance and Recording System (System) at Ali'iolani Hale and the Kapuaiwa Building. Initially started in FY 2018, this is the 4th and final phase of the project to close out and complete the System, which consists of approximately 60 high definition cameras strategically placed on the exterior and interior sides of both buildings. The remaining grant funds (80K) will enable the Information Technology and Systems Department to initiate and develop a Judiciary Emergency Data Center to serve as a backup to the existing Judiciary Data Center. This crucial secondary system located in an offsite secure commercial data center will allow the Judiciary to access Judiciary servers and applications in order to continue working in the event of a major crisis statewide and maintain continuity of the courts for the State of Hawaii.	Section 2002 of the Homeland Security Act of 2002 (Pub. L. No. 107-296, as amended) (6 U.S.C. § 603)	Office of the Administrative Director of the Courts	-	24,016	24,016	-	-
Court Improvement - Basic Program (S-253) This grant provides for assessment and improvement activities of the child welfare functions of the court system to promote continuous quality improvement with respect to due process, timeliness, and quality of court hearings; quality legal representation; and engagement of the entire family in the court process. It also allows state courts to make improvements to provide for the safety, well-being, and permanence of children in foster care and assist in the implementation of the PIP as a result of the CFSR.	Social Security Act, Title IV-B, Part 2, Section 438	Family Court, First Circuit	-	158,919	158,919	-	-
MOA Office of Language Access(S-254) - New To recruit language interpreters who are interested in providing services to assist limited English proficient (LEP) persons doing business with the Hawaii State Courts and other government agencies, and to provide training to increase the number and availability of qualified language interpreters and further develop their language interpretation skills.	Memorandum of Agreement (MOA) between the Office of Language Access (OLA) a governmental agency of the State of Hawaii and the Office on Equality and Access to the Courts, Hawaii Judiciary (OEAC)	Office of the Administrative Director of the Courts	-	21,965	49,500	-	-
Judiciary Driver Education (FY25) (S-255) - New The funds will be used to train and certify seven driver education instructors; purchase five pairs of impairment goggles and five set of corresponding activities; and send representatives to the Lifesaver Conference	National Highway Traffic Safety Administration Fixing American's Surface transportation Act Section 164 and/or Section 405 program funds; Bipartisan Infrastructure Law(FIL) Section 154, Section 164, Section 405d, Section 402 program funds; and/or Supplemental BIL Section 405d and Section 402 program funds.	District Court, First Circuit	-	24,309	24,309	-	-

NAME OF FUND (1) PURPOSE (2)	LAW AUTHORIZING FUND (1)	CURRENT PROGRAM ACTIVITY WHICH FUND SUPPORTS (3)	BEG BALANCE (2026) (4)	PRIOR YEAR EXPENDITURES (2025) (5)	PRIOR YEAR REVENUE (2025) (6)	TRANSFER FROM FUNDS (2025) (7)	BEG ENCUMBERED BALANCE (2026) (8)
<u>Judiciary Gun Shot Detection Program (FY22) (S-257)</u> This grant will assist the Security Division of the Courts to prevent, deter, respond to, and recover from threats and incidents of terrorism. The FY 2021 HSGP supports the Judiciary, State of Hawaii in leveraging funding to support the National Preparedness System initiatives.	The Homeland Security Act of 2002, Public Law 107-296, 6 U.S.C. 603; Department of Homeland Security Appropriations Act of 2020, Public Law 115-31.	Office of the Administrative Director of the Courts	-	-	-	-	-
<u>State Access & Visitation Program (FY25) (S-258) - New</u> This grant provides safe Supervised Child Visitation/Exchange for families experiencing domestic violence on Oahu with a secure visitation center. The families are referred by Family Court. "Each year, about \$10 million in mandatory grant funding goes to states and territories to operate the AV program, which helps increase noncustodial parents' access to and time with their children. States are permitted to use grant funds to develop programs and provide services such as: mediation, development of parenting plans, education, counseling, visitation enforcement (including monitored and supervised visitation, and neutral drop-off and pick-up) and development of guidelines for visitation and alternative custody arrangements."	Part D of Title IV section 469B of Social Security Act (Act)	Family Court, First Circuit	-	72,727	72,727	-	-
<u>State Court Improvement Program (FY25) (S-259) - New</u> This grant provides assessment and improvement activities of the child welfare functions of the court system to promote continuous quality improvement with respect to due process, timeliness, and quality of court hearings; quality legal representation; and engagement of the entire family in the court process. It also allows state courts to make improvements to provide for the safety, well-being, and permanence of children in foster care and assist in the implementation of the PIP as a result of the CFSR.	Title IV, Part B, Subpart 2, section 438, of the Social Security Act (Act)	Family Court, First Circuit	-	-	-	-	-
<u>MOA, Alcohol and Drug Abuse Division (S-288) - New</u> ADAD approved monies for a Dedicated Substance Abuse Counselor (DSAC) for the Juvenile Drug Court Program to provide substance abuse services for court involved youth. These services are substance abuse assessments, substance abuse education, substance abuse outpatient program, and substances abuse intensive outpatient program.	Section 103F-101(a)(2), Hawaii Revised Statutes	Family Court, First Circuit	-	57,778	65,000	-	-
<u>Justice for Families Program - (HSCADV) (S-290)</u> This grant aims to assist self-represented victims of domestic violence, sexual assault, and stalking to understand their legal options and assert their rights, as well as to provide training and technical assistance for victim advocates and child welfare workers about critical civil legal issues.	34 U.S.C. § 12464 (OVW-JFF)	Office of the Administrative Director of the Courts	-	39,697	39,697	-	-
<u>Supreme Court Bar Examination Fund (T-901)</u> This fund continues to serve the purpose for which it was created, which is to account for filing fees collected from individuals who are applying to take the Hawaii Bar Examination. Expenditures include costs associated with the administration of biannual bar examinations such as purchasing exam materials, rental of software and hardware for non-standard test accommodations, rent for the test facility, hiring an electrician to provide power in the laptop test room, court reporters, transcription fees, and security at the exam site. The fund expenditures also include providing for staff to travel to grading workshops and conferences, as well as other expenses incidental to the administration of the examination.	Supreme Court, Section 1.4	Supreme Court	437,934	166,790	145,085	-	-

NAME OF FUND (1) PURPOSE (2)	LAW AUTHORIZING FUND (1)	CURRENT PROGRAM ACTIVITY WHICH FUND SUPPORTS (3)	BEG BALANCE (2026) (4)	PRIOR YEAR EXPENDITURES (2025) (5)	PRIOR YEAR REVENUE (2025) (6)	TRANSFER FROM FUNDS (2025) (7)	BEG ENCUMBERED BALANCE (2026) (8)
<u>Detention Home Donations (T-902)</u> This fund was established to deposit donated funds from the public/community and is used to purchase clothes and personal items for the juveniles at the Detention Home. This fund is also used to purchase gifts for the juveniles at Christmas.	Public Law 8915,656564 (highway Safety Aur fa 1966)	Family Court, First Circuit	13,309	-	-	-	1,596
<u>Family Court, 1st Circuit-Restitution FD (T-905)</u> This account was established to document transactions for donations to the Family Courts Juvenile Monetary Restitution Program.	N/A	Family Court, First Circuit - Juvenile Client Services Branch, Intake and Probation Section	29,336	2,982	-	-	-
<u>Promote and Advance Civic Education (PACE) Commission (T-962)</u> The Supreme Court has created a commission to Promote and Advance Civic Education (PACE). The purpose of the commission is to promote and advance civic education for students and citizens of Hawaii. The PACE Commission's tasks include, providing leadership, oversight, and initiatives to increase civic education in the community and at schools, increasing citizens' knowledge about government, and promoting informed participation in government and democracy in Hawai'i, and (2) providing educational resources for the public about the importance of civic education through collaboration with the media and by other means.	N/A	Intermediate Court of Appeals	16,467	4,750	-	-	-
<u>MOA Alcohol and Drug Abuse Division (T-968)</u> This is a MOA with the State of Hawaii - DOH-ADAD to provide the Judiciary \$75,615/year for a period of three years (04/01/22 - 09/30/24) to continue operation of the Driving While Impaired Court Program. The funding of this MOA is to cover for the cost of two full-time positions (DWI Court Coordinator & DWI Court Case Manager) that are required to maintain the operation of the program.	N/A	District Court, First Circuit	59,488	55,859	-	-	33,228
<u>Juvenile Detention Alternative Initiative (JDAI) VII (T-969)</u> This grant supports replication of the JDAI and coordinates the implementation of the JDAI's eight core strategies in Hawaii. When the AECF launched JDAI as a pilot project in the early 1990s, overreliance on detention was widespread and growing nationwide. Using a model rooted in eight core strategies, JDAI proved effective in helping participating jurisdictions safely reduce their detention populations.	N/A	Family Court, First Circuit	13,595	-	-	-	-
<u>MOA Alcohol & Drug Abuse Division & Judiciary (T-972)</u> This is a MOA with the State of Hawaii - DOH-ADAD to provide the Judiciary \$200,000/year for a period of three years (10/01/19 - 09/30/22) to continue operation of the Driving While Impaired Court Program. The funding of this MOA is to cover for the cost of two full-time positions (DWI Court Coordinator & DWI Court Case Manager) that are required to maintain the operation of the program.	N/A	District Court, First Circuit	106,262	243,824	240,000	-	-
<u>Cash and Short-Term Cash Investments Held In Trust Outside of the State Treasury (Agency Fund - T-999)</u> Trust and agency funds are used to account for assets held by the Judiciary in a trustee or agency capacity. These include expendable trust funds that account for cash collected and expended by the Judiciary for designated purposes, and agency funds that account for the receipts and disbursements of various amounts collected by the Judiciary on behalf of others as their agent.	Section 40-81, Hawaii Revised Statutes	Admin, SC, CC1, CC2, CC3, CC5	66,135,636	78,349,520	81,446,502	-	-

NAME OF FUND (1) PURPOSE (2)	LAW AUTHORIZING FUND (1)	CURRENT PROGRAM ACTIVITY WHICH FUND SUPPORTS (3)	BEG BALANCE (2026) (4)	PRIOR YEAR EXPENDITURES (2025) (5)	PRIOR YEAR REVENUE (2025) (6)	TRANSFER FROM FUNDS (2025) (7)	BEG ENCUMBERED BALANCE (2026) (8)
<u>Rental Trust Fund</u> Court ordered deposits are held in individual case subsidiary ledgers in the Trust Accounting System for landlord - tenant disputes over rent and will be disbursed per court ordered judgments.	666-21, HRS	CC1, CC2, CC3, CC5	767,245	1,916,689	2,087,310	-	-

Note:
1) Bond Conveyance or Other Related Bond Obligations, Bond Proceeds, Certificates of Deposit, Escrow Accounts, and Other Investments are not applicable to the Judiciary.



Office of the Administrative Director of the Courts – THE JUDICIARY • STATE OF HAWAII
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Brandon M. Kimura
ADMINISTRATIVE DIRECTOR

Daylin-Rose H. Heather
DEPUTY ADMINISTRATIVE DIRECTOR

December 2, 2025

Via electronic submission

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

The Honorable Nadine K. Nakamura
Speaker of the House of Representatives
State Capitol, Room 431
Honolulu, HI 96813

Dear President Kouchi and Speaker Nakamura:

Pursuant to Act 241, Session Laws of Hawai'i 2024, the Judiciary is transmitting a copy of the *Report of the Clean Slate Expungement Task Force*.

In accordance with Section 93-16, Hawai'i 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: https://www.courts.state.hi.us/news_and_reports/reports/reports.

Should you have any questions regarding this report, please feel free to contact Karen Takahashi of the Judiciary's Legislative Affairs and Special Projects Division at (808) 539-4896, or via e-mail at Karen.T.Takahashi@courts.hawaii.gov.

Sincerely,

Brandon Kimura

Brandon M. Kimura
Administrative Director of the Courts

Attachment

c: Legislative Reference Bureau Library

Report of the Clean Slate Expungement Task Force

**Submitted to the
Thirty-Third Legislature, Regular Session of 2026**

Pursuant to Act 241 (2024)

**Prepared by:
The Clean Slate Expungement Task Force**

December 2025

The Clean Slate Expungement Task Force (“Task Force”) was established by the Hawai‘i State Legislature in April of 2024 and signed into law by Governor Josh Green, M.D. as Act 241 on July 9, 2024. The main purpose of the Task Force is to develop a state-initiated record clearing program by providing recommendations on proposed legislation that:

- Expands access to employment, education, and other necessities required for successful reintegration as a member of society;
- Promotes equity and fairness by removing barriers within the criminal legal system that disproportionately impact marginalized communities;
- Enhances public safety by adopting best practices for clearing records that have been linked to a reduction in recidivism; and
- Streamlines the procedures involved in the record clearance process to reduce the time and resources required by the various state entities for implementation of record clearance.

Act 241 directed that the Task Force be composed of representatives from the following entities:

- The Judiciary;
- The Department of the Attorney General;
- The Office of Hawaiian Affairs;
- The Office of the Public Defender;
- The Offices of the Prosecuting Attorney of the County of Hawai‘i, County of Maui, City and County of Honolulu, and County of Kaua‘i;
- The Hawai‘i Innocence Project at the University of Hawai‘i at Mānoa William S. Richardson School of Law;
- The Hawaii Workers Center;
- The ACLU of Hawai‘i;
- The Hawai‘i Friends of Restorative Justice; and
- The Last Prisoner Project.

In addition, Act 241 directed the Task Force to invite two directly impacted individuals with lived experience in the criminal legal system to participate as members of the Task Force. Act 241 also directed the Task Force to seek technical assistance from the Clean Slate Initiative, Code for America, and SEARCH – System for the Electronic Analysis and Retrieval of Criminal Histories.

Throughout the year, we have had several changes in designated members due to changes in employment and entity affiliations. The current members of the Task Force are designated as follows:

- The Judiciary – Shellie Park-Hoapili, Chair;
- The Department of the Attorney General – Philip Higdon;
- The Office of Hawaiian Affairs – McKenna Woodward;

- The Office of the Public Defender – Voltaire Gansit;
- The Offices of the Prosecuting Attorney:
 - * County of Hawai'i – Andrew Son,
 - * County of Maui – Shelly Miyashiro,
 - * City and County of Honolulu – Mark Yuen, and
 - * County of Kaua'i – Michael Miranda;
- The Hawai'i Innocence Project at the University of Hawai'i at Mānoa William S. Richardson School of Law – Jennifer Brown;
- The Hawai'i Workers Center – Nelson Salvador;
- The ACLU of Hawai'i – Amanda Fernandes;
- The Hawai'i Friends of Restorative Justice – Lorenn Walker; and
- The Last Prisoner Project – Adrian Rocha.

The Task Force also includes two directly impacted individuals with lived experience in the criminal legal system – Michelle Manalo and Kimberly Takata. Ms. Manalo is a resident of Hawai'i Island and the director of finance of *Going Home Hawai'i*. Ms. Manalo, who has experienced conviction and incarceration, works with men, women, and youth on similar journeys to support their reintegration into the community in hopes to inspire that change is possible. Ms. Takata is a resident of O'ahu and brings both lived and professional experience with Hawai'i's criminal legal and reentry systems. Ms. Takata was incarcerated for 15 years, including 6 years in maximum custody lockdown, and was released in 2014. Today, she serves as a Reentry Oversight Specialist with the Hawai'i Correctional System Oversight Commission, where she works directly with families impacted by incarceration.

The Task Force is considering adding, as a member, an individual from a victims' rights group, as suggested in testimony related to Act 241. The inclusion of this additional member will offer an additional viewpoint as the Task Force works to advance comprehensive and meaningful recommendations to the Legislature.

OVERVIEW

The Task Force met throughout 2025, focusing on the underlying goals, potential areas of focus, and next steps. Members also conferred separately, in smaller subcommittees, focusing initially on fact findings and information gathering around key areas that were identified to compile relevant information. The Task Force was also fortunate to have had presentations conducted by the Clean Slate Initiative and Code for America, and SEARCH.¹ Sean Aronson, the Legislative Attorney from the Office of Representative David Tarnas, attends the meetings and has shared remarks, insights, and notable events with the Task Force.

¹ Additionally, throughout the year, there have been several bench warrant and expungement clinics held on O'ahu. Several members of the Task Force have assisted in these clinics.

The Clean Slate Initiative and Code for America

On July 28, 2025, the Clean Slate Initiative (“CSI”) and Code for America (“CFA”) gave a presentation to the Task Force.² CSI is a bipartisan organization that builds partnerships to advance Clean Slate automated record sealing policies. CSI is working across the country, and in Congress, to pass and implement laws that automate record sealing for people with eligible records who have completed their sentence and remained crime-free; and that expand who is eligible for sealing. CFA is a non-profit technology organization that partners with government and communities to build digital tools and improve public service. CFA’s *Clear My Record* program collaborates closely with advocates, policymakers, and government to successfully pass and implement automatic record clearance policies.

CSI and CFA approach Clean Slate policy development in a systemized way, starting with a review of existing data systems and record sealing policy, and then assisting with the design of a new, efficient, and automated process. CSI and CFA work together to support states considering policy and process changes to record sealing by: (a) providing expert consultation (i) to assist with Clean Slate bill drafting, to design a technically feasible law that is consistent with best policy practices and (ii) to help develop successful implementation strategies, including demonstrating technical solutions, ensuring background check accuracy, and increasing awareness of Clean Slate; (b) facilitating connections between implementing agencies in different states, and amongst agencies and organizations within a state to surface solutions and best practices in implementation; and (c) elevating insights from leading research and data analysis to strengthen Clean Slate policy design, implementation, and impact. CSI aims to support effective implementation in all states that pass Clean Slate. CFA provides technical expertise to Clean Slate implementation, with a unique focus on technical feasibility.

According to CSI/CFA, developing a Clean Slate policy requires technical readiness and policy review. Technical readiness means review of current data systems, capabilities, and processes, and identify challenges and opportunities to increase efficiency while using existing infrastructure. Policy review means review of current record sealing policy, including eligibility criteria and process, and identify policy that can be modified to allow for a more streamlined and automated process that is effective and also reduces or eliminates manual work.

There are currently twelve (12) states (California, Colorado, Connecticut, Delaware, Michigan, Minnesota, New Jersey, New York, Oklahoma, Pennsylvania, Utah, and Virginia), and Washington, D.C., that have passed Clean Slate laws that meet CSI’s policy minimums.

² On September 16, 2025, the House of Representatives Committee on Judiciary and Hawaiian Affairs held an informational briefing on the possibility of collaborating with CSI and CFA to expand record clearance efforts in Hawai‘i. The briefing was well attended, and included some Task Force members.

SEARCH (System for the Electronic Analysis and Retrieval of Criminal Histories)

On October 15, 2025, SEARCH gave a presentation to the Task Force. Established in 1969, SEARCH is a membership organization of state criminal history repository and related system administrations. SEARCH aims to improve information sharing across the criminal justice system by focusing on research, information sharing, and best practices for maintaining and improving the quality and integrity of criminal history records data. SEARCH's mission is to (a) improve the administration of justice through effective application and responsible deployment of information and identification technologies; (b) develop and promote constitutionally balanced and effective law and policy governing the use and management of justice information and identification technologies; (c) enhance the efficiency, effectiveness, and quality of decision-making and information management through policy analysis, training, technical assistance, and systems development; and (d) inform and improve policy and practice in the administration of justice through evidence-based research and data.

SEARCH shared its long history of supporting Hawai'i's criminal justice programs:

- Implemented RapBack program in Hawai'i for federal notifications of arrests;
- In-state notifications of affects for all individuals on probation and parole to their supervising officers;
- Firearms registry searches by persons and firearm in the Hawai'i Integrated Justice Information Sharing ("HIJIS") Web Portal;
- Working on Permit-to-Carry search in the HIJIS Web Portal;
- Integrating prosecution dispositions into both the Criminal History Repository and Juvenile Justice System; and
- Hawai'i's National Incident Based Record System data processing.

SEARCH also shared its role in Clean Slate initiatives. In such initiatives, SEARCH's role is that of independent researchers, consultants, information providers, and educators. SEARCH is currently assessing the viability of legislation in Washington, and has done research and interviews with twelve states (California, Colorado, Connecticut, Delaware, Michigan, Minnesota, New Jersey, New York, Oklahoma, Pennsylvania, Utah, and Virginia) to understand challenges (and solutions) relating to implementing Clean Slate legislation. SEARCH also hosts a Clean Slate Community of Practice, which is a national peer network of state and local justice practitioners who meet virtually quarterly and discuss progress, challenges, and innovative solutions.

SEACH explained that some of the common challenges they see in implementing Clean Slate are: (a) Clean Slate is often "unchartered waters" for the justice community; (b) incomplete, old, or missing data; (c) complicated programming to determine eligibility criteria; (d) accessing multiple data sources; (e) stakeholder coordination and

management (e.g., competing priorities, resource allocation, and expectations versus reality); and (f) record subject notification/awareness.

The Task Force appreciates the expertise and enthusiasm of these entities to provide guidance, pathways, and assistance as we explore Clean Slate in Hawai'i.

INITIAL FINDINGS/RECOMMENDATION

The Task Force appreciates and understands that people should not be defined by their criminal records and should have a fair opportunity to contribute to their community, to work, to get an education, and to achieve their full potential. Expungement and sealing of court records is a critical mechanism to give people this opportunity – the chance to move forward with hope. Yet, the Task Force recognizes that expungement and sealing of court records is not a one-size, fit-all model.

Viewpoints respectfully differ regarding a fully automated expungement and sealing process versus a process that includes human review. Those that advocate for a human review process note the potential negative or unintended consequences of an automated process.³ Those who advocate for an automated process note that, although a petition-based model provides a mechanism for relief, it relies heavily on individual applications, agency processing, and court action, which can make it difficult to navigate, requires substantial resources, and produces uneven outcomes.

The Task Force recognizes that implementation of any state-initiated expungement or sealing process requires several considerations.

First, consideration of a state-initiated expungement or sealing process must balance the need and importance for second chances with robust public safety measures and protections for vulnerable populations. This balancing approach must consider support for law enforcement, victim rights and due process (e.g., take victim rights into account), exclusion of serious crimes, earned second chances, guardrails to protect vulnerable populations (e.g., incorporate essential safeguards to ensure public safety and protect vulnerable populations), and continued access for sensitive roles (e.g., records remaining accessible to law enforcement agencies for legitimate duties and for sensitive checks such as childcare, national security, or public safety roles).

³ In a pilot project in which 2,268 arrests were initially identified as potentially qualifying for expungement under Acts 062 (2024) and 005 (2025), a subsequent verification review revealed that 87 did not qualify, which, without verification, could have resulted in negative or unintended consequences.

Second, consideration of a state-initiated expungement or sealing process must also recognize the legal and procedural implications, including compliance with federal law.⁴ The timing of expungement must be taken into account.⁵

Third, consideration of a state-initiated expungement or sealing process must also weigh operational and fiscal impacts.⁶

At this time, the Task Force continues to explore all avenues of a state-initiated record clearing program in Hawai'i. Successful implementation of any change will require clear rule making, sufficient staffing and funding, and continued coordination among the many stakeholders to ensure accurate data matching and seamless record clearance. In the interim, the Task Force recommends that the Legislature consider implementing the following statutory amendments:

- Amend **HRS § 831-3.2(d)(1)(2)(3)** to authorize all State of Hawai'i criminal justice agencies and the non-criminal justice agencies identified in HRS § 846-2.7 to access expungement information. In other words, expunged records would remain confidential but would be accessible to criminal justice agencies, sentencing courts, firearm permitting authorities, agencies conducting fingerprint-based checks authorized by law, and as otherwise statutorily required.

NEXT STEPS

The Task Force will continue to meet throughout the upcoming year and will seek input from CSI/CFA, SEARCH, and other stakeholders as we continue to develop a strategy and final recommendations on Clean Slate in Hawai'i.

A copy of this report has been shared with all members of the Task Force.

⁴ Under the federal Gun Control Act (18 U.S.C. § 922(g)), certain individuals, including felons, those convicted of misdemeanor domestic violence, and unlawful users of controlled substances, are prohibited from possessing firearms or ammunition. In Hawai'i, felony convictions carry a minimum sentence of one year imprisonment and result in firearm disqualification under the National Instant Criminal Background Check System.

⁵ For example, records expunged prematurely may compromise ongoing or future prosecutions, hinder law enforcement investigations, jeopardize evidence integrity, and create confusion about an individual's legal status and case disposition.

⁶ The Hawai'i Criminal Justice Data Center ("HCJDC"), which is responsible for the statewide criminal history record information system, the statewide Automated Fingerprint Identification System, and the Adult Criminal Conviction Information Website, relies on revenue from expungement application fees to fund personnel and operations. State-initiated expungements without fee collection would significantly reduce this revenue, jeopardizing staffing and operational capacity. Funding must also cover law enforcement agencies and the Judiciary, which would incur additional workload to update records and manage related tasks.



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Brandon M. Kimura
ADMINISTRATIVE DIRECTOR

Daylin-Rose H. Heather
DEPUTY ADMINISTRATIVE DIRECTOR

November 5, 2025

Via electronic submission

The Honorable Ronald D. Kouchi
President of the Senate
State Capitol
Honolulu, HI 96813

The Honorable Nadine K. Nakamura
Speaker of the House of Representatives
State Capitol
Honolulu, HI 96813

Dear President Kouchi and Speaker Nakamura:

Pursuant to Section 291E-6.5, Hawai'i Revised Statutes (HRS), the Judiciary is transmitting a copy of the *Report on Continuous Alcohol Monitoring for Repeat Offenders*.

In accordance with Section 93-16, Hawai'i 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: https://www.courts.state.hi.us/news_and_reports/reports/reports.

Should you have any questions regarding this report, please feel free to contact Karen Takahashi of the Judiciary's Legislative Affairs and Special Projects Division at (808) 539-4896, or via e-mail at Karen.T.Takahashi@courts.hawaii.gov.

Sincerely,

Brandon Kimura

Brandon M. Kimura
Administrative Director of the Courts

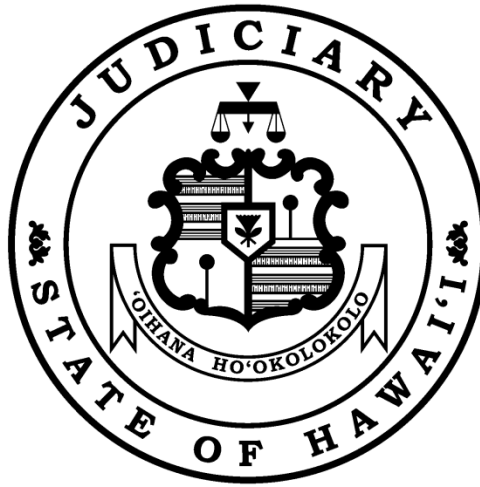
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c: Legislative Reference Bureau Library

**REPORT TO THE THIRTY-THIRD LEGISLATURE
2026 REGULAR SESSION**

A Report on Continuous Alcohol Monitoring for Repeat Offenders

Pursuant to HRS § 291E-6.5



Prepared by:

The Judiciary, State of Hawai'i

November 2025

**REPORT TO THE THIRTY-THIRD LEGISLATURE
2026 REGULAR SESSION**

ON

ACT 201, SESSION LAWS OF HAWAII 2017

HRS § 291E-6.5

A Report on Continuous Alcohol Monitoring for Repeat Offenders

This report is submitted in accordance with Act 201, Session Laws of Hawai'i 2017, Section 3 (Act 201).

Background:

Pursuant to Act 201, codified as Hawai'i Revised Statutes (HRS) § 291E-6.5 and effective as of January 1, 2018, defendants charged with operating, or habitually operating, a vehicle under the influence of an intoxicant as a result of consuming alcohol may be ordered by the court to submit to a continuous alcohol monitoring (CAM) device for a period of no less than ninety days. HRS § 291E-6.5 mandates the Hawai'i State Judiciary's Administrative Director of the Courts to establish and administer a statewide program relating to the oversight of all CAM devices and to select a vendor to provide and monitor the CAM devices.

On July 1, 2022, the Judiciary executed a new contract with SCRAM of California (SCRAM) to furnish the CAM devices and provide monitoring services. The contract period with SCRAM of California, Inc. was expected to end on June 30, 2025. They had an option to extend their contract for an additional twelve (12) month period. However, on January 10, 2025, SCRAM of California, Inc., indicated it was going through some internal changes and was unsure if it would extend its contract. During this period, less cases were being referred to SCRAM of California due to the unpredictability of the contract extension.

In April of 2025, SCRAM of California decided not to extend the contract for statewide CAM services. After consulting with the Judiciary's Financial Services Department, Contracts and Purchasing Office, it was decided that a Request for Proposals would be posted to solicit a new contractor. All referrals for CAM services were paused until a new vendor could be procured.

Subsequently, the Dynamic Healing Center was awarded the statewide CAM contract. Its contract is for twelve (12) months from July 1, 2025, through June 30, 2026. The contract may be extended for three (3) additional twelve (12) month periods from July 1, 2026 through June 30, 2029, subject to satisfactory performance of services by the provider, and if deemed to be in the best interest of the Judiciary.

The Dynamic Healing Center is responsible for installing and monitoring the CAM mobile devices that are strapped onto the ankles of court-ordered defendants. The State of Hawai'i is not charged for this service. Offenders who are ordered to use this service are responsible for making payments to the Dynamic Healing Center. The Dynamic Healing Center may complete a financial assessment for individuals who cannot afford the service. If the person meets

qualification requirements, the Dynamic Healing Center will consider alternate payment options to adjust the cost for the indigent population.

The Dynamic Healing Center CAM device measures alcohol levels in the offender's perspiration every thirty minutes. If the CAM device provides a positive alcohol reading for an offender, the Dynamic Healing Center notifies the authorities with a violation report.

Activities This Reporting Period:

Due to the transition from SCRAM to a new vendor, data was provided for Quarter 1 and Quarter 2. Partial data was provided for Quarters 3 and 4.

In Fiscal Year 2025 (FY 25), SCRAM provided CAM devices to nine people statewide. A breakdown of the usage by circuits is shown in Table No. 1 and a more detailed breakdown is attached as Exhibit No. 1.

SCRAM reported one violation in FY 25. The violation report confirms the CAM devices were working as intended.

SCRAM provided equipment and services in a satisfactory manner. SCRAM was able to service equipment on the neighbor islands by traveling to the site to address maintenance issues.

There have been no reported problems using the CAM devices nor any problems with the services provided by SCRAM of Hawai'i. SCRAM of Hawai'i indicated that it was available to attend court in addition to providing testimony as needed.

Table #1

	No. of unduplicated Court order referrals	No. of unduplicated deft. enrolled onto CAM	Misdemeanor, Felony, or Other	List Other
First Circuit	4	4	2	
Second Circuit	4	5	2	2 habitual cases
Third Circuit	0	0	0	0
Fifth Circuit	0	0	0	0
Total	8	9	4 misdemeanor cases	2 habitual cases

Challenges/Barriers to Consider:

Challenge 1: There has been a decline in court referrals, specifically for the neighbor islands. Judges may not have been aware of the availability of CAM services. Presentations and refresher training were made available.

Challenge 2: In the DUI cases ordered for CAM services, no immediate action can be taken to prevent a defendant from driving under the influence if the defendant consumes alcohol. There are legal procedures to bring a defendant back to court for a violation, but the legal procedures delay the desired effects of the program.

Challenge 3: In pretrial habitual DUI cases, a court ordered defendant must remain on CAM service for no less than ninety (90) days. If a defendant is found not guilty before the 90-day period, then, by statute, a defendant must remain on the service.

Challenge 4: Some clients placed on CAM had trouble paying for the SCRAM services either due to lack of income or resistance to pay. Additionally, SCRAM of Hawai'i took the time to build rapport with the clients to help support their sobriety and reinforce the importance of paying for the SCRAM services. SCRAM of Hawai'i had a flexible payment program to help clients to overcome their financial challenges.

Challenge 5: When SCRAM decided not to continue services to the State of Hawai'i, it was challenging to find another vendor that would fulfill the services needs for our state. The Dynamic Healing Center will provide presentations and refresher training. For those clients who need financial assistance, the Dynamic Healing Center will build rapport with the clients to help support their sobriety and reinforce the importance of paying for the CAM services. The Dynamic Healing Center has a flexible payment program to help clients to overcome their financial challenges; however, additional funding sources would be helpful.

Effects of CAM on Ignition Interlock Devices:

Court orders for CAM services are discretionary. CAM services are ordered as a pretrial condition of bail. Ignition Interlock is a voluntarily service that offenders ask to be placed on as a post-adjudication service, to reinstate driving legally. CAM monitors alcohol consumption, and Ignition Interlock monitors driving under the influence of alcohol. The purpose of each service differs greatly. In FY25, there were no effects of CAM on Ignition Interlock services.

Exhibit #1

SCRAM-CAM Quarterly and Annual Data Collection

First Circuit, Oahu (FY 2025)	Qtr 1 (July 1 to Sept 30)	Qtr 2 (Oct 1 to Dec 31)	Qtr 3 (Jan 1 to Mar 31)	Qtr 4 (Apr 1 to Jun 30)	Annual (all total Qtrs)
Number of unduplicated court ordered referrals	1	1	2	0	4
Number of unduplicated individuals placed on SCRAM/CAM	0	2	2	0	4
Number of violations reported to probation and prosecuting attorneys	0	0	0	0	0
Number of unduplicated habitual cases placed on SCRAM/CAM	0	2	no data collected at the time due to change in vendor	no data collected at the time due to change in vendor	2
Number of unduplicated misdemeanor DUI cases placed on SCRAM/CAM	0	0	no data collected at the time due to change in vendor	no data collected at the time due to change in vendor	0
Number of individuals completed SCRAM/CAM for at least 90 days	3	0	no data collected at the time due to change in vendor	no data collected at the time due to change in vendor	3

Number of unduplicated court orders referrals for more than 90 days	1	0	no data collected at the time due to change in vendor	no data collected at the time due to change in vendor	1
Second Circuit, Maui (FY 2025)	Qtr 1 (July 1 to Sept 30)	Qtr 2 (Oct 1 to Dec 31)	Qtr 3 (Jan 1 to Mar 31)	Qtr 4 (Apr 1 to Jun 30)	Annual (all total Qtrs)
Number of unduplicated court ordered referrals	3	1	0	0	4
Number of unduplicated individuals placed on SCRAM/CAM	2	3	0	0	5
Number of violations reported to probation and prosecuting attorneys	0	1	0	0	1
Number of unduplicated habitual cases placed on SCRAM/CAM	2	0	no data collected at the time due to change in vendor	no data collected at the time due to change in vendor	2
Number of unduplicated misdemeanor DUI cases placed on SCRAM/CAM	0	3	no data collected at the time due to change in vendor	no data collected at the time due to change in vendor	3
Number of individuals completed SCRAM/CAM for at least 90 days	0	1	no data collected at the time due to change in vendor	no data collected at the time due to change in vendor	1
Number of unduplicated court orders referrals for more than 90 days	0	1	no data collected at the time due to change in vendor	no data collected at the time due to change in vendor	1
Third Circuit, Big Island (FY 2025)	Qtr 1 (July 1 to Sept 30)	Qtr 2 (Oct 1 to Dec 31)	Qtr 3 (Jan 1 to Mar 31)	Qtr 4 (Apr 1 to Jun 30)	Annual (all total Qtrs)
Number of unduplicated court ordered referrals	0	0	0	0	0
Number of unduplicated individuals placed on SCRAM/CAM	0	0	0	0	0
Number of violations reported to probation and prosecuting attorneys	0	0	0	0	0
Number of unduplicated habitual	0	0	no data collected at	no data collected at	0

cases placed on SCRAM/CAM			the time due to change in vendor	the time due to change in vendor	
Number of unduplicated misdemeanor DUI cases placed on SCRAM/CAM	0	0	no data collected at the time due to change in vendor	no data collected at the time due to change in vendor	0
Number of individuals completed SCRAM/CAM for at least 90 days	0	0	no data collected at the time due to change in vendor	no data collected at the time due to change in vendor	0
Number of unduplicated court orders referrals for more than 90 days	0	0	no data collected at the time due to change in vendor	no data collected at the time due to change in vendor	0
Fifth Circuit, Kauai (FY 2025)	Qtr 1 (July 1 to Sept 30)	Qtr 2 (Oct 1 to Dec 31)	Qtr 3 (Jan 1 to Mar 31)	Qtr 4 (Apr 1 to Jun 30)	Annual (all total Qtrs)
Number of unduplicated court ordered referrals	0	0	0	0	0
Number of unduplicated individuals placed on SCRAM/CAM	0	0	0	0	0
Number of violations reported to probation and prosecuting attorneys	0	0	0	0	0
Number of unduplicated habitual cases placed on SCRAM/CAM	0	0	no data collected at the time due to change in vendor	no data collected at the time due to change in vendor	0
Number of unduplicated misdemeanor DUI cases placed on SCRAM/CAM	0	0	no data collected at the time due to change in vendor	no data collected at the time due to change in vendor	0
Number of individuals completed SCRAM/CAM for at least 90 days	0	0	no data collected at the time due to change in vendor	no data collected at the time due to change in vendor	0
Number of unduplicated court orders referrals for more than 90 days	0	0	no data collected at the time due to change in vendor	no data collected at the time due to change in vendor	0

Exhibit #2

Court CAM Data Collection Form

FY 2025

Date: 9/24/2025

Indicate—Circuit: 1st, 2nd, 3rd, and 5th

		No.	Comments:
1	Total number of unduplicated SCRAM-CAM orders made by the court.	8	
2	Number of unduplicated felony DUI cases ordered onto SCRAM-CAM by the courts.	4	
3	Number of unduplicated misdemeanor DUI cases, court ordered onto SCRAM-CAM.	3	
4	Number of unduplicated cases enrolled onto SCRAM-CAM.	9	
5	Number of violation reports sent by SCRAM.	1	
6	Number of cases who completed the SCRAM-CAM program.	4	

Reporting Period: July 1, 2024, to June 30th, 2025 (Fiscal Year 2025)

Contract Monitor: Alysa Makahanaloa

Address: 777 Punchbowl Street, Honolulu, HI 96813

Telephone Number: 808-539-4557

E-mail Address: Alysa.K.Makahanaloa@courts.hawaii.gov



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Brandon M. Kimura
ADMINISTRATIVE DIRECTOR

Daylin-Rose H. Heather
DEPUTY ADMINISTRATIVE DIRECTOR

December 2, 2025

Via electronic submission

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

The Honorable Nadine K. Nakamura
Speaker of the House of Representatives
State Capitol, Room 431
Honolulu, HI 96813

Dear President Kouchi and Speaker Nakamura:

Pursuant to Act 19, Session Laws of Hawai'i 2020, the Judiciary is transmitting a copy of the *Report on Domestic Violence and Increased Offender Accountability*.

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

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Should you have any questions regarding this report, please feel free to contact Karen Takahashi of the Judiciary's Legislative Affairs and Special Projects Division at 808-539-4896, or via e-mail at Karen.T.Takahashi@courts.hawaii.gov.

Sincerely,

Brandon Kimura

Brandon M. Kimura
Administrative Director of the Courts

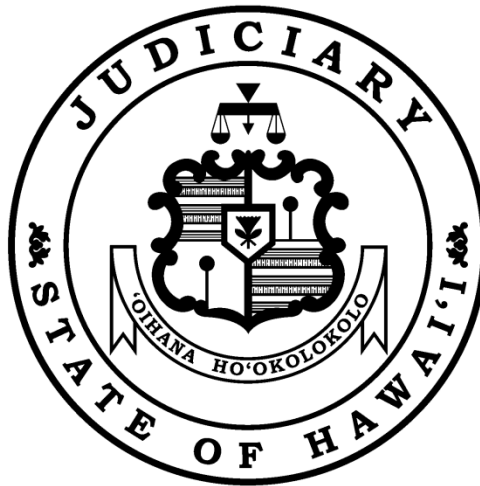
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**REPORT TO THE THIRTY-THIRD LEGISLATURE
2026 REGULAR SESSION**

Report on Domestic Violence and Increased Offender Accountability

**Pursuant to Act 19, SLH 2020
(HRS § 709-906)**



Prepared by:

The Judiciary, State of Hawai'i

December 2025

**REPORT TO THE THIRTY-THIRD LEGISLATURE
2026 REGULAR SESSION**

Report on Domestic Violence and Increased Offender Accountability

**Pursuant to Act 19, SLH 2020
HRS § 709-906**

Effective January 1, 2021, Act 19, SLH 2020 (Act 19), established a five-year pilot project “to strengthen state and county responses to domestic violence and increase offender accountability” by creating a petty misdemeanor abuse of family or household member offense, permitting a deferred acceptance of guilt plea for petty misdemeanor and misdemeanor abuse of family or household member charges, and requiring the Judiciary to report data on the project.

For regular sessions of 2022, 2023, 2024, 2025 and 2026, the Legislature required the Judiciary to submit a report on cases filed with the Judiciary involving offenses under section 709-906, Hawai'i Revised Statutes. The report is to include the number of cases, by category, that were dismissed, the number found not guilty, the number found guilty, and other outcomes. In the cases where domestic violence intervention or parenting classes were court ordered, the report shall include the number of cases by category, in which the program was completed or not completed as well as the consequences for failing to complete the program.

The table below reports the numbers by category: felony, misdemeanor, and petty misdemeanor.

	Felony	Misdemeanor	Petty Misdemeanor	All Cases
709-906 Cases Filed with the Judiciary 1/1/2021 – 6/30/2025	1,533	3,494	1,751	6,778
Pending Adjudication	286	748	206	1,240
Dismissed w/ Prejudice	176	480	368	1,024
Dismissed w/o Prejudice	396	897	564	1,857
Nolle Prosequi	182	397	127	706
Acquitted	8	38	33	79
Other Disposition	181	69	10	260
Plead Guilty	101	151	50	302
DVI or DV Assessment Court Ordered*	80	121	39	240
DVI/AM Completed*	44	67	18	129
DVI/AM Not Completed*	36	54	21	111
Resentenced to Probation	4	7	1	12
Resentenced to Maximum Term of Incarceration	4	17	7	28
Parenting Court Ordered	19	17	1	37
Parenting Completed	10	7	0	17
Parenting Not Completed	9	10	1	20
Resentenced to Probation	1	0	0	1

	Felony	Misdemeanor	Petty Misdemeanor	All Cases
Resentenced to Maximum Term of Incarceration	0	0	0	0
Finding of Guilt	99	208	87	394
DVI or DV Assessment Court Ordered	83	177	75	335
DVI/AM Completed	41	79	34	154
DVI/AM Not Completed	42	98	41	181
Resentenced to Probation	2	1	0	3
Resentenced to Maximum Term of Incarceration	5	15	3	23
Parenting Court Ordered	21	21	6	48
Parenting Completed	9	10	0	19
Parenting Not Completed	12	11	6	29
Resentenced to Probation	0	0	0	0
Resentenced to Maximum Term of Incarceration	0	1	0	1
DAG	29	274	190	493
DVI or DV Assessment Court Ordered	28	269	189	486
DVI/AM Completed	17	190	126	333
DVI/AM Not Completed	11	79	63	153
Deferral Set Aside	1	3	0	4
Resentenced to Maximum Term of Incarceration	1	4	4	9
Parenting Court Ordered	8	56	25	89
Parenting Completed	4	32	12	48
Parenting Not Completed	4	24	13	41
Deferral Set Aside	0	0	0	0
Resentenced to Maximum Term of Incarceration	0	0	0	0
DNC	8	40	23	71
DVI or DV Assessment Court Ordered	8	38	23	69
DVI/AM Completed	6	31	16	53
DVI/AM Not Completed	2	7	7	16
Deferral Set Aside	0	0	0	0
Resentenced to Maximum Term of Incarceration	0	1	0	1
Parenting Court Ordered	2	5	2	9
Parenting Completed	2	5	0	7
Parenting Not Completed	0	0	2	2
Deferral Set Aside	0	0	0	0
Resentenced to Maximum Term of Incarceration	0	0	0	0
No Contest	67	192	93	352
DVI or DV Assessment Court Ordered	59	190	68	317

	Felony	Misdemeanor	Petty Misdemeanor	All Cases
DVI/AM Completed	33	79	25	137
DVI/AM Not Completed	26	111	43	180
Resentenced to Probation	0	2	2	4
Resentenced to Maximum Term of Incarceration	7	22	14	43
Parenting Court Ordered	12	35	9	56
Parenting Completed	8	22	4	34
Parenting Not Completed	4	13	5	22
Resentenced to Probation	0	0	0	0
Resentenced to Maximum Term of Incarceration	1	0	0	1

This report covers cases that were filed and disposed between January 1, 2021 and June 30, 2025.

- Act 23, SLH 2023 changed language to HRS 709-906 from, “A person convicted under this section shall undergo domestic violence intervention at any available domestic violence program as ordered by the court” to “A person convicted under this section shall be ordered by the court to complete an assessment at any available domestic violence program and shall complete a domestic violence intervention or anger management court as determined by the domestic violence program.” This is the basis for changing the wording in the table.
- The large number of dismissals are most likely due to State v. Thompson, 150 Hawai‘i 262 (2021) regarding how criminal complaints are filed.
- Reasons why dispositions may be more than court ordered assessment (for example, the number of dispositions for “Finding of Guilt” is 394 and there were 335 cases where the assessment was court ordered):

This table represents the status of cases as of June 30, 2025. It may be that a disposition was reached in some cases by June 30, 2025 but sentencing was not done by June 30, 2025. Disposition is the outcome of the case such as the person being found guilty or a deferral being granted. Sentencing is when the court imposes penalties such as placing someone on probation and ordering conditions such as the completion of programming. Disposition and sentencing can happen during the same hearing or a sentencing date can be set after disposition. Additionally, when a person is sentenced to jail only, the completion of a DVI or anger management program is not usually ordered.

- Reasons why not completing programming has not led to an equal number of consequences such as being resentenced to probation or jail or having a deferral set aside.

Completion of DVI programming takes, on average, about seven-and-a-half to nine months and many clients are still participating in DVI programming. There are also times when probation and a term of jail/incarceration is ordered and clients are not referred to program until they are released. There are also instances where clients need to complete another program such as substance abuse treatment before being referred to DVI program. There are several cases where sentencing took place near the end of the reporting period and there was not sufficient time for the client to be referred to a domestic violence program, assessed for domestic violence intervention or anger management, and subsequently start participating in a program. Finally, there are a number of cases where the client was terminated from the program and a motion to revoke probation or to set aside the deferral was filed and is pending disposition.

- Regarding parenting programming, many clients are still working toward completing DVI before moving on to parenting. If a client has substance use issues, many times, the client will need to successfully complete a substance use treatment program before completing DVI and then completing a parenting program. Due to the nature of behavior change, the level of recommended substance use treatment, and the availability of substance use, DVI, anger management, and parenting programs, completing these conditions can take longer than the probation term.
- As an objective of Act 19, SLH 2020 was to facilitate the disposition of domestic violence cases, it is important to note that at the end of FY 2022, 34 percent of cases were still pending disposition; however, at the end of FY 2025, the percentage was 18 percent.



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Brandon M. Kimura
ADMINISTRATIVE DIRECTOR

Daylin-Rose H. Heather
DEPUTY ADMINISTRATIVE DIRECTOR

December 2, 2025

Via electronic submission

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

The Honorable Nadine K. Nakamura
Speaker of the House of Representatives
State Capitol, Room 431
Honolulu, HI 96813

Dear President Kouchi and Speaker Nakamura:

Pursuant to Act 208, Session Laws of Hawai'i 2025, the Judiciary is transmitting a copy of the *Report on the Two-Year Guardianship- and Conservatorship-Related Court Resources Pilot Program*.

In accordance with Section 93-16, Hawai'i 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: https://www.courts.state.hi.us/news_and_reports/reports/reports.

Should you have any questions regarding this report, please feel free to contact Karen Takahashi of the Judiciary's Legislative Affairs and Special Projects Division at (808) 539-4896, or via e-mail at Karen.T.Takahashi@courts.hawaii.gov.

Sincerely,

Brandon Kimura

Brandon M. Kimura
Administrative Director of the Courts

Attachment

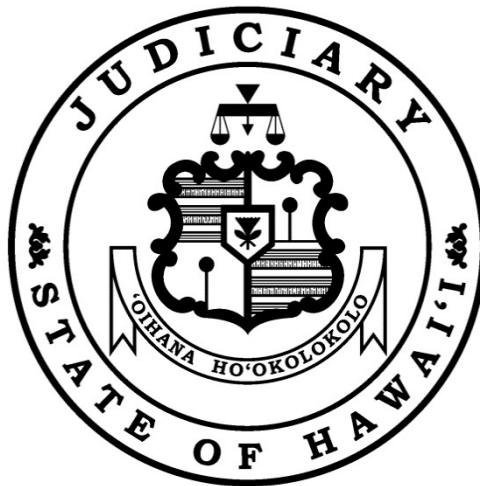
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**REPORT TO THE THIRTY-THIRD LEGISLATURE
2026 REGULAR SESSION**

ON

ACT 208, Session Laws of Hawai'i 2025

**Report on the Two-Year Guardianship- and Conservatorship-Related
Court Resources Pilot Program**



Prepared by:

The Judiciary, State of Hawai'i

December 2025

**REPORT TO THE THIRTY-THIRD LEGISLATURE
2026 REGULAR SESSION**

ON

ACT 208, Session Laws of Hawai‘i 2025

**Report on the Two-Year Guardianship- and Conservatorship-Related
Court Resources Pilot Program**

This report is respectfully submitted to the Thirty-Third Legislature, 2026 Regular Session, as required by Act 208, Session Laws of Hawai‘i (“SLH”) 2025 (“Act 208”), by Acting Chief Justice Sabrina S. McKenna, the Probate Court of the First Circuit, and the Family Court of the First Circuit.

BACKGROUND

The purpose of Act 208 is to provide funds for the Probate Court and Family Court to order certain statutory resources for individuals for whom a guardianship or conservatorship is being sought who have limited or no funds to pay for such resources. The resources provide the court with essential information to make informed decisions regarding the capacity and circumstances of the respondent. The Pilot resources are for:

- (1) An investigation and report by a Kokua Kanawai;
- (2) A Guardian Ad Litem (“GAL”); and
- (3) A Professional Examination of the respondent’s alleged impairment.

Pursuant to Act 208, the Legislature has appropriated to the Probate Court and the Family Court each the sum of \$50,000 or so much thereof as may be necessary for fiscal year 2025-2026 and each the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for court resources in situations where the respondent does not have sufficient funds to pay for one or more of the resources and the court has deemed the resource or resources beneficial.

EXECUTIVE SUMMARY

Given the preliminary stage of the Pilot Program, the Judiciary suggests that the program proceed into its second year as contemplated by Act 208. This will allow the Judiciary to collect additional data prior to making final recommendations in its final report to the Legislature, which is due 40 days prior to the 2027 regular session.

I. STATUS OF THE PILOT PROGRAM

A. Report from the Probate Court

1. Case Selection

As it relates to Probate Court, Act 208 provides Pilot resources for Adult Conservatorship Cases under Hawai'i Revised Statutes Chapter 560, Article V, Subpart 4 and Adult Guardianship Cases under Hawai'i Revised Statutes Chapter 560, Article V, Subpart 3, where there is also a conservatorship proceeding.

a. Adult Conservatorship Cases

In practice, practitioners will ask the Probate Court to appoint a conservator for an adult in situations where the respondent has property that will be wasted or dissipated unless management is provided. In those situations, the respondent most often owns sufficient assets to cover the cost of the resources covered by Act 208, if necessary.

To get a sense of the number of respondents who may benefit from the Pilot resources, the Probate Court looked at the number of Adult Conservatorship Cases filed in 2024 and thus far in 2025.

In 2024, there were 13 Adult Conservatorship Cases filed. Of those cases, one case required the appointment of a Kokua Kanawai. In that case, the respondent would not have qualified for the Pilot resources as the respondent had significant assets. None of the cases required the appointment of a GAL or a Professional Examination.

Thus far in 2025, 15 Adult Conservatorship Cases have been filed as of November 20, 2025. Of those cases, a Kokua Kanawai was appointed in one case and a GAL was appointed in one case. In both cases, the respondents had sufficient assets to cover the fees and costs related to the Kokua Kanawai and GAL.

Since receiving Act 208 funds, there has not been a case in which the Probate Court has found it beneficial and appropriate to use any of the Pilot resources for an Adult Conservatorship Case.

b. Adult Conservatorship and Guardianship Cases

Pursuant to HRS § 560:5-106(3), the Probate Court has concurrent jurisdiction with the Family Court over Adult Guardianship Cases where there is also an Adult Conservatorship Case. In other words, the Probate Court will not have jurisdiction over sole adult guardianship matters. This means that the Probate Court does not analyze the requirements to establish a guardianship without analyzing the requirements to establish a conservatorship for an adult. It also means that—for the same reasons there are limited opportunities to use the Pilot resources in Adult Conservatorship Cases—there are few situations

where the respondent does not have sufficient funds to cover the cost of Pilot resources in Adult Conservatorship and Guardianship Cases.

Again, the Probate Court looked at the number of Adult Conservatorship and Guardianship Cases filed in 2024 and thus far in 2025.

In 2024, 52 Adult Conservatorship and Guardianship Cases were filed. Upon review of the cases filed in 2024, a Kokua Kanawai was appointed in eight cases and a Professional Examination was only required in one of those cases. In all cases, the adult respondent owned sufficient assets to cover the fees and costs related to the Kokua Kanawai and Professional Examination, or a family member agreed to cover the fees and costs related to the Kokua Kanawai.

Thus far in 2025, 25 Adult Conservatorship and Guardianship Cases have been filed as of November 20, 2025. Of those cases, a Kokua Kanawai was appointed in only two cases. In both cases, the adult respondent either owned sufficient assets to cover the fees and costs related to the Kokua Kanawai or a family member agreed to cover the fees and costs related to the Kokua Kanawai.

Since receiving Act 208 funds, there has not been a case in which Probate Court has found it beneficial and appropriate to use the Pilot resources cases for an Adult Conservatorship and Guardianship Case.

2. Who Qualifies for Pilot Resources.

Act 208 makes clear that the Pilot resources are to be used in situations where the respondent does not have sufficient funds to pay for one or more of the resources and the court has deemed the resources beneficial. No other criteria for qualification is set forth in the Act.

In determining which respondents may qualify for Pilot resources, the Probate Court considers the following: (1) gross monthly income of the respondent from all sources; (2) the money received within the past twelve months; (3) total assets owned (including but not limited to cash, bank accounts, real estate, stocks, bonds, cars, etc.); (4) what real property they own; and (5) the total amount of expenses and debts.

When considering which respondents will qualify for Pilot resources, the Probate Court will consider the totality of a respondent's assets and debts owed. This can be accomplished as any party requesting the appointment of a conservator must provide the Probate Court with a schedule of property which indicates the value of personal property and real property the respondent owns. The Probate Court will also consider whether there are other family members or interested persons who are willing and have the means to pay for the resources covered by Act 208.

Lastly, should the Probate Court find a respondent would benefit from the resources, the Probate Court has set a cap of \$7,500 per case, unless the extenuating circumstances exist to increase the cap.

3. Recruitment Efforts.

As a part of its recruitment efforts, the Probate Court made an announcement at the joint Probate and Estate Planning Section and Elder Law Section of the Hawai'i State Bar Association event on September 26, 2025. The Probate Court provided information relating to Act 208 and the pilot program funds and informed practitioners to notify the Probate Court if they come across a conservatorship or guardianship case that may benefit from the funds.

The Probate Court has also provided information relating to the Pilot resources to court staff. In reviewing cases before the Probate Court, court staff are to consider whether the respondent is in need of statutory resources that may not be accessible due to insufficient funds.

The Probate Court will be reaching out to the Office of the Public Guardian for discussions with Adult Protective Services to advise them of the available Act 208 funds.

B. Report from the Family Court

1. Case Selection.

As it relates to Family Court, Act 208 provides Pilot funds for Guardianship of Incapacitated Persons Cases under Hawai'i Revised Statutes Chapter 560, Article V, Subpart 3.

An analysis of Guardianship Cases over the two most recent calendar years shows an average of approximately 150 cases filed per year in the First Circuit. Given this high volume of cases and in light of the relatively limited amount of Pilot funds, the Family Court determined that it would only utilize Pilot resources in contested cases, or cases in which there are one or more issues in dispute amongst the parties in a particular case. In other words, the nature of a proceeding (contested or uncontested) acts as a screening criteria for Pilot resources, but whether or not a case requires Pilot resources is still left to the discretion of the presiding judge in any particular case.

In the two most recent calendar years, approximately 5% of the First Circuit Family Court's Guardianship Cases were contested:

Calendar Year	Number of Contested Cases	Total Number of Guardianship Cases Filed	Contested Case %
2023	7	151	4.6%
2024	8	152	5.3%

The Family Court will monitor and report back on data over the course of the Pilot to better determine whether this 5% rate is consistent over time. In addition, the Family Court will analyze data in the other Circuits to determine what the statewide

contested case rate is. Should the Pilot become permanent, this data should aid in forecasting future costs.

In addition to targeting contested cases, the Family Court also considered whether or not respondents have sufficient funds to pay for one or more of the Pilot resources. In determining which respondents may qualify for Pilot resources, the Family Court utilizes an income-based presumptive test of indigency. If it is reported that the respondent earns less than 200% of the federal poverty guidelines in Hawai'i, then the Family Court considers the respondent to be presumptively indigent and therefore qualified for Pilot resources provided that the overall case warrants such resources. If the respondent does not fall strictly within the 200% guidelines, or the Family Court cannot ascertain the respondent's income level, then the assigned Family Court Judge retains the discretion to order Pilot resources based on case specific factors.

2. Pilot Resource Compensation and Procurement Methodology.

Act 208 created the potential for the funding of three separate court-ordered resources: a Kokua Kanawai, a GAL, and a Professional Examination. Prior to ordering the appointment of these resources, the Family Court has analyzed compensation structures and sources to procure these services.

a. Guardian Ad Litem.

As of November 15, 2025, there were no cases in which the Family Court found it appropriate to appoint a GAL using Pilot funds.

The GAL Compensation Structure is established under existing law. HRS § 571-87 establishes an hourly rate for GALs of \$150 per hour for licensed attorneys and \$122 per hour for GALs who are not attorneys licensed in Hawai'i. This section likewise sets a maximum allowable fee of \$5,500 for Guardianship Case GALs, with the ability to exceed this cap if approved by the Senior Family Court Judge.

b. Kokua Kanawai.

Unlike GALs, there is no designated compensation structure under existing law for Kokua Kanawai in Guardianship proceedings. Absent an established compensation structure and in order to stay within the Pilot budget, the Family Court created a standard appointment order which establishes certain cost control measures for Kokua Kanawai.

First, similar to GALs, the Family Court set a maximum allowable fee of \$5,500 for Kokua Kanawai appointments. However, unlike GALs the Family Court did not restrict a Kokua Kanawai's hourly rate. Instead, Kokua Kanawai will submit their billable hours pursuant to their self-designated hourly rate, which is subject to approval of the presiding Judge.

Second, the appointment order establishes that a Kokua Kanawai may seek reimbursement of reasonable fees incurred in excess of the maximum of

\$5,500. However, this request must be approved by the Senior Family Court Judge of the First Circuit.

Third and finally, any request for payment of fees and expenses in excess of the maximum shall be timely submitted on a monthly basis. By including this monthly billing requirement, the Family Court is better able to manage multiple court appointments across multiple cases, which should assist the Family Court in staying within the annual Pilot budget of \$50,000.

Overall, these cost control measures should ensure that the Pilot remains within budget, while still obtaining usable data regarding the current market rates for this type of appointment.

As part of its recruitment efforts, the Family Court reached out to all attorneys of record in its Guardianship Cases over the two most recent calendar years to determine interest in participating in the Pilot as a Kokua Kanawai. In doing so, the Family Court also informed candidates of the specific cost control measures detailed above. Of the approximately 50 attorneys that the Family Court contacted, 14 individuals were designated for inclusion on the Family Court's court-appointed Kokua Kanawai list.

Given the Family Court's familiarity with other court-appointed lists in other proceedings, the Family Court anticipates that a list of 14 willing individuals should be adequate for the Pilot while factoring in things, such as conflicts of interest, that may arise which would preclude an individual from accepting an appointment.

In order to collect further data, the Family Court also asked attorneys who did not want to volunteer for the Pilot to share their reasons why. The Family Court informed attorneys that it would aggregate such responses for inclusion in this report to the Legislature. As a result, the following seven responses were provided:

Number of Respondents	Explanation
4	Not enough time/overwhelmed with other work
1	Not enough time/cutting back on cases/semi-retired
1	Does not believe that Kokua Kanawai are needed based on experience, recommends that funds should be spent on a handbook of resources to assist guardians in caring for their ward
1	Unable to be considered because of the cap on fees

As of November 15, 2025, the Family Court has appointed one Kokua Kanawai. Given timing, the Family Court does not have any invoicing data for this appointment. In its final report to the Legislature, the Family Court will provide a detailed analysis of its cost data.

c. Professional Examination Compensation Structure.

As of November 15, 2025, there has not been a case in which the Family Court has found it appropriate to order a Professional Examination.

That said, the Family Court continues to develop a compensation structure and appointment methodology for Professional Examinations. As of November 30, 2025, the Family Court is evaluating a procurement process for this service.

The Family Court is in contact with the Department of Health Adult Mental Health Division as well as the Office of Public Guardian regarding any insights they may have with respect to appointments for Professional Examinations.

In its final report, the Family Court intends to fully detail the processes that it has deployed for this specific Pilot resource.

II. NUMBER OF PEOPLE SERVED BY THE PILOT PROGRAM

As stated above, the Probate Court has not found a respondent that could be served by the Pilot Program. The Family Court has thus far appointed a Kokua Kanawai in one of its cases. That case includes a petitioner, proposed alternate guardian, two interested parties, and the respondent.

III. NUMBER OF PEOPLE WHO RECEIVED RESOURCES FROM THE PILOT PROGRAM WHO OTHERWISE WOULD NOT HAVE BEEN ABLE TO PAY FOR THESE RESOURCES

There are no people who have received Pilot resources from the Probate Court. For the Family Court, as referenced in Part II above, there were five individuals involved with the currently pending case that is utilizing Pilot resources. These individuals would not have been able to retain a Kokua Kanawai absent Pilot resources.

IV. RECOMMENDATIONS AS TO WHETHER THE PILOT PROGRAM SHOULD CONTINUE AS A PILOT PROGRAM, BE MADE PERMANENT, OR BE DISCONTINUED

At this interim stage, the Probate Court and the Family Court recommend that the Pilot Program should continue into its second year as set forth in Act 208.

V. IF CONTINUATION OR PERMANENCY OF THE PILOT PROGRAM IS RECOMMENDED AND RECOMMENDATIONS FOR FUNDING FOR THE PROGRAM

At this interim stage, the Probate Court and the Family Court cannot make recommendations regarding the continuation or permanency of the Pilot Program.

While the Probate Court supports the purpose of Act 208, the Probate Court recognizes the practical limitations on appropriately using such funds. The Probate Court will continue to monitor all Adult Conservatorship Cases and Adult Conservatorship Cases to assess whether there are respondents who can benefit from the Pilot resources and will incorporate any new data into its overall analysis in its final report recommendations.

As for the Family Court, it has invested significant time and effort in year one of the Pilot to ensure that certain key logistical elements are in place. Given the groundwork that the Family Court has laid, it is anticipated that the second year of the Pilot should allow for a greater use of Pilot resources and the collection of more actionable data. The Family Court will incorporate this data into its overall analysis in its final report recommendations.



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Brandon M. Kimura
ADMINISTRATIVE DIRECTOR

Daylin-Rose H. Heather
DEPUTY ADMINISTRATIVE DIRECTOR

December 2, 2025

Via electronic submission

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

The Honorable Nadine K. Nakamura
Speaker of the House of Representatives
State Capitol, Room 431
Honolulu, HI 96813

Dear President Kouchi and Speaker Nakamura:

Pursuant to Section 607-5.7, Hawai'i Revised Statutes (HRS), the Judiciary is transmitting a copy of the *Biennial Report on the Indigent Legal Assistance Fund*.

In accordance with Section 93-16, Hawai'i 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: https://www.courts.state.hi.us/news_and_reports/reports/reports.

Should you have any questions regarding this report, please feel free to contact Karen Takahashi of the Judiciary's Legislative Affairs and Special Projects Division at 808-539-4896, or via e-mail at Karen.T.Takahashi@courts.hawaii.gov.

Sincerely,

Brandon Kimura

Brandon M. Kimura
Administrative Director of the Courts

Attachment

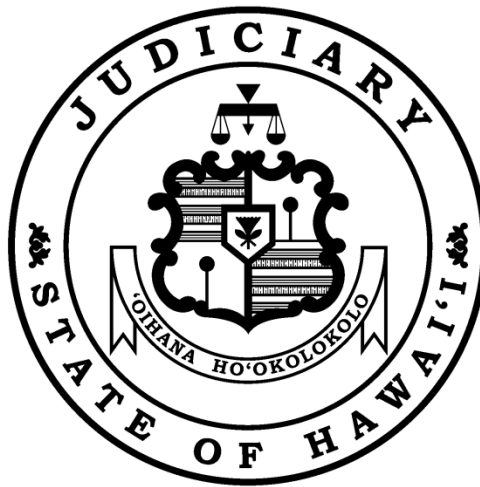
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**ANNUAL REPORT TO THE THIRTY-THIRD LEGISLATURE
2026 REGULAR SESSION**

ON

HRS § 607-5.7

Biennial Report on the Indigent Legal Assistance Fund (ILAF)



Prepared by:

The Hawai'i Justice Foundation

and

The Judiciary, State of Hawai'i

December 2025

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SECTION I: EXECUTIVE SUMMARY RECOMMENDING CONTINUATION OF ILAF

The following report has been prepared for the Judiciary by the Hawai'i Justice Foundation (HJF), which serves as the Fund Administrator for the Indigent Legal Assistance Fund, pursuant to contract with the Judiciary, State of Hawai'i.

The Indigent Legal Assistance Fund (ILAF) was created pursuant to Act 305, Session Laws of Hawai'i 1996 (hereinafter Act 305) and codified as Hawai'i Revised Statutes (HRS) § 607-5.7. Act 305 created a special fund that receives surcharges collected on selected types of civil cases filed in Hawai'i's various state courts. These surcharges are then distributed to qualifying organizations that provide direct civil legal services to those in Hawai'i whose income does not exceed 125 percent of federal poverty guidelines or who are eligible for free services under the Older Americans Act or Developmentally Disabled Act. The Program has operated successfully for 28 years. No general funds are involved in the process, and all the funding is generated from surcharges on selected court case filings (no government case filings are surcharged.)

ILAF was further amended by Act 180, Session Laws of Hawai'i 2011 (hereinafter Act 180) by extending the types of cases for which surcharges are collected and providing step increases in the amount of the indigent legal fees. Act 180 also required the Administrative Director of the Courts, or the contractor administering the fund pursuant to a contract with the Administrative Director of the Courts, to review ILAF on a biennial basis to determine whether it is meeting the civil legal needs of indigent persons, and to report its findings and recommendations to the legislature no later than twenty days prior to the convening of the regular session of the legislature in each even-numbered year beginning with the regular session of 2014.

Findings and Conclusion: The Hawai'i Justice Foundation, serving as fund administrator for ILAF pursuant to a contract with the Judiciary, has reviewed the effectiveness of ILAF and recommends that ILAF be continued in its current format. ILAF has positively affected the organizations receiving funds under this special fund, and each of these organizations has been effective in delivering requisite legal services to qualifying clients. Legal needs of the limited-income involve critical legal issues such as landlord and tenant, housing, financial situations, family law, and elder law. The figures for FY 2024-2025 establish that the total number of cases handled under the ILAF program exceeds 9,400. These cases range from full representation in complex cases to providing legal information or making appropriate referrals for assistance. All cases meet the statutory requirements of ILAF, including poverty income guidelines and/or type of case (i.e., elderly or disabled.). The current process ensures that all funds collected under the program will be used only for the intended purposes.

The ILAF program is an excellent example of the partnership between the Judiciary, HJF, and the ILAF legal service providers. The Hawai'i State Legislature is to be commended for its creation and continued support of ILAF and for its positive actions increasing the surcharges through Act 180, SLH 2011.

ILAF, as amended by Act 180, is an acknowledgment of the serious need for legal services for those of low-income. Current national and local economic conditions remain very unstable and uncertain. Legal needs of people are higher than ever, due to these economic conditions. Low-income legal service providers are experiencing cuts in federal governmental funding sources and reduced contributions from private donations, which makes it critical that ILAF be continued. With the increased surcharges resulting from Act 180, funding to qualifying organizations has increased from about \$330,000 per year to \$1,000,000 in FY 2026.

The hard reality is that funds distributed under ILAF are not sufficient to fully fund any of the organizations. There still remains a need for other funding sources, including but not limited to federal funding, private and charitable foundation contributions, and state legislative funding. ILAF does constitute a vital and essential source of stable funding for qualifying organizations. As further outlined in this report, ILAF has an extensive application and reporting process that ensures that organizations receiving ILAF funds are providing requisite services to qualified clients. This application and review process is quite onerous on both the applying organizations and HJF, but the process is invaluable in ensuring that the available funds are fairly awarded based upon only those clients who qualify under the ILAF statute. On behalf of all of those people in Hawai'i who have received legal services under ILAF, it is respectfully requested that the Hawai'i State Legislature continue ILAF in its current form.

SECTION II: ILAF FUNDING AND OPERATIONAL MECHANISMS

HRS § 607-5.7 sets forth the operating details for ILAF, and these requirements are rigorously followed by the Judiciary, HJF, and all the participating organizations. The statute sets out the dollar amount of surcharges and the types of cases for which surcharges apply. The Judiciary collects the surcharges when cases are filed, and funds collected during a particular fiscal year are distributed quarterly in the following fiscal year. Act 180 expanded the types of cases to which the surcharges were applied and also provided for step increases in the amounts of surcharges, with the final step increase taking effect on January 1, 2014. While the amount of funds available through ILAF varies each year depending upon the number and type of case filings, it is clear that Act 180 has operated to provide significant additional distribution to qualified civil legal service providers.

From the inception of ILAF, the Judiciary has annually contracted with HJF to serve as the ILAF Fund Administrator. Pursuant to HRS § 607-5.7, HJF manages the annual application process. Any organization that meets the eligibility criteria mandated by statute is allowed to participate in ILAF. The amount received by each organization is determined by that organization's pro rata share of the eligible expenses for its provision of direct legal services. Each organization has the opportunity to appeal any decisions regarding its pro rata share or other issues relating to its application, but no appeals have been made within more than 23 years.

It should be noted that the formula by which funds are distributed has remained unchanged from the inception of ILAF in 1996, other than the minor language corrections contained in Act 180. The statutory provision regarding the formula for distribution reads as follows:

(k) Funds shall be distributed on a pro rata basis to organizations that meet the criteria in subsection (i), based upon the portion of their total budget expended in the prior year for civil legal services to indigent persons as compared to the combined total expended in the prior year for legal services by all qualifying organizations applying for funding. An applicant that provides services other than civil legal services to indigent persons may establish its proportionate entitlement to funds based upon financial statements that strictly segregate the portion of the organization's expenditures in the prior year that were devoted exclusively to the provision of civil legal services for indigents. (Act 180, SLH 2011; H.R.S. § 607-5.7)

Prior to the impact of Act 180, the amount distributed each year to eligible ILAF organizations was approximately \$330,000. Act 180 has had a very positive impact upon the amount of funds distributed. The amount distributed from ILAF was \$330,000 in FY 2011; \$513,000 in FY 2012; \$472,039 in FY 2013; \$1,410,289 in FY 2014; \$1,425,000 in FY 2015; \$1,300,000 in FY 2016; \$1,000,000 in FY 2017; \$1,100,001 in FY 2018; \$1,000,001 in FY 2019; \$1,000,000 in FY 2020; \$1,000,000 in FY 2021; \$1,000 in FY 2022; \$1,000,000 in FY 2023; \$1,000,000 in FY 2024; and \$1,000,000 in FY 2025. The amount scheduled for distribution in FY 2026 is detailed below:

Domestic Violence Action Center	97,417
Hawai'i Disability Rights Center	110,278
Legal Aid Society of Hawai'i	579,474
Mediation Center of the Pacific	24,627
Native Hawaiian Legal Corporation	11,284
The Legal Clinic (immigration)	54,465
University of Hawai'i Elder Law Program	18,135
Univ. of Haw. Medical Legal Partnership	52,648
Volunteer Legal Services Hawai'i	51,672
Total	\$1,000,000

The amounts available for future years vary with the number of eligible cases filed, but it is estimated that each year approximately \$1,000,000 will be available for distribution among the eligible civil legal service providers. It is clear that Act 180 has had a very positive impact upon the amount of ILAF distributions, making ILAF an essential element for stable funding for Hawai'i's legal service provider organizations.

SECTION III: PROCEDURAL SAFEGUARDS IN PLACE TO ENSURE ACCURACY AND ACCOUNTABILITY

The ILAF Program has procedural safeguards to ensure accuracy and accountability. All organizations receiving funds under ILAF are strictly monitored by HJF. Monitoring the ILAF process is extremely burdensome and time-consuming for HJF, but attention to detail is essential to the operation of a program that accurately determines eligibility and allocation of funds between those organizations that qualify for ILAF funds. The Program also requires significant efforts from participating organizations in both the application process and the reporting process.

Quarterly reports and a yearly summary report are required of each organization and are reviewed by HJF prior to submittal to the Judiciary for its review. Each February, formal notice is provided in the *Honolulu Star Advertiser* announcing that applications for ILAF funds are being solicited, with a deadline set for late March. The application process is quite extensive, with thorough documentation required. The application includes an attestation clause which requires the Executive Director of each organization to attest to the truthfulness of the application. State unemployment reporting forms are used for verification of each employee, and individual signed statements are received from each employee attesting to the veracity of the percentage of time spent by that person providing qualified direct legal services to ILAF-eligible clients. Using this information, the pro rata percentage for each qualifying organization is calculated by HJF to 1/1000th of a percent. After the Judiciary reviews HJF's percentage recommendations, the Judiciary sends letters of award percentages to each applicant that meets ILAF requirements and qualifies for fund distribution.

Each organization may appeal any decision regarding its pro rata share or other application issues, but no appeals have been filed for more than 23 years. Once the current fiscal year has closed and the Judiciary has determined the total amount of funds that are available for distribution, the percentage allocation for each qualifying applicant is applied against the total available funds to determine each organization's yearly dollar award. These awards are then distributed quarterly, with HJF reviewing all invoices and the required quarterly and year-end reports. Quarterly checks are processed by the Judiciary to an organization only after that organization has submitted all required paperwork to HJF for certification and HJF has formally requested the Judiciary to pay the sum to the organization.

HJF has worked with each organization to ensure that the organization has in place effective methods for: a) screening potential clients for ILAF eligibility; b) generating accurate and complete information regarding cases handled under ILAF; c) using the organization's "client grievance policy"; and d) developing tight mechanisms for demonstrating that ILAF funds are being effectively utilized. Each participating organization enters into a contract with the Judiciary about the duties and responsibilities of the organization receiving ILAF funds. These contracts contain strong provisions that require participating organizations to work closely with HJF and/or the

Judiciary should it appear that a specific organization might need to improve its ILAF screening or reporting process.

At the end of the fiscal year, each organization must submit a final report, which includes detailed information on the number of cases handled under ILAF. The case numbers for each organization are not included in this report, since the missions of the various ILAF organizations vary greatly. Comparison of number of cases handled is not an accurate means of determining the “efficiency” or “effectiveness” of any specific ILAF legal service provider. For example, some of the organizations do a great deal of information and referral, while other organizations handle a higher percentage of court cases. All of the ILAF organizations provide different but essential parts of meeting the needs for legal services, but their missions and approaches do and should vary greatly.

For many years, ILAF has operated smoothly and without complaints regarding accuracy or accountability from the Judiciary, HJF, or the ILAF legal service providers. The ILAF Program is an example of how mutual cooperation and competency can produce an effective process that works for the betterment of Hawai‘i’s people.

SECTION IV: REMAINING CHALLENGES FOR THE ILAF PROGRAM AND THE PARTICIPATING LEGAL SERVICE PROVIDERS

ILAF is a very solid program, with strong relationships and cooperation between the Judiciary, HJF, and the legal service providers. However, there still are substantial unmet needs for legal services. It would be highly desirable to be able to determine more precisely what percentage of existing legal needs are not being met. The last formal study undertaken in Hawai‘i was the 2007 Assessment of Civil Legal Needs, which found that four out of five low-income Hawai‘i residents do not have their legal needs met and that legal service providers are able to assist only one in three persons who contact them for assistance. National studies contain similar figures regarding percentage of legal needs being met. However, it is very difficult for any ILAF organization to provide accurate data on unmet legal needs, since the organizations do not have any contact with people who have legal needs but have not asked the organizations for help.

Low-income legal service providers are currently facing extreme financial hardships and increased need for services. Operational details under COVID-19 conditions created additional challenges for the legal service providers to deliver essential services, and providers now utilize both in-person and technological means to deliver services. The need for legal services continues to increase, due to poor economic conditions and the expanding percentage of the population who are below 125 percent of federal poverty guidelines. At the same time, total funding for legal service providers has remained stable and for some has decreased. ILAF funds are one of the few stable financial sources available to providers. Federal Legal Services Corporation funding remains a controversial and unresolved political issue under the current federal administration. Many ILAF organizations have had to reduce staff hours and reduce intake of cases. Additionally, throughout Hawai‘i and the rest of the country,

legal service providers have been forced to move from “full-representation” cases to primarily giving information and advice or to providing basic legal information in group situations in various community locations. The Judiciary, in conjunction with the Hawai‘i State Bar Association and legal service providers, has now established Self-Help Centers in each Judicial Circuit. Hawai‘i’s legal community is working together to help meet the serious legal needs, but the situation remains a daunting one. Community support for pro bono and low-income legal services is extremely strong, but the fact remains that a large proportion of legal needs go unmet for those in Hawai‘i’s low-income population.

SECTION V: SUMMARY AND CONCLUSIONS

HJF has reviewed the effectiveness of ILAF and recommends that it be continued in its current format. Monies received from ILAF have had a positive effect upon all of the legal service providers that received funds, and each of these organizations has effectively delivered requisite services to qualifying clients. The ILAF process has operated smoothly and successfully for 29 years, and qualifying organizations know they will receive their fair pro rata share under the Program. More than 9,400 cases were handled under ILAF in FY24-25, helping more than 9,400 of Hawai‘i’s people. The hard reality is that funds distributed under ILAF are not sufficient to fully fund any of the organizations. There still remains a need for other funding sources, including but not limited to federal funding, private donations, charitable foundation funding, and State of Hawai‘i legislative funding. The ILAF program is an excellent example of the partnership between the Judiciary, HJF, and the ILAF legal service providers. The Hawai‘i State Legislature is to be commended for its creation and continued support of ILAF and for its positive actions increasing the surcharges through Act 180, SLH 2011.

APPENDIX:

This Appendix contains letters from each of the participating legal service providers. Review of these letters clearly illustrates the positive impact of ILAF upon each of the nine participating legal service providers.

Domestic Violence Action Center
Hawai‘i Disability Rights Center
Legal Aid Society of Hawai‘i
Mediation Center of the Pacific
Native Hawaiian Legal Corporation
The Legal Clinic
University of Hawai‘i Elder Law Program
University of Hawai‘i Medical Legal Partnership
Volunteer Legal Services Hawai‘i



September 8, 2025

Re: Indigent Legal Assistance Fund

Dear Honorable Members of the Hawai'i State Legislature,

The Domestic Violence Action Center (DVAC) extends our profound gratitude to the Hawai'i State Legislature for your steadfast commitment to the Indigent Legal Assistance Fund (ILAF). **Your continued support of ILAF is not just an investment in our organization—it is a lifeline for the most vulnerable members of our island community.**

The Critical Importance of ILAF

ILAF serves as an essential foundation that enables DVAC and other non-profit organizations to deliver life-saving legal assistance to survivors of family abuse and trauma. Without this vital funding stream, we could not provide the comprehensive, specialized services that our clients desperately need during their most vulnerable moments—often in situations that are deeply emotional, complex, and genuinely life-threatening.

The need for ILAF has never been more urgent. In FY2025 alone, DVAC made **4,037 client contacts** through cases, court appearances, and outreach efforts. As client caseloads continue to rise and the costs of delivering legal and social services increase, we face mounting challenges. Contract funding remains stagnant, non-program expenses climb steadily, and traditional funding sources fall short of meeting our growing needs. Public contracts offer limited support for general operations, foundations focus primarily on program-specific funding, and private donations have declined due to inflation pressures.

Our Impact: 34 Years of Service

For more than 30 years, DVAC has served as a beacon of hope for survivors across our diverse island community. **Our data from FY2000-2025 demonstrates the extraordinary scope of our impact:**

Client Engagement & Legal Services

- **339,918** phone contacts with survivors seeking help
- **9,166** requests for legal representation
- **7,956** legal cases opened
- **10,219** advocacy cases opened
- **10,804** court appearances on behalf of clients
- **43,644** hours dedicated to document preparation and court proceedings
- **28,308** accompaniments to agencies, appointments, and court hearings



Safety & Risk Assessment

- **103,848** risk assessments conducted
- **114,040** safety plans completed

Serving Hawai'i's Diverse Community

DVAC proudly serves a clientele that reflects the rich diversity of Hawai'i's population. **Our FY2024 client demographics include:**

<u>Ethnicity</u>	<u>Percentage</u>
Native Hawaiian	27%
Caucasian	19%
Filipino	13%
Japanese	8%
Hispanic	5%
Korean	6%
COFA Migrant and Pacific Islander	7%
Other Asian (Chinese, Vietnamese, Thai, Pakistani)	5%
African American	6%
Alaska Native/Native American	2%
Mixed Ethnicities	3%

Additionally, 31% of our FY2024 clients identified as immigrants, underscoring our role in serving some of our community's most marginalized populations. The majority of our clients are single mothers earning less than \$30,000 annually—individuals who face both the trauma of abuse and the additional burden of economic hardship.

Client Voices: The Human Impact

Your support of ILAF translates directly into transformed lives. Recent client testimonials powerfully illustrate this impact:

"[My DVAC team] made me feel secure in the decision to get help... At the courthouse, [my DVAC team] was very supportive and walked me step by step through the process. I can finally see a future that I'm so looking forward to! I know it's not over - but I see a rainbow on the other side."



"I thank God for [DVAC]... I can now leave... I feel better that someone is in my corner and understands me."

"DVAC has been the single most valuable resource for me in my journey to leave my abuser and find safety for myself and my children... Having a guide to navigate the overwhelming and complicated legal system while also being burdened with so many difficult emotions is so critical, and I am so appreciative of [DVAC]."

These words represent not just individual success stories, but testament to the transformative power of your investment in ILAF.

Our Commitment Moving Forward

Despite funding challenges, DVAC remains unwavering in our commitment to providing critical legal assistance and specialized services to all survivors—including immigrant, culturally specific, LGBTQIA+, and teen survivors. **ILAF funding is absolutely imperative to sustaining this vital work.**

Gratitude and Recognition

We cannot overstate our gratitude for your recognition of ILAF's crucial importance. Your generous and continued support acknowledges that access to legal assistance should never be determined by one's ability to pay, and that our most vulnerable community members deserve protection and advocacy.

Thank you for understanding that ILAF is more than a budget line item—it is a cornerstone of justice and safety for survivors throughout our island community.

Mahalo nui loa,

Laurie Arial Tochiki, JD, Ph.D
Interim CEO
Domestic Violence Action Center



HAWAII DISABILITY RIGHTS CENTER

1001 Bishop Street, Suite 1110, Honolulu, Hawaii 96813

Phone/TTY: (808) 949-2922 Toll Free: 1-800-882-1057 Fax: (808) 949-2928

E-mail: info@hawaiidisabilityrights.org Website: www.hawaiidisabilityrights.org

September 23, 2025

To: The Honorable Members of the 2026 Hawaii State Legislature
From: Louis Erteschik, Executive Director
Re: Indigent Legal Assistance Fund

The Hawaii Disability Rights Center wishes to express its utmost gratitude for the legislature's history of support for the Indigent Legal Assistance Fund.

The Hawaii Disability Rights Center is the state designated protection and advocacy system, having been designated by prior Governors in several Executive Orders to provide advocacy services to individuals with disabilities, in accordance with various federal laws. Hawaii law expressly recognizes the obligation of the state to provide advocacy services to individuals with developmental disabilities and mental illness in order to receive federal funds. The federal statutes require, as a condition of funding services provided by a number of state agencies, that a protection and advocacy agency be established by the State. In requesting federal funding for various state projects, every Governor has provided assurances to the federal government that federal funds distributed to HDRC do not supplant funds that are available from state and local sources.

The distribution that we receive from the Indigent Legal Assistance Fund represents almost all the state monies that we receive. I am sure you can appreciate that federal funding has plateaued over the past several years, while expenses have continued to increase. Fundraising opportunities for a legal services corporation like ours are very limited, and they would force us to compete with other legal services providers for the same donors. For that reason the monies we have received from the Indigent Legal Assistance Fund have truly been a blessing.



The Hawaii Disability Rights Center is a small, efficient agency that serves thousands of individuals each year with legal issues surrounding their various disabilities. It is estimated that approximately fifteen percent of the individuals within the state may have a disability. Most of those individuals are also among the poorest in our state. We effectively utilize our resources and keep our administrative costs to a minimum. Thus, without the additional funds we received from ILAF, we would have been forced to substantially reduce our activities, cut staffing, and provide fewer services to the most needy, vulnerable population in our state at a time when their needs are increasing. In particular, this need is heightened by current events. While we don't yet know the outcome of budget negotiations in Washington we do know at the moment that the President has proposed a substantial reduction of our federal funding. If our federal funding is in fact reduced, that will make the ILAF monies all that more valuable.

We are grateful to the Judiciary and the Hawaii Justice Foundation for their leadership and exemplary efforts to ensure the smooth, efficient functioning of this program. We have worked closely with them on its implementation and we hope that the legislature will continue to fund the ILAF program in the upcoming budget and in the years ahead. Your continued support will enable us to address the needs of the population we serve. Your assistance will be so much appreciated by our clientele.

Thank you again for everything.

Mahalo,

A handwritten signature in black ink, appearing to read 'L. Erteschik', written in a cursive style.

Louis Erteschik, Esq.
Executive Director

September 8, 2025

Dear Honorable Members of the Hawai'i State Legislature,

The Legal Aid Society of Hawai'i ("Legal Aid") wishes to express its sincere gratitude for your ongoing support of civil legal services through the Indigent Legal Assistance Fund. As the largest and oldest legal service provider in the state, Legal Aid receives the largest percentage of ILAF funds each year. We are a Statewide organization --- the only law firm that has offices located on, and able to deliver legal services to, Oahu, Kauai, Moloka'i, Lana'i, Maui, and Hawai'i through locally based staff. With the assistance of ILAF, in FY25, Legal Aid provided assistance in over 7,030 cases aiding indigent persons and seniors 60 years of age or older throughout Hawai'i.

Legal Aid's principal mission is to substantially improve the lives of our clients by providing civil legal representation on crucial issues affecting their well-being. This includes protecting clients and their children from abusive situations; fighting illegal evictions which can lead to homelessness; counseling and representation of those facing foreclosure; helping clients receive critical health benefits; helping families access programs such as unemployment compensation, Federal Supplemental Security Income, general assistance and food stamps; assisting with family reunification; and ensuring safety after human trafficking. We are the only organization in the state capable of providing this level of wrap-around legal services. The critical support we receive from ILAF helps us to provide this assistance.

Both the pandemic and the 2023 Maui wildfires demonstrated just how critical civil legal services and legal information are, as well as having staff available where and when these services are needed. In both cases, many residents were encountering a need to access government programs and emergency assistance for the first time. Legal Aid responded quickly to provide essential legal services.

It is important to note that while ILAF support is substantial, it only covers a portion of the costs that it takes to serve the 7,030 cases which we closed last fiscal year. ILAF funds are critical in helping to leverage other sources of funding for legal services. Funding also supports our front-line staff in our branch offices throughout the state who work directly with and represent clients from Pahoehoe to Hanalei.

Legal Aid remains committed to providing quality legal assistance for low-income individuals and those eligible for free services under the Older Americans Act. We understand that ILAF dollars are public funds, and we take commensurate care to spend it properly and wisely to increase access to justice for our clients. We pride ourselves on providing high-quality work. We believe the assistance we provide positively impacts the lives of our clients.

Client Drea, who was in danger of being evicted and losing her Section 8 housing voucher, recently shared, "I want the people to know that Legal Aid is a much needed service that the people can use for legal representation. It [has helped] me tremendously, and I know it will help other people too."

Through ILAF funding, Legal Aid can continue to ensure that we meet the civil legal needs of Hawai'i's low-income population.

We thank you again for your support.

A handwritten signature in black ink, appearing to read 'D. Kopper', with a stylized flourish at the end.

David Kaulila Kopper
Executive Director
Legal Aid Society of Hawai'i
924 Bethel Street
Honolulu, Hawai'i 96813



Telephone: (808) 536-4302 • Fax: (808) 527-8088
924 Bethel Street • Honolulu, Hawaii 96813

Arsima Muller, Esq.
President, Board of Directors

David Kauila Kopper, Esq.
Executive Director

Contract No. J26160
1st invoice

**LEGAL AID SOCIETY OF HAWAI'I
CONTRACT FOR HEALTH AND HUMAN SERVICES:
COMPETITIVE PURCHASE OF SERVICES
INVOICE
(P.O. #H03024)**

Angela K. Min
Special Assistant to Administrative Director
Office of the Administrative Director
417 S. King Street, Room 206A
Honolulu, HI 96713

Re: Legal Aid Society of Hawai'i 1st Invoice Payment Request

Dear Ms. Min:

We are requesting a payment of \$83,333.33 to Legal Aid Society of Hawaii for the provision of services for the first performance period, as specified in our Agreement for Services Contract No. J26160.

If you have any questions, please do not hesitate to call Jim Gagne at 527-8060.

Sincerely,


David K. Kopper
Executive Director



THE MEDIATION CENTER OF THE PACIFIC, INC.
Bringing People Together to Talk, Negotiate and Resolve Conflict Creatively

1301 Young Street, Honolulu, HI 96814 Tel: 521-6767 Fax: 538-1454 Email: mcp@mediatehawaii.org

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EXECUTIVE DIRECTOR

Tracey S. Wiltgen

September 3, 2025

To: The Hawaii State Legislature

State Capitol

415 South Beretania Street

From: Tracey S. Wiltgen, Executive Director

The Mediation Center of the Pacific

1301 Young Street

Honolulu, HI 96814

The Board of Directors and staff of the Mediation Center of the Pacific (MCP) are extremely grateful to you for your continued support of increasing access to justice and the organizations who provide the direct services in this area. The Indigent Legal Assistance Funds (ILAF) have helped to provide critical support for MCP and other civil legal service providers who continue to assist members of Hawaii's indigent population in addressing their legal matters.

MCP is one of the organizations that currently receives funds through ILAF to support the civil legal needs of Hawaii's low income population. MCP is a 501(c)(3) not for profit corporation that was founded in 1979 to provide Hawaii's people with high quality mediation and dispute resolution services that are affordable and accessible. Through MCP's programs, clients are assisted in resolving legal disputes quickly and cooperatively, saving time, money, and stress.

Mediation is a preferred process for helping parties resolve a broad array of disputes. The mediation process is less stressful for the participants because it is informal and focuses on creative problem solving to meet the needs of the participants, rather than an adversarial process that is used in the legal system. MCP is the only organization on Oahu that offers mediation and dispute resolution services for people in the low income population.

Over the years, MCP's services have been needed more than ever, particularly by individuals in the indigent population such as tenants facing eviction. As a result, the number of people served, and cases managed by MCP, continue to grow. In the recently ended fiscal year, Between July 1, 2024, and June 30, 2025 (FY2425), MCP opened and managed 4,847 cases and conducted 1,357 mediations involving 5,871 hours. 85% of the people involved in the mediations were in the low-income population and 31% were indigent.



THE MEDIATION CENTER OF THE PACIFIC, INC.
Bringing People Together to Talk, Negotiate and Resolve Conflict Creatively

1301 Young Street, Honolulu, HI 96814 Tel: 521-6767 Fax: 538-1454 Email: mcp@mediatehawaii.org

Key areas that typically involve access to justice issues for the indigent population are landlord-tenant and domestic matters. MCP provides a high volume of services in these areas. More specifically, in FY24-25, MCP opened 937 new landlord-tenant cases. 181 of the landlord-tenant cases were opened prior to the filing of an eviction in court. Of those pre-eviction cases opened, 65 cases were mediated with 82% resulting in agreement enabling the tenant to remain housed.

To strengthen the mediation process and increase the rate of agreement, annual mediator orientations and mentor training were implemented. The workshops and training helped the mediators improve their skills, resulting in a higher rate of agreement and increased satisfaction with clients. For example, until this past year, the rate of agreement for landlord-tenant cases mediated from District Court remained at approximately 49% to 52% (FY22-23). Whereas this past fiscal year, the rate of agreement for District Court eviction mediations increased to 57%. This significant improvement is attributed to increased training and support of the mediators, as well as increased time for mediations that are conducted virtually or in person at MCP's office. While scheduling the District Court mediations requires more staff to manage the cases and greater mediator support, the increased rate of agreement shows the value of these efforts. Without the ILAF funds and other private funding, MCP would not have been able to serve the high volume of landlord-tenant cases, manage the pre-eviction mediations, or improve mediation outcomes.

Finally, in the domestic arena involving divorce, post-divorce, and paternity matters, MCP opened 823 new cases in FY24-25. Through mediation, the couples were able to stop fighting and agree on plans to support the needs of their children, thereby reducing the stress and related negative impacts that parental fighting has on children. Due to the steady increase of domestic cases, MCP has needed to recruit and train more mediators to provide the services, as well as institute regular workshops and training for the mediators to ensure quality services are provided. The ILAF funds provides critical support for ensuring the services are readily available for all couples.

The Board of Directors and staff of MCP are grateful to the Legislature for your support that has enabled MCP to serve Hawaii's indigent and create programs that increase access to justice for all. We are committed to the continued growth of these services by partnering with the other organizations who serve Hawaii's needy, as well as the Judiciary and Hawaii Justice Foundation.

Sincerely,

Tracey S. Wiltgen
Executive Director



Native Hawaiian LEGAL CORPORATION

1164 Bishop Street, Suite 1205 • Honolulu, Hawai'i 96813
Phone (808) 521-2302 • www.nativehawaiianlegalcorp.org



September 9, 2025

Re: Support for Indigent Legal Aid to Mālama Hawai'i's Most Vulnerable

Aloha e Honorable Members of the Hawai'i State Legislature:

Mahalo for your generous support of the Indigent Legal Assistance Fund (ILAF) to ensure that people suffering poverty in Hawai'i have access to pro bono civil legal services that they need. Financial support for legal aid is critical for these charitable services to remain a part of the safety net for Hawai'i people and families when they are most vulnerable. Without civil legal aid, access to justice in Hawai'i would be a promise only for those that have financial means to pay, and many would go without legal services necessary to protect their rights to necessities, health, and wellbeing.

The Native Hawaiian Legal Corporation (NHLC) is acutely aware of the need for legal aid funding to ensuring access to justice. NHLC is currently in its 51st year of service to the community and has long been the only non-profit law firm in the State dedicated to protecting and advancing Native Hawaiian rights. From rights to promised housing stability under the Hawaiian Homes Commission Act, to defense of rights to kuleana and other family lands in quiet title actions, to rights necessary to protect culture, the natural environment, the integrity of the 'ohana, and burials, NHLC stands with Hawaiian families and communities to advocate for all the legal protections that can be afforded to Native Hawaiians for their health and wellbeing. All of these rights are not only critical for individual well being, but also for the well being of the Native Hawaiian community, and our special and distinctive culture in Hawai'i that depends upon a healthy and thriving Native Hawaiian community.

Often, however, NHLC's clients are precariously positioned with no practical alternative to NHLC for help. Native Hawaiians are well documented as overrepresented among people suffering poverty in Hawai'i. Roughly one in five of NHLC's clients met the requirements for indigency in CY2024. In FY2024-2025, NHLC provided services to 50 'ohana qualifying as indigent whose matters closed, and provided services to another 68 indigent 'ohana whose matters remained open into the current fiscal year. NHLC was able to provide hundreds of hours of pro bono legal services to these 'ohana. ILAF monies help NHLC aid these vulnerable families and members of our communities.

Alternative resources to fund this important work are scarce. Indeed, the legal needs of the Native Hawaiian community regularly exceed the funding available to meet them. That growing justice gap is precisely why ILAF funding, including steady increases to annual allocations and their fair distribution among communities in need, is so critical. Poverty and ancestry should never be barriers to accessing justice. Further, legal aid investments are efficient uses of public funds because they often prevent long-

Native Hawaiian Legal Corporation
Letter in Support of Funding for Indigent Civil Legal Aid
September 9, 2025
Page 2

term problems that become much more harmful, difficult, and costly to fix, e.g., homelessness, health issues, and incarceration.

NHLC and our clients have long depended on public funds for civil legal aid to ensure justice is accessible for Native Hawaiians and in Hawai'i, rather than gatekept for those with financial means. Mahalo nunui for your continued kōkua and kāko'o, so that the promise of justice in Hawai'i can continue to be for all the people in Hawai'i, regardless of wealth. Your support helps fill the justice gap, allows NHLC to continue our nonprofit's 51-years of work serving the lāhui, and contributes to the advancement and protection of Native Hawaiian health and wellness in our state.

Me ka ha'aha'a,



Makalika Naholowa'a
Executive Director



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EXECUTIVE
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Bettina Mok, MA

September 4, 2025

To: The Hawai'i State Legislature
Re: Indigent Legal Assistance Fund (ILAF)

Honorable Members of the Hawai'i State Legislature:

The Legal Clinic (TLC) extends its sincere appreciation to the Legislature for its continued support of the Indigent Legal Assistance Fund (ILAF). This funding is essential to ensuring access to justice for Hawai'i's most vulnerable residents, and we strongly urge its continuation. We are also grateful to the Judiciary and the Hawai'i Justice Foundation for their effective, responsive, and efficient administration of this program.

TLC's mission is to ensure justice for low-income immigrants and migrants in Hawai'i through high-quality immigration legal services, education, and advocacy. ILAF funds allow us to deliver these services free of charge to state residents from low-income backgrounds, with priority for those whose household income is at or below 125% of the federal poverty guideline.

- In 2024, ILAF was an important contributor toward TLC's ability to serve 176 low-income clients statewide, through direct immigration legal services. Cases included assistance with asylum petitions, removal/deportation defense in immigration court, citizenship and adjustment of status (green card) applications, and advice and counsel on a wide range of immigration matters.

Over the past year, federal enforcement actions have generated heightened fear in immigrant communities, resulting in more detained Hawai'i residents and greater need for legal representation in federal immigration court in Honolulu. With ILAF's support, our staff was able to provide urgent legal representation for many of these individuals who would otherwise face deportation proceedings without an attorney. ILAF funding has helped TLC build capacity to meet these needs and to expand outreach across the islands, including providing Know Your Rights sessions, webinars, and collaborations with local partners. ILAF also helps us sustain our pipeline for future immigration legal service providers, including training law student interns and supporting Department of Justice accreditation for non-attorney staff.

As one of the very few nonprofit organizations in Hawai'i specializing in complex immigration law, TLC plays a critical role in ensuring that immigrant families can remain together, obtain work authorization, and pursue stable futures in our state. ILAF funding has been indispensable in making this work possible.

We respectfully urge the Legislature to continue its support of the Indigent Legal Assistance Fund. This investment directly translates into life-changing services for low-income residents across Hawai'i, strengthens our legal system, and helps preserve justice and fairness for all. Mahalo for your continued leadership and commitment.

Sincerely,

Bettina Mok
Executive Director

UNIVERSITY of HAWAII at MĀNOA
WILLIAM S. RICHARDSON
SCHOOL OF LAW



September 8, 2025

TO: Hawai'i State Legislators
FROM: University of Hawai'i Elder Law Program
SUBJECT: Impact of Indigent Legal Assistance Fund

The University of Hawai'i Elder Law Program (UHELP) greatly appreciates the funding it receives through the Indigent Legal Assistance Program (ILAF). Without this supplemental funding, UHELP would not be able to accomplish key components of its mission. While UHELP is an integral part of the William S. Richardson School of Law, it does not receive any direct appropriations from the state or federal government to provide legal services, publications, and education to underserved older persons in our community on a year-round basis.

UHELP provides direct legal services to socially and economically needy older persons, caregivers, and veterans on a year-round basis, while it helps to serve the education and training needs of our law students. At the law school we provide law students with law related academic and experiential opportunities through UHELP by helping its older clients. In turn, our socially and economically needy older clients benefit from the legal services that the UHELP staff and law students provide under the supervision of UHELP's staff.

Through this ILAF grant, we work to enhance, protect, and preserve the autonomy and independence of our elders. Last fiscal year provided direct legal services, referral, and advice to approximately 320 qualified older persons as well as continuing educational outreach and informational support to care providers and their kūpuna care recipients. We also receive a significant number of calls from service providers, health care providers and institutions, non-profit organizations, and governmental agencies on elder law issues, including elder abuse, mental capacity, and health care decision-making, including end-of-life decisions.

With ILAF supplemental funding we hope to maintain our high level of legal services to socially and economically needy older persons as we all face increased budgetary challenges. We will continue to work cooperatively with the Judiciary, the Hawaii Justice Foundation, and the Legal Services Consortium to ensure a cooperative, smooth, and efficient operation at UHELP. Thank you again for your support of access to justice for low-income residents through ILAF funding.

Most Respectfully,

James H. Pietsch

Professor of Law and Director, UHELP

University of Hawai'i Elder Law Program
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Medical-Legal Partnership ♦ Hawai'i

A Project of the William S. Richardson School of Law
2515 Dole Street, Honolulu, Hawai'i 96822

September 9, 2025

Hawaii State Legislature
415 South Beretania Street
Honolulu HI 96813

RE: Support for ILAF Funding

Dear Honorable Members of the Hawai'i State Legislature,

On behalf of the Medical-Legal Partnership in Hawai'i (MLP), I am pleased to share this letter of support and gratitude for funding from the Indigent Legal Assistance Fund (ILAF). ILAF funds significantly enhance our capacity to provide direct legal services and systemic advocacy support to children and families who are experiencing poverty in Hawai'i.

MLP Hawai'i is a project of the William S. Richardson School of Law (University of Hawai'i) to provide free, on-site legal services for patients at Kōkua Kalihi Valley Comprehensive Family Services, Kapi'olani Medical Center, and other community-based settings. Since 2009, our small legal team has handled over 2,500 cases focused on the critical social/legal determinants of health. In 2024-25, for example, MLP opened 240 new legal case matters, one-third of which improved housing stability (eviction defense, disability access, and public housing navigation), and another third for income security (public benefits, employment, and consumer protection). Many of our cases also addressed civil rights, language access, and domestic violence issues. MLP staff conducts self-advocacy education for clients and community partners, and we also engage in extensive systemic advocacy work alongside the communities we serve. We have a particularly close relationship with Micronesian communities in Hawai'i and beyond, including working to address national policies like Medicaid restoration and I-94 access, as well as local matters to promote community safety, mental health, and health justice resources.

Today, local families are facing the punishing and cascading impacts of federal actions that render our work significantly more challenging. They include threats to basic food and housing safety net programs; the terror faced by our immigrant and migrant client communities; massive federal staffing and funding cuts reducing critical resources (including local civil legal services for indigent clients); and the attacks on the very tenets of democracy and the constitutional rule of law. In this time of federal chaos and disruption, state funding is critical. ILAF support for the work of local non-profit legal service providers is more important than ever. For MLP, even our small percentage of the overall ILAF funds translates into a substantial boost to our capacity to provide direct legal services to over 240 individual clients and families last year, and to reach hundreds more through community education and outreach.

Thank you for your continued support of this critical funding source. We are proud to be part of this dedicated cohort of legal service providers as we work together to expand access to justice for people across the state of Hawai'i.

Sincerely,

Dina Shek
Legal Director, Medical-Legal Partnership in Hawai'i
Faculty Specialist, William S. Richardson School of Law



BOARD OF DIRECTORS

September 3, 2025

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Rachel Figueroa
Executive Director

To: The Honorable Members of the Hawaii State Legislature

From: Rachel Figueroa, Executive Director
Volunteer Legal Services Hawai'i

Re: Indigent Legal Assistance Fund

On behalf of the Board of Directors, staff and those we serve at Volunteer Legal Services Hawaii ("Volunteer Legal"), thank you for the continued support for civil legal assistance to low-income and disadvantaged residents in our state.

The Indigent Legal Assistance Fund ("ILAF") remains a critical source of financial support for pro bono based civil legal assistance to those least able to afford and access professional legal help. Hawaii's institutional capacity to provide legal services to indigent persons in our state is strengthened by the pro bono work of attorneys. Volunteer Legal's pro bono program significantly extends the reach of legal aid programs to more persons in need with a broader range of legal services through coordination and collaboration with private attorneys.

Each year, over 1000 individuals are qualified to receive services through Volunteer Legal. Individuals are screened for income and asset eligibility as well as legal matter. The knowledgeable intake staff ensures that each qualified applicant is then paired with the appropriate volunteer attorney based on legal issue and level of service needed. These diverse needs are met through a continuum of services from intake and referral, to legal advice clinics, pro se guidance services, and referrals to volunteer attorneys for full representation.

Volunteer Legal is the administrative vehicle that allows for Hawaii residents in need to connect with legal professionals, without which many would go without access to meaningful legal assistance. People living in poverty or are at risk of poverty need legal assistance to resolve issues affecting their livelihood, housing, and family relations. Individuals in our State who are experiencing poverty or near poverty most often include children, elderly, disabled, veterans, rural residents, those recovering from homelessness or incarceration, and those with limited English capabilities. Access to civil legal services is intricately woven into the safety net of programs needed to effectively transition people out of poverty.

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Honolulu, Hawai'i 96813
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Fax: (808) 524-2147

www.vlsh.org

In 2024, Volunteer Legal qualified around 1000 individuals. Of that number, 55% had household incomes at or below 125% of the federal poverty guideline for the State of Hawaii. This amounted to a gross annual income of \$44,850 for a family of four and \$21,638 for an individual. In the same year, 20% of those served by Volunteer Legal were aged 60 years or older, and another 26% self-identified as having a disability. In all, Volunteer Legal assisted approximately 533 ILAF qualified individuals in 2024 in legal matters affecting child custody, bankruptcy, veterans benefits, landlord tenant issues, adoptions and guardianship, estate planning, and license reinstatement.

Volunteer Legal has over 200+ attorneys who volunteer in, including but not limited to, family law, bankruptcy, estate planning, collections, and small claims. We are very proud and thankful to have a wide spectrum of attorneys from solo practitioners to partners at large large firms volunteering. In 2024, Volunteer attorneys invested over \$815,000 worth of pro bono hours delivering direct services to qualified individuals and families through Volunteer Legals Clinics. Additionally, over 100 pro bono hours were donated online at ABA Free Legal Answers Hawaii, otherwise known as Hawaii Online Pro Bono.

ILAF funds are used to support staff salaries and benefits as well as program costs that directly ensure the quality and effectiveness of services being delivered to low-income persons. During the pandemic, ILAF was one of the few stable funding sources that Volunteer Legal received during the time of extreme need. In an average year, ILAF does not compose a large percentage of Volunteer Legal's overall program budget, but it does allow the organization to leverage other sources of funds from private foundations and donors.

The effectiveness of Volunteer Legal to act as the conduit between those in need of legal assistance and those with the tools to help is highly dependent on funds like ILAF. For these reasons, we thank the Hawaii State Legislature for its continued support of civil legal services to those who are in most need in our community.

Sincerely,

A handwritten signature in black ink that reads "Rachel Figueroa". The script is cursive and fluid, with the first name "Rachel" and last name "Figueroa" clearly distinguishable.

Rachel Figueroa
Executive Director



Office of the Administrative Director of the Courts – THE JUDICIARY • STATE OF HAWAII
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Brandon M. Kimura
ADMINISTRATIVE DIRECTOR

Daylin-Rose H. Heather
DEPUTY ADMINISTRATIVE DIRECTOR

December 17, 2025

Via electronic submission

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

The Honorable Nadine K. Nakamura
Speaker of the House of Representatives
State Capitol, Room 431
Honolulu, HI 96813

Dear President Kouchi and Speaker Nakamura:

Pursuant to Senate Concurrent Resolution No. 123, S.D. 1, H.D. 1, Session Laws of Hawai'i 2025, the Judiciary is transmitting a copy of the *Report of the Landlord-Tenant Code Working Group*.

In accordance with Section 93-16, Hawai'i 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: https://www.courts.state.hi.us/news_and_reports/reports/reports.

Should you have any questions regarding this report, please feel free to contact Karen Takahashi of the Judiciary's Legislative Affairs and Special Projects Division at (808) 539-4896, or via e-mail at Karen.T.Takahashi@courts.hawaii.gov.

Sincerely,

Brandon M Kimura

Brandon M. Kimura
Administrative Director of the Courts

Attachment

c: Legislative Reference Bureau Library

**REPORT TO THE THIRTY-THIRD LEGISLATURE
2026 REGULAR SESSION**

**Report of the Landlord-Tenant
Working Group**

Pursuant to

**Senate Concurrent Resolution No. 123, S.D. 1, H.D. 1
Session Laws of Hawai'i 2025**

Prepared by:

The Landlord-Tenant Working Group

December 2025

The Landlord-Tenant Working Group (“Working Group”) was established pursuant to Senate Concurrent Resolution No. 123, S.D.1, H.D.1 (2025) (“SCR 123”), a copy of which is attached to this report as Exhibit 1. The Working Group was tasked with reviewing the residential landlord-tenant code and addressing other housing issues, including:

- 1) Conducting a comprehensive review of the Residential Landlord-Tenant Code to determine if any amendments or updates are necessary;
- 2) Reviewing existing mechanisms available to landlords and tenants for the enforcement of rights under the Residential Landlord-Tenant Code;
- 3) Determining problem areas that impact property managers, tenants, and property owners and whether educational resources or other solutions can help address those challenges;
- 4) Considering the feasibility of statutory processes through which injunctive relief might be obtained; and
- 5) Exploring any other feasible ideas or relevant solutions, pursuant to the discretion of the working group.

SCR 123 requested that the Working Group membership be comprised of:

- (1) The Chief Justice of the Hawai‘i Supreme Court, or their designee, who is requested to serve as the chairperson of the working group;
- (2) The President of the Senate, or their designee;
- (3) The Speaker of the House of Representatives, or their designee;
- (4) The Attorney General, or their designee;
- (5) The Executive Director of the Office of Consumer Protection of the Department of Commerce and Consumer Affairs, or their designee;
- (6) An attorney specializing in landlord-tenant laws, to be invited by the chairperson;
- (7) One individual who owns rental property in the state that they are managing personally, but who is not a real estate licensee, to be invited by the chairperson;
- (8) Two members from organizations representing professional property managers--one to be invited by the President of the Senate or the President’s designee and one to be invited by the Speaker of the House of Representatives or the Speaker’s designee;

- (9) Two members from organizations representing tenant concerns--one to be invited by the President of the Senate or the President's designee and one to be invited by the Speaker of the House of Representatives or the Speaker's designee; and
- (10) Any other member deemed necessary that provides the appropriate special expertise, including representatives from organizations with experience in landlord or tenant issues, upon approval by the chairperson.

The Working Group members are:

- Judge Melanie May, Deputy Chief Judge, District Court of the First Circuit, Chair (designated by the Chief Justice);
- David Chee, Attorney at Law (designated by the Chairperson);
- Christopher M. Dunn, Deputy Chief Judge, District Court of the Second Circuit (designated by the Chairperson);
- Allen Fahrni, Principal Broker and Property Manager, Fahrni Realty, Inc. (designated by the House Speaker);
- Lyndsey Garcia, Director of Advocacy, Hawai'i Association of Realtors (designated by the Senate President);
- Troy N. Hashimoto, Senator (Vice Chair, Senate Committee on Housing) (designated by the Senate President);
- Roberta Hickey-Gomez, Special Programs Innovator, Mediation Center of the Pacific (designated by the Chairperson);
- Michelle K. Laubach, Deputy Chief Judge, District Court of the Third Circuit (designated by the Chairperson);
- Anne E. Lopez, Attorney General, State of Hawai'i
- Scot Z. Matayoshi, Representative (Chair, House Committee on Consumer Protection and Commerce) (designated by House Speaker);
- Mana Moriarty, Executive Director, Office of Consumer Protection, Department of Commerce and Consumer Affairs;
- Shellie K. Park-Hoapili, District Court Judge, District Court of the First Circuit (designated by the Chairperson);
- Alicia Pitts, Honolulu Consumer and Housing Managing Attorney, Legal Aid Society of Hawai'i (designated by the Senate President);
- Michael K. Soong, Deputy Chief Judge, District Court of the Fifth Circuit (designated by the Chairperson);
- Will White, Executive Director, Hawai'i Appleseed Center for Law and Economic Justice (designated by the House Speaker).

The Chair has solicited suggestions from the working group to fulfill the legislature's request that the working group include a member who owns rental property in the state that they are managing personally, but who is not a real estate licensee.

The Working Group met on July 1, 2025, October 30, 2025, and November 20, 2025. The Working Group's review of the Residential Landlord-Tenant Code is underway, beginning with a review and discussion of the respective rights and responsibilities of landlords and tenants. The Working Group has also begun to collect information from members regarding existing resources available to landlords and tenants for a potential resource page for the public.

SENATE CONCURRENT RESOLUTION

REQUESTING THE JUDICIARY TO CONVENE A WORKING GROUP TO REVIEW
THE RESIDENTIAL LANDLORD-TENANT CODE TO DETERMINE IF ANY
AMENDMENTS OR UPDATES ARE NECESSARY TO IMPROVE LANDLORD-
TENANT INTERACTIONS AND ADDRESS OTHER HOUSING ISSUES.

1 WHEREAS, rental housing is a vital source of housing for
2 many working families, residents, and locals in Hawaii, with
3 38.2 percent of Hawaii residents living as renters, according to
4 the Economic Research Organization at the University of Hawaii's
5 2024 Hawaii Housing Factbook; and

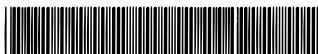
6
7 WHEREAS, landlord-tenant relationships are governed by
8 various state and federal laws, requiring clear understanding
9 and compliance to ensure fair and equitable treatment for
10 tenants and housing providers alike; and

11
12 WHEREAS, the increasing complexity of these laws and
13 navigating the court process can create difficulties for tenants
14 and housing providers; and

15
16 WHEREAS, clarifying landlord-tenant laws will reduce the
17 number of cases that are brought to court, thus alleviating the
18 burden placed on the judicial system; and

19
20 WHEREAS, making improvements to the landlord-tenant law
21 will help housing providers to have more certainty and
22 confidence in their ability to rent their properties and provide
23 Hawaii residents with much needed housing; and

24
25 WHEREAS, establishing a working group dedicated to
26 researching and improving the landlord-tenant code and
27 addressing any other relevant landlord-tenant issues would
28 provide an opportunity for collaboration among key stakeholders



1 to identify concerns, evaluate potential solutions, and
2 recommend best practices; now, therefore,

3
4 BE IT RESOLVED by the Senate of the Thirty-third
5 Legislature of the State of Hawaii, Regular Session of 2025, the
6 House of Representatives concurring, that the Judiciary is
7 requested to convene a three-year working group to review the
8 Residential Landlord-Tenant Code to determine if any amendments
9 or updates are necessary to improve landlord-tenant interactions
10 and address other housing issues, including:

- 11
12 (1) Conducting a comprehensive review of the Residential
13 Landlord-Tenant Code to determine if any amendments or
14 updates are necessary;
15
16 (2) Reviewing existing mechanisms available to landlords
17 and tenants for the enforcement of rights under the
18 Residential Landlord-Tenant Code;
19
20 (3) Determining problem areas that impact property
21 managers, tenants, and property owners and whether
22 educational resources or other solutions can help
23 address those challenges;
24
25 (4) Considering the feasibility of statutory processes
26 through which injunctive relief might be obtained; and
27
28 (5) Exploring any other feasible ideas or relevant
29 solutions, pursuant to the discretion of the working
30 group; and
31

32 BE IT FURTHER RESOLVED that the working group is requested
33 to be comprised of the following members:

- 34
35 (1) (1) The Chief Justice of the Hawaii Supreme Court, or
36 their designee, who is requested to serve as the
37 chairperson of the working group;
38
39 (2) The President of the Senate, or their designee;
40
41 (3) The Speaker of the House of Representatives, or their
42 designee;



- (4) The Attorney General, or their designee;
- (5) The Executive Director of the Office of Consumer Protection of the Department of Commerce and Consumer Affairs, or their designee;
- (6) An attorney specializing in landlord-tenant laws, to be invited by the chairperson;
- (7) One individual who owns rental property in the State that they are managing personally, but who is not a real estate licensee, to be invited by the chairperson;
- (8) Two members from organizations representing professional property managers--one to be invited by the President of the Senate or the President's designee and one to be invited by the Speaker of the House of Representatives or the Speaker's designee;
- (9) Two members from organizations representing tenant concerns--one to be invited by the President of the Senate or the President's designee and one to be invited by the Speaker of the House of Representatives or the Speaker's designee; and
- (10) Any other member deemed necessary that provides the appropriate special expertise, including representatives from organizations with experience in landlord or tenant issues, upon approval by the chairperson; and

BE IT FURTHER RESOLVED that an initial meeting of the working group be convened no later than July 1, 2025; and

BE IT FURTHER RESOLVED that the working group is requested, with the assistance of the Judiciary, to submit an initial report of its findings to the Legislature no later than twenty days prior to the convening of the Regular Session of 2026; and



1 BE IT FURTHER RESOLVED that certified copies of this
2 Concurrent Resolution be transmitted to the Chief Justice of the
3 Hawaii Supreme Court, President of the Senate, Speaker of the
4 House of Representatives, Attorney General, and Executive
5 Director of the Office of Consumer Protection of the Department
6 of Commerce and Consumer Affairs.
7
8





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Brandon M. Kimura
ADMINISTRATIVE DIRECTOR

Daylin-Rose H. Heather
DEPUTY ADMINISTRATIVE DIRECTOR

December 19, 2025

Via electronic submission

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

The Honorable Nadine K. Nakamura
Speaker of the House of Representatives
State Capitol, Room 431
Honolulu, HI 96813

Dear President Kouchi and Speaker Nakamura:

Attached please find a revised version of the following report the Judiciary submitted to the Legislature on September 30, 2025 -- *Report on FY 2025 Non-General Funds*. The revised report includes information on trust funds that was not included in the previous version of the report, as well as other edits. The report is submitted pursuant to Sections 37-47, 37-48, and 37-49, Hawaii Revised Statutes.

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: https://www.courts.state.hi.us/news_and_reports/reports/reports.

Should you have any questions regarding this report, please feel free to contact Karen Takahashi of the Judiciary's Legislative Affairs and Special Projects Division at 808-539-4896, or via e-mail at Karen.T.Takahashi@courts.hawaii.gov.

Sincerely,

Brandon Kimura

Brandon M. Kimura
Administrative Director of the Courts

Attachment

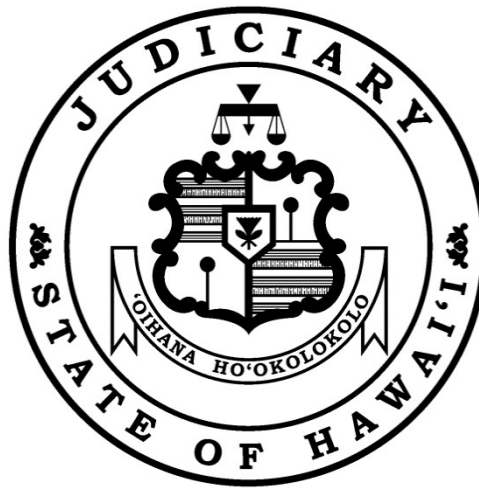
c: Legislative Reference Bureau Library

**REPORT TO THE THIRTY-THIRD LEGISLATURE
2026 REGULAR SESSION**

ON

HRS § 37-47, HRS § 37-48, and HRS § 37-49

A Report on FY 2025 Non-General Funds



Prepared by:

The Judiciary, State of Hawaiʻi

December 2025 (Revised)

**REPORT TO THE THIRTY-THIRD LEGISLATURE
2026 REGULAR SESSION**

ON

HRS § 37-47, HRS § 37-48, and HRS § 37-49

Report on FY 2025 Non-General Funds

The following report is respectfully submitted in accordance with HRS § 37-47, HRS § 37-48, and HRS § 37-49 requiring a report of each non-general fund account, including but not limited to:

HRS § 37-47 Reporting of non-general fund information

- (1) The name of the fund and a cite to the law authorizing the fund;
- (2) The intended purpose of the fund;
- (3) The current program activities that the fund supports;
- (4) The balance of the fund at the beginning of the current fiscal year;
- (5) The total amount of expenditures and other outlays from the fund account for the previous fiscal year;
- (6) The total amount of revenue deposited to the account for the previous fiscal year;
- (7) A detailed listing of all transfers from the fund;
- (8) The amount of moneys encumbered in the account as of the beginning of the fiscal year;
- (9) The amount of funds in the account that are required for the purposes of bond conveyance or other related bond obligations;
- (10) The amount of moneys in the account derived from bond proceeds; and
- (11) The amount of moneys of the fund held in certificates of deposit, escrow accounts or other investments.

HRS § 37-48 Non-general fund program measures reports

- (1) A statement of its objectives;
- (2) Measures quantifying the target population to be served for each of the ensuing six fiscal years;
- (3) Measures by which the effectiveness in attaining the objectives is to be assessed;
- (4) The level of effectiveness planned for each of the ensuing six fiscal years;
- (5) A brief description of the activities encompassed;
- (6) The program size indicators; and
- (7) The program size planned for each of the next six fiscal years.

HRS § 37-49 Non-general fund cost element reports

- (1) Budget details by cost element; and
- (2) Non-general fund names and account codes for each item or object code.

SECTION 37-47, HAWAI'I REVISED STATUTES
Reporting of Non-General Fund Information

NON-GENERAL FUND INFORMATION FY25
PURSUANT TO HRS, SECTION 37-47

NAME OF FUND (1) PURPOSE (2)	LAW AUTHORIZING FUND (1)	CURRENT PROGRAM ACTIVITY WHICH FUND SUPPORTS (3)	BEG BALANCE (2026) (4)	PRIOR YEAR EXPENDITURES (2025) (5)	PRIOR YEAR REVENUE (2025) (6)	TRANSFER FROM FUNDS (2025) (7)	BEG ENCUMBERED BALANCE (2026) (8)
Judicial Training FY24 (S-224) This grant aims to train district court judges with jurisdiction to preside over traffic matters that require information about legal issues and court procedures that may encourage increased compliance with existing traffic laws. Judges who attend judicial training sessions on impaired driving will increase their knowledge about the latest developments in the adjudication of traffic cases.	National Highway Traffic Safety Administration Fixing America's Surface Transportation Act Section 154, Section 164 and/or Section 405 program funds	Office of the Administrative Director of the Courts	-	4,797	3,129	-	-
Judiciary DWI court (S-225) The grant funds will support the continued operation of the Driving While Impaired (DWI) Court program in the District Court of the First Circuit by enhancing supervision resources for program participants and expanding training opportunities for staff. With the 2025 Legislature's approval of funding to make the DWI Court a permanent program, these funds will also support two permanent positions and ongoing program operations. This stable funding marks a significant milestone, allowing the DWI Court to grow and expand beyond its pilot phase and establish itself as a lasting part of the judicial system.	National Highway Traffic Safety Administration Fixing America's Surface Transportation Act Section 154, Section 164 and/or Section 405 program	District Court, First Circuit	-	33,959	32,562	-	-
Judiciary Electronic Citation Traffic Records (S-226) This grant enables the Judiciary Traffic Violation Bureau (TVB) for 1st and 2nd Circuits to continue to receive electronic citations (eCitations) from their respective police departments. eCitations have the benefit of reducing paper transport delays and therein provide immediate access to citation data to the courts, prosecutors, and police departments.	National Highway Traffic Safety Administration Fixing America's Surface Transportation Act 402	Office of the Administrative Director of the Courts	-	-	-	-	-
Judiciary Gunshot Detection Program Phase 3 (S-227) This grant is provided to mitigate, prevent, prepare, respond, and recover from threats and incidents of terrorism. It supports the Judiciary, State of Hawaii in leveraging funding to support the National Preparedness System initiatives.	The Homeland Security Act of 2002 (Public Law 107-296) (6 U.S.C. 603). The Appropriation Act, 2020, (Public Law 115-31).	Office of the Administrative Director of the Courts	-	8,042	8,042	-	-
Enhancing the Hawaii Drug Court (S-231) This grant program provides financial and technical assistance to states, state courts, local courts, and units of local government to implement and enhance the operations of adult drug courts and veteran treatment courts. The BJA allows award recipients to implement or enhance the most appropriate drug court model to accommodate the needs and available resources of their jurisdictions. The focus is to reduce opioid, stimulant, and substance abuse.	FY20 (BJA - Drug Courts) 34 USC 10611; Pub. L. No. 116-93, 133 Stat 2317, 2409	Circuit Court, First Circuit	-	17,110	17,110	-	-
FY2024 Access and Visitation Program (S-232) This grant provides safe Supervised Child Visitation/Exchange for families experiencing domestic violence on Oahu with a secure visitation center. The families are referred by Family Court. "Each year, about \$10 million in mandatory grant funding goes to states and territories to operate the AV program, which helps increase noncustodial parents' access to and time with their children. States are permitted to use grant funds to develop programs and provide services such as: mediation, development of parenting plans, education, counseling, visitation enforcement (including monitored and supervised visitation, and neutral drop-off and pick-up) and development of guidelines for visitation and alternative custody arrangements."	Title IV, Part D, Section 469B of the Social Security Act (the Act), 42 US Code 669b	Family Court, First Circuit	-	27,273	27,273	-	-

NAME OF FUND (1) PURPOSE (2)	LAW AUTHORIZING FUND (1)	CURRENT PROGRAM ACTIVITY WHICH FUND SUPPORTS (3)	BEG BALANCE (2026) (4)	PRIOR YEAR EXPENDITURES (2025) (5)	PRIOR YEAR REVENUE (2025) (6)	TRANSFER FROM FUNDS (2025) (7)	BEG ENCUMBERED BALANCE (2026) (8)
State Court Improvement Program (S-234) This grant provides assessment and improvement activities of the child welfare functions of the court system to promote continuous quality improvement with respect to due process, timeliness, and quality of court hearings; quality legal representation; and engagement of the entire family in the court process. It also allows state courts to make improvements to provide for the safety, well-being, and permanence of children in foster care and assist in the implementation of the PIP as a result of the CFSR.	Title IV Part B, Subpart 2, Section 438 of the Social Security Act (Act)	Family Court, First Circuit	-	111,076	111,076	-	-
Sustaining a Multi-Pronged Approach to Domestic Violence (S-240) To sustain efforts supported by prior Stop Violence Against Women Act grant awards through a multi-pronged approach that addresses ongoing education on the dynamics of domestic violence for judges and for the larger community, effective domestic violence intervention for those who perpetrate domestic violence, and strengthening coordinated community responses.	Title IV of the Violence Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 3796	Family Court, First Circuit	-	31,305	44,889	-	-
Homeland Security Grant Program (S-241) - New The FY 2024 HSGP funds are provided to Mitigate, Prevent, Prepare, Respond, and Recover from threats and incidents of terrorism. The FY 2024 HSGP supports the Judiciary, State of Hawaii in leveraging funding to support the National Preparedness System initiatives.	The Homeland Security Act of 2002 (Public Law 107-296) (6 U.S.C. 603). The Appropriation Act, 2020, (Public Law 115-31).	Office of the Administrative Director of the Courts	-	-	99,012	-	-
State Access and Visitation Program (FY23) (S-242) This grant provides safe Supervised Child Visitation/Exchange for families experiencing domestic violence on Oahu with a secure visitation center. The families are referred by Family Court. "Each year, about \$10 million in mandatory grant funding goes to states and territories to operate the AV program, which helps increase noncustodial parents' access to and time with their children. States are permitted to use grant funds to develop programs and provide services such as: mediation, development of parenting plans, education, counseling, visitation enforcement (including monitored and supervised visitation, and neutral drop-off and pick-up) and development of guidelines for visitation and alternative custody arrangements."	Social Security Act, Title IV, Part D, Section 469B, 42 US Code 669b	Family Court, First Circuit	-	-	-	-	-
COSSAP Hawaii (S-243) This grant will provide treatment, recovery support services and family court interventions by implementing and expanding comprehensive efforts to identify, respond to, treat, and support those impacted by drug abuse in the adult and the juvenile justice system on Oahu, Hawaii.	34 USC 10701; Public Law 116-260, 134 Stat. 1182, 1259	Circuit Court, First Circuit	-	335,411	335,411	-	-
Judiciary DWI Court (FY25) (S-245) - New The grant funds will support the continued operation of the Driving While Impaired (DWI) Court program in the District Court of the First Circuit by enhancing supervision resources for program participants and expanding training opportunities for staff. With the 2025 Legislature's approval of funding to make the DWI Court a permanent program, these funds will also support two permanent positions and ongoing program operations. This stable funding marks a significant milestone, allowing the DWI Court to grow and expand beyond its pilot phase and establish itself as a lasting part of the judicial system.	National Highway Traffic Safety Administration Fixing American's Surface Transportation Act Section 154, Section 164and/or Section 405 program funds; Bipartisan Infrastructure Law(BIL) Section 154, Section 164 and/or Section 405d program funds; and /or Supplemental BIL Section 405d program funds.	District Court, First Circuit	-	30,621	30,621	-	-

NAME OF FUND (1) PURPOSE (2)	LAW AUTHORIZING FUND (1)	CURRENT PROGRAM ACTIVITY WHICH FUND SUPPORTS (3)	BEG BALANCE (2026) (4)	PRIOR YEAR EXPENDITURES (2025) (5)	PRIOR YEAR REVENUE (2025) (6)	TRANSFER FROM FUNDS (2025) (7)	BEG ENCUMBERED BALANCE (2026) (8)
Judicial Training (FY25) (S-248) - New This grant aims to train district court judges with jurisdiction to preside over traffic matters that require information about legal issues and court procedures that may encourage increased compliance with existing traffic laws. Judges who attend judicial training sessions on impaired driving will increase their knowledge about the latest developments in the adjudication of traffic cases.	National Highway Traffic Safety Administration Fixing America's Surface Transportation Act Section 154, Section 164 and/or Section 405 program funds	Office of the Administrative Director of the Courts	-	-	-	-	-
Homeland Security Grant Program (FY22) (S-252) A portion of this grant (160K) covers Phase 4 of the Courthouse Security Camera Surveillance and Recording System (System) at Ali'iolani Hale and the Kapuaiwa Building. Initially started in FY 2018, this is the 4th and final phase of the project to close out and complete the System, which consists of approximately 60 high definition cameras strategically placed on the exterior and interior sides of both buildings. The remaining grant funds (80K) will enable the Information Technology and Systems Department to initiate and develop a Judiciary Emergency Data Center to serve as a backup to the existing Judiciary Data Center. This crucial secondary system located in an offsite secure commercial data center will allow the Judiciary to access Judiciary servers and applications in order to continue working in the event of a major crisis statewide and maintain continuity of the courts for the State of Hawaii.	Section 2002 of the Homeland Security Act of 2002 (Pub. L. No. 107-296, as amended) (6 U.S.C. § 603)	Office of the Administrative Director of the Courts	-	24,016	24,016	-	-
Court Improvement - Basic Program (S-253) This grant provides for assessment and improvement activities of the child welfare functions of the court system to promote continuous quality improvement with respect to due process, timeliness, and quality of court hearings; quality legal representation; and engagement of the entire family in the court process. It also allows state courts to make improvements to provide for the safety, well-being, and permanence of children in foster care and assist in the implementation of the PIP as a result of the CFSR.	Social Security Act, Title IV-B, Part 2, Section 438	Family Court, First Circuit	-	158,919	158,919	-	-
MOA Office of Language Access(S-254) - New To recruit language interpreters who are interested in providing services to assist limited English proficient (LEP) persons doing business with the Hawaii State Courts and other government agencies, and to provide training to increase the number and availability of qualified language interpreters and further develop their language interpretation skills.	Memorandum of Agreement (MOA) between the Office of Language Access (OLA) a governmental agency of the State of Hawaii and the Office on Equality and Access to the Courts, Hawaii Judiciary (OEAC)	Office of the Administrative Director of the Courts	-	21,965	49,500	-	-
Judiciary Driver Education (FY25) (S-255) - New The funds will be used to train and certify seven driver education instructors; purchase five pairs of impairment goggles and five set of corresponding activities; and send representatives to the Lifesaver Conference	National Highway Traffic Safety Administration Fixing American's Surface transportation Act Section 164 and/or Section 405 program funds; Bipartisan Infrastructure Law(FIL) Section 154, Section 164, Section 405d, Section 402 program funds; and/or Supplemental BIL Section 405d and Section 402 program funds.	District Court, First Circuit	-	24,309	24,309	-	-

NAME OF FUND (1) PURPOSE (2)	LAW AUTHORIZING FUND (1)	CURRENT PROGRAM ACTIVITY WHICH FUND SUPPORTS (3)	BEG BALANCE (2026) (4)	PRIOR YEAR EXPENDITURES (2025) (5)	PRIOR YEAR REVENUE (2025) (6)	TRANSFER FROM FUNDS (2025) (7)	BEG ENCUMBERED BALANCE (2026) (8)
Judiciary Gun Shot Detection Program (FY22) (S-257) This grant will assist the Security Division of the Courts to prevent, deter, respond to, and recover from threats and incidents of terrorism. The FY 2021 HSGP supports the Judiciary, State of Hawaii in leveraging funding to support the National Preparedness System initiatives.	The Homeland Security Act of 2002, Public Law 107-296, 6 U.S.C. 603; Department of Homeland Security Appropriations Act of 2020, Public Law 115-31.	Office of the Administrative Director of the Courts	-	-	-	-	-
State Access & Visitation Program (FY25) (S-258) - New This grant provides safe Supervised Child Visitation/Exchange for families experiencing domestic violence on Oahu with a secure visitation center. The families are referred by Family Court. "Each year, about \$10 million in mandatory grant funding goes to states and territories to operate the AV program, which helps increase noncustodial parents' access to and time with their children. States are permitted to use grant funds to develop programs and provide services such as: mediation, development of parenting plans, education, counseling, visitation enforcement (including monitored and supervised visitation, and neutral drop-off and pick-up) and development of guidelines for visitation and alternative custody arrangements."	Part D of Title IV section 469B of Social Security Act (Act)	Family Court, First Circuit	-	72,727	72,727	-	-
State Court Improvement Program (FY25) (S-259) - New This grant provides assessment and improvement activities of the child welfare functions of the court system to promote continuous quality improvement with respect to due process, timeliness, and quality of court hearings; quality legal representation; and engagement of the entire family in the court process. It also allows state courts to make improvements to provide for the safety, well-being, and permanence of children in foster care and assist in the implementation of the PIP as a result of the CFSR.	Title IV, Part B, Subpart 2, section 438, of the Social Security Act (Act)	Family Court, First Circuit	-	-	-	-	-
MOA, Alcohol and Drug Abuse Division (S-288) - New ADAD approved monies for a Dedicated Substance Abuse Counselor (DSAC) for the Juvenile Druhh Court Program to provide substance abuse services for court involved youth. These services are substance abuse assessments, substance abuse education, substance abuse outpatient program, and substances abuse intensive outpatient program.	Section 103F-101(a)(2), Hawaii Revised Statutes	Family Court, First Circuit	-	57,778	65,000	-	-
Justice for Families Program - (HSCADV) (S-290) This grant aims to assist self-represented victims of domestic violence, sexual assault, and stalking to understand their legal options and assert their rights, as well as to provide training and technical assistance for victim advocates and child welfare workers about critical civil legal issues.	34 U.S.C. § 12464 (OVW-JFF)	Office of the Administrative Director of the Courts	-	39,697	39,697	-	-
Judiciary Computer System Special Fund (S-315) This fund provides consulting and other related fees and expenses in selection, implementation, programming, and subsequent upgrades for a statewide computer system; and for purchase of hardware/software related to the system.	Act 203/96 , Act 299/99 Act 216/03, Act 230/04 Act 231/04	Judiciary Information Management System Users	5,246,422	3,013,645	4,775,330	-	687,336
Driver Education Training Fund (S-320) This fund coordinates and administers a comprehensive traffic safety education and training program as a preventative and rehabilitative effort for both adult and juvenile traffic offenders.	286G-2, HRS	Statewide Judiciary-Driver Education Training	1,702,121	2,222,253	1,944,750	-	61,324
Indigent Legal Assistance Fund (S-322) This fund provides civil legal services to indigent parties.	607-5.7, HRS	Indigent parties involved in civil litigation	934,303	1,129,995	1,424,155	-	-

NAME OF FUND (1) PURPOSE (2)	LAW AUTHORIZING FUND (1)	CURRENT PROGRAM ACTIVITY WHICH FUND SUPPORTS (3)	BEG BALANCE (2026) (4)	PRIOR YEAR EXPENDITURES (2025) (5)	PRIOR YEAR REVENUE (2025) (6)	TRANSFER FROM FUNDS (2025) (7)	BEG ENCUMBERED BALANCE (2026) (8)
<u>Parent Education Special Fund (S-325)</u> This fund supports programs to educate parents on the impact their separation will have on their children and to help separating parties avoid future litigious disputes. All divorcing parents and their children attend programs on each island.	607-5.6, HRS	Statewide Judiciary-Kid's First Program	495,318	81,450	121,389		15,645
<u>Spouse and Child Abuse Special Account (S-340)</u> This account is used for staff programs, and grants or purchases of service that support or provide spouse or child abuse intervention or prevention activities.	601-3.6, HRS	Statewide Judiciary-Family Courts	331,826	333,075	407,749		30,904
<u>Supreme Court Law Library Revolving Fund (S-350)</u> This fund is used to replace or repair lost, damaged, stolen, unreturned, or outdated books, serials, periodicals, and other library materials, or to support and improve library services.	601-3.5, HRS	Statewide Judiciary-Law Library Services	17,628	5,519	6,363		-
<u>Court Interpreting Services Revolving Fund (S-352)</u> This fund is used to support Court Interpreting Services program's educational services and activities relating to training, screening, testing, and certification of court interpreters.	607-1.5, HRS	Statewide Judiciary-Court Interpreter Services	35,788	7,278	8,909		761
<u>Supreme Court Bar Examination Fund (T-901)</u> This fund continues to serve the purpose for which it was created, which is to account for filing fees collected from individuals who are applying to take the Hawaii Bar Examination. Expenditures include costs associated with the administration of biannual bar examinations such as purchasing exam materials, rental of software and hardware for non-standard test accommodations, rent for the test facility, hiring an electrician to provide power in the laptop test room, court reporters, transcription fees, and security at the exam site. The fund expenditures also include providing for staff to travel to grading workshops and conferences, as well as other expenses incidental to the administration of the examination.	Supreme Court, Section 1.4	Supreme Court	437,934	166,790	145,085	-	-
<u>Detention Home Donations (T-902)</u> This fund was established to deposit donated funds from the public/community and is used to purchase clothes and personal items for the juveniles at the Detention Home. This fund is also used to purchase gifts for the juveniles at Christmas.	Public Law 8915,656564 (highway Safety Aur fa 1966)	Family Court, First Circuit	13,309	-	-	-	1,596
<u>Family Court, 1st Circuit-Restitution FD (T-905)</u> This account was established to document transactions for donations to the Family Courts Juvenile Monetary Restitution Program.	N/A	Family Court, First Circuit - Juvenile Client Services Branch, Intake and Probation Section	29,336	2,982	-	-	-
<u>Promote and Advance Civic Education (PACE) Commission (T-962)</u> The Supreme Court has created a commission to Promote and Advance Civic Education (PACE). The purpose of the commission is to promote and advance civic education for students and citizens of Hawaii. The PACE Commission's tasks include, providing leadership, oversight, and initiatives to increase civic education in the community and at schools, increasing citizens' knowledge about government, and promoting informed participation in government and democracy in Hawai'i, and (2) providing educational resources for the public about the importance of civic education through collaboration with the media and by other means.	N/A	Intermediate Court of Appeals	16,467	4,750	-	-	-

NAME OF FUND (1) PURPOSE (2)	LAW AUTHORIZING FUND (1)	CURRENT PROGRAM ACTIVITY WHICH FUND SUPPORTS (3)	BEG BALANCE (2026) (4)	PRIOR YEAR EXPENDITURES (2025) (5)	PRIOR YEAR REVENUE (2025) (6)	TRANSFER FROM FUNDS (2025) (7)	BEG ENCUMBERED BALANCE (2026) (8)
<u>MOA Alcohol and Drug Abuse Division (T-968)</u> This is a MOA with the State of Hawaii - DOH-ADAD to provide the Judiciary \$75,615/year for a period of three years (04/01/22 - 09/30/24) to continue operation of the Driving While Impaired Court Program. The funding of this MOA is to cover for the cost of two full-time positions (DWI Court Coordinator & DWI Court Case Manager) that are required to maintain the operation of the program.	N/A	District Court, First Circuit	59,488	55,859	-	-	33,228
<u>Juvenile Detention Alternative Initiative (JDAI) VII (T-969)</u> This grant supports replication of the JDAI and coordinates the implementation of the JDAI's eight core strategies in Hawaii. When the AECF launched JDAI as a pilot project in the early 1990s, overreliance on detention was widespread and growing nationwide. Using a model rooted in eight core strategies, JDAI proved effective in helping participating jurisdictions safely reduce their detention populations.	N/A	Family Court, First Circuit	13,595	-	-	-	-
<u>MOA Alcohol & Drug Abuse Division & Judiciary (T-972)</u> This is a MOA with the State of Hawaii - DOH-ADAD to provide the Judiciary \$200,000/year for a period of three years (10/01/19 - 09/30/22) to continue operation of the Driving While Impaired Court Program. The funding of this MOA is to cover for the cost of two full-time positions (DWI Court Coordinator & DWI Court Case Manager) that are required to maintain the operation of the program.	N/A	District Court, First Circuit	106,262	243,824	240,000	-	-
<u>Cash and Short-Term Cash Investments Held In Trust Outside of the State Treasury (Agency Fund - T-999)</u> Trust and agency funds are used to account for assets held by the Judiciary in a trustee or agency capacity. These include expendable trust funds that account for cash collected and expended by the Judiciary for designated purposes, and agency funds that account for the receipts and disbursements of various amounts collected by the Judiciary on behalf of others as their agent.	Section 40-81, Hawaii Revised Statutes	Admin, SC, CC1, CC2, CC3, CC5	66,135,636	78,349,520	81,446,502	-	-
<u>Rental Trust Fund</u> Court ordered deposits are held in individual case subsidiary ledgers in the Trust Accounting System for landlord - tenant disputes over rent and will be disbursed per court ordered judgments.	666-21, HRS	CC1, CC2, CC3, CC5	767,245	1,916,689	2,087,310	-	-

Note:

1) Bond Conveyance or Other Related Bond Obligations, Bond Proceeds, Certificates of Deposit, Escrow Accounts, and Other Investments are not applicable to the Judiciary.

SECTION 37-48, HAWAI'I REVISED STATUTES
Non-General Fund Program Measures Report

Name of Fund/Account:	Judiciary Computer System Special Fund
Type of Fund/Account (MOF):	Special Fund
Appropriation Symbol:	S-315J
Program ID/Title:	JUD 601
Law Authorizing Fund/Account:	Act 203 / SLH 1996 and Act 299 / SLH 1999
Year Fund/Account Created:	1996

(1) Statement of its objectives:

Judiciary computer system special fund provides for an integrated statewide case management system for all courts and case types, which would enable electronic access to court case and other information for judges, attorneys, litigants, the public, the legislature, and other stakeholders through electronic filing, electronic bench warrants, data exchanges, and online case search and document purchase; thus re-engineering and modernizing the case management processes and standardizing processes and legal documents statewide, when possible.

(2) Measures quantifying the target population to be served for each of the ensuing six fiscal years:

The Judiciary Information Management System (JIMS) has served the following target population:

JIMS Users		FY25	FY26	FY27	FY28	FY29	FY30
Public	eReminder subscribers	1,142	1,200	1,300	1,400	1,500	1,600
	Potential Jurors	72,483	73,000	73,000	73,000	73,000	73,000
	Document subscribers	450	500	500	500	500	500
	SRL e-Filers	2,162	2,200	2,200	2,200	2,200	2,200
Attorneys	Active attorneys	3,719	3,800	3,900	4,000	4,100	4,200
	Bar Applicants*	148	150	150	150	150	150
	Law firm supporting staff	1,255	1,275	1,300	1,325	1,350	1,375
Government Agencies		354	375	400	425	450	475
Judiciary		1,327	1,600	1,600	1,600	1,600	1,600
eBench Warrant users		2,469	2,460	2,460	2,460	2,460	2,460

* projecting using 2 year average for Bar Applicants

We do not have more current information at this time, but expect the same volume in the next six fiscal years.

JIMS also allows the public and attorneys to make credit card payments for traffic tickets, filing fees, document purchases and document subscriptions. In FY25, online credit card transactions were recorded in the amount of \$12,481,740. This represents an approximate 6% increase from last year and we project the credit card transactions should remain steady for the next six fiscal years.

(3) Measures by which the effectiveness in attaining the objectives is to be assessed:

JIMS modernized the Judiciary case management by implementing modules by case types.

- Traffic case types were implemented in 2005 and provide the following benefits:
 - JIMS enabled public online records, online payment and statewide sharing of electronic documents for the first time.
 - Public may review their cases online without coming to courthouse or calling for assistance through eCourt Kōkua, the public portal for the Judiciary case management system.
 - eCourt Kōkua Kiosk allows the public to view scanned documents for no charge from the public computer workstations in the courthouse without having to request or buy a copy from the counter.
 - eTraffic / IVR collections using electronic remittance via internet and telephone has steadily increased since adoption of new version of vendor-managed credit card payment / settlement system in 2010.
 - Increased use of electronic remittance reduces mail and walk-in transactions.
- eJuror was implemented in 2007 and provides the following benefits:
 - eJuror provides statewide access to consistent information about jury service in general.
 - eJuror provides convenient online access to current information about individual jury service summons.
 - Automation of day-to-day operations allows staff to focus more on jurors' phone calls and in person needs.
 - Access to jury statistics reports provide judges and Judiciary administration with tools to better manage jury requirements and costs.
 - Information on trial attendance and deferral / excusal status assists jury staff in managing tasks.
 - Statewide automation of day-to-day staff operations enable jury staff to maintain current levels of service despite resource cutbacks.
 - Jury staff no longer need to record weekly phone messages regarding ongoing trials for public to access.
 - Juror system upgrades are underway in FY25-FY26.
- Appellate / eFiling case types were implemented in 2010 and provide the following benefits:
 - Online access to public appellate case information for public, media, criminal justice agencies, Prosecutors Offices, State Public Defender, and Hawai'i State Bar Association
 - Online access to create new or file/update in ongoing appellate cases for registered users, such as members of the public, Prosecutors Offices, State Public Defender, Hawai'i State Bar Association, etc.

- Online payment of filing fees
- Online document download for any scanned appellate documents
- eCourt Kōkua Kiosk allows the public to view scanned documents for free from the public computer workstations in the courthouse without having to request or buy a copy from the counter.
- Unified case management system will benefit judiciary staff, especially for those cases which are appealed from lower courts already using JIMS.
- Access to electronic documents expedites workflows for judges, justices, and appellate staff
- Notice of electronic filing eliminates hard copy notice / service costs.
- Extended times for electronic filing is convenient for attorneys and e-filers
- Enhancements to JEFS notices and User Interface have improved user satisfaction with system (2014).
- eBench Warrant was implemented in phases between 2008 and 2012 and provides the following benefits:
 - eBench Warrant is a standalone system that is integrated with the case management system.
 - Every time a bench warrant is issued and docketed to a case, it is transferred automatically to eBench Warrant online which enables law enforcement to download and serve the warrant.
 - All updates to the warrants are synchronized with both systems.
 - Bench warrants from District, Family, and Circuit courts are all delivered electronically, eliminating time consuming processes associated with paper documents.
 - eBench Warrant delivers traffic warrants electronically from Judiciary to law enforcement several times a day, all within 24 hours
- District Court Criminal / eFiling case types were implemented in 2012 and provide the following benefits:
 - Immediate receipt of documents in court
 - Online access to public criminal case information for public, media, criminal justice agencies, Prosecutors Offices, State Public Defender, and Hawai'i State Bar Association
 - Online access to create new traffic crime and criminal cases for registered users, such as members of the Prosecutors Offices and Office of the Attorney General.
 - Online access to file/update in ongoing traffic crime and criminal cases for registered users, such as members of the Prosecutors Offices, State Public Defender, Hawai'i State Bar Association, etc.
 - Online document download for any scanned criminal case documents
 - eCourt Kōkua Kiosk allows the public to view scanned documents for free from the public computer workstations in the courthouse without having to request or buy a copy from the counter.
 - Unified case management systems benefit judiciary staff, especially for those cases which have related traffic or appellate cases.
 - Access to electronic documents expedites workflows for staff.
 - Notice of electronic filing eliminates hard copy notice / service costs.
 - Extended times for electronic filing is convenient for attorneys and their staff.
 - JEFS features and defaults were added to decrease key strokes and steps for prosecutor and Attorney General's Office staff in criminal case initiation and user administration.
 - eBench Warrant delivers traffic warrants electronically from Judiciary to law enforcement several times a day, all within 24 hours.

- Circuit Court and Family Court Criminal (adult) / eFiling case types were implemented in 2017 and provide the following benefits:
 - Online access to public criminal case information for public, media, criminal justice agencies, Prosecutors Offices, State Public Defender, and Hawai'i State Bar Association
 - Online access to create new criminal cases for registered users, such as members of the Prosecutors Offices and Office of the Attorney General
 - Online access to file/update in ongoing criminal cases for registered users, such as members of the Prosecutors Offices, State Public Defender, Hawai'i State Bar Association, etc.
 - Online document download for any scanned criminal case documents
 - eCourt Kōkua Kiosk allows the public to view scanned documents for free from the public computer workstations in the courthouse without having to request or buy a copy from the counter.
 - Unified case management system will benefit judiciary staff, especially for those cases which have related district court or appellate cases.
 - Access to electronic documents expedites workflows for staff
 - Notice of electronic filing eliminates hard copy Notice / Service costs.
 - Extended times for electronic filing is convenient for attorneys and their staff.
 - JEFS features and defaults were added to decrease key strokes and steps for prosecutor and Attorney General's Office staff in criminal case initiation and user administration.
 - eBench Warrant delivers felony warrants electronically from Judiciary to law enforcement several times a day, all within 24 hours.
- Circuit Court and District Court Civil, including Land and Tax / eFiling case types were implemented in 2019 and provide the following benefits:
 - Online access to public civil case information for public, media, criminal justice agencies, Prosecutors Offices, State Public Defender, and Hawai'i State Bar Association
 - Online access to create new civil cases for registered users, such as members of the Hawai'i State Bar Association and approved self-represented litigants
 - Online access to file/update in ongoing civil cases for registered users
 - Online payment of filing fees
 - Online document download for any scanned civil case documents
 - eCourt Kōkua Kiosk allows the public to view scanned documents for free from the public computer workstations in the courthouse without having to request or buy a copy from the counter.
 - Unified case management system will benefit judiciary staff, especially for those cases which have related appellate cases.
 - Access to electronic documents expedites workflows for staff.
 - Notice of electronic filing eliminates hard copy Notice / Service costs.
 - Extended times for electronic filing is convenient for attorneys and their staff.
 - eBench Warrant delivers warrants electronically from Judiciary to law enforcement several times a day, all within 24 hours.
- Family Court Civil / eFiling case types were implemented in 2022 and provide the following benefits:
 - Online access to public family civil case information for public, media, criminal justice agencies, Prosecutors Offices, State Public Defender, and Hawai'i State Bar Association

- Online access to create new family civil cases for registered users, such as members of the Hawai'i State Bar Association and approved self-represented litigants
- Online access to file/update in ongoing family civil cases for registered users
- Online payment of filing fees
- Online document download for any scanned family civil case documents
- eCourt Kōkua Kiosk allows the public to view scanned documents for free from the public computer workstations in the courthouse without having to request or buy a copy from the counter.
- Unified case management system will benefit Judiciary staff, especially for those cases which have related appellate cases.
- Access to electronic documents expedites workflows for staff.
- Notice of electronic filing eliminates hard copy notice / service costs.
- Extended times for electronic filing is convenient for attorneys and their staff.
- eBench Warrant delivers family civil warrants electronically from Judiciary to law enforcement several times a day, all within 24 hours.
- HCJDC interface sends information on Appointment of Guardianship and Involuntary Civil Commitments in family civil cases.

Additional services increasing access to the public were delivered as enhancements:

- eReminder was delivered in 2019
 - eReminder is an alert management system that sends email or text alerts to remind members of the public of their upcoming court case hearings. Subscription to the service will be based on court cases that exist in the Judiciary case management system.
 - Enhancements are planned to improve user experience and convenience.
- Document Drop-off was delivered in 2020
 - Document Drop-off enables a party to deliver documents electronically when they are not registered JEFS users or for documents that are not related to a case.
 - After the pandemic, court houses were reopened and most courts discontinued use of Document Drop-off. However, Third Circuit (Hawai'i Island) continues to find value and convenience with this enhancement.
- Notice of Electronic Filing (NEF) email improvement was delivered in 2024
 - Electronic filers requested improvements to the NEF email to make it easier to access filed documents from JEFS, sometimes referring to Federal PACER system email "link" functionality.
 - Security concerns long delayed the delivery of the email "link," but we were able to finally provide a secure solution for attorney stakeholders in Fall 2024.
- Updates to comply with statutory changes and other enhancements delivered in 2025
 - Software code changes are sometimes needed to stay current with new laws and rules. Work is prioritized according to effective dates.
 - Further enhancements are planned for calendar year 2026 to improve user experience and to add streamlined processing for court staff.
 - Recent developments in Hawai'i appellate cases will also necessitate changes to the feature as it pertains to public eCourt Kōkua and eCourt Kōkua Kiosk.

The following projects are planned to continue the modernization of the Judiciary case management system and improve its efficiency:

- The aging Juror system will be upgraded with a target Go Live date in late 2025. Requirement gathering and statewide discussions began in July 2024. Efforts to change statutory provisions during the 2025 Legislative session were unsuccessful and a new feature to use a QR code postcard and an online Juror Questionnaire will be postponed. More stakeholder input is needed before proceeding with significant changes. Other new features, such as juror reminders and jury service payment kiosks, will also be postponed pending stakeholder input.
- Recent Hawai'i Supreme Court decisions in 2025 and potential changes to the Rules of Court will require significant changes to public eCourt Kōkua and eCourt Kōkua Kiosk. An overall "redesign" is also being evaluated to provide a better user experience and to implement best practice security features.
- Increasing concerns about security have made upgrades and improvements to both software and infrastructure a top priority. Many technical improvements have been made since 2024 and more are planned for 2026, including multi-factor authentication for JEFS eFiling.
- Legislative allocation of criminal fines and fees to special funds will require more analysis so that Judiciary can respond more quickly. Judiciary is well versed with traffic fine and fee special funds which are integrated with JIMS, but criminal accounting still resides in a legacy system,
- Restitution accounting also resides in this legacy system. Integrating restitution accounting with JIMS will enable modernization of processing, including online credit card payments and possibly electronic collections referral.
- Criminal bail also resides in this legacy system. Integrating criminal bail accounting with JIMS is needed to enable online and after-hours bail posting.
- Other key fiscal accounting transactions and reports will also be analyzed and prioritized for improvements.
- Juvenile criminal case types still remain outside of JIMS and may need to be integrated to enable eFiling and access to electronic documents to the Judiciary staff and to the parties registered in JEFS. Juvenile criminal case types are confidential and not accessible to the general public, therefore, special privacy and security concerns will need to be taken into account.

(4) The level of effectiveness planned for each of the ensuing six fiscal years:

Fiscal Year	Planned Project Activities
FY26	Complete Juror system upgrade to the Cloud, continuing traffic case management modernization to enable electronic citation batch processing, updated online public access to cases, MFA for JEFS, contingency planning, and production enhancements
FY27	Trust Accounting (legacy system) integration for online Restitution and Bail, updated fiscal reports, and production enhancements
FY28	Improvements to online self-represented litigant resources with integration to efilng and case management, and production enhancements
FY29	Juvenile Criminal case management and production enhancements
FY30	Improvements to In-Court applications to assist courtroom processing
FY31	Improvements to end-to-end case processing for court staff

(5) A brief description of the activities encompassed:

The program manages the following activities:

1. New projects: New projects are initiated to bring significant functionalities such as new, streamlined case initiation screens for case management system. Projects require significant resources to implement. These projects typically start with project planning, requirement gathering activities with selected key stakeholders, followed by development, testing, training and Production deployment.
2. Application Production Support and Annual System Modifications: While new projects are being developed, existing modules that the program supports require continuous enhancements that may be resulting from new legislation passed annually. The scope of these enhancements are smaller in nature than projects and necessitate less resources to implement.
3. Infrastructure/Hardware Upgrades: In order to support the existing systems as well as provide a development platform for new projects, infrastructure upgrades such as server upgrades or significant version upgrades have to be planned in order to ensure continuous support for production environments. These upgrades require a significant amount of testing in order to avoid disruption to the production services.
4. System & Infrastructure Maintenance: Systems and Infrastructure require regular maintenance activities to ensure daily normal operations. Such maintenance activities include security patching and security monitoring.

(6) The program size indicators:

Module	Caseload for FY25
Traffic	498,326 cases
Juror	69,720 average jury pools (FY24 and FY25)
SC & Appellate / eFiling	1,981 new cases initiated
District Court Criminal / eFiling	498,326 cases
Circuit Court and Family Court Criminal (adult)/ eFiling	29,276 cases
Circuit Court and District Court Civil, including Land and Tax/ eFiling	84,888 cases
Family Court Civil	37,330 cases

(7) The program size planned for each of the next six fiscal years:

Estimated program size is based on the average of the past 4 fiscal years caseloads, except for Juror as only 2 years of data are retained.

Module	Caseload					
	FY25	FY26	FY27	FY28	FY29	FY30
Traffic	cases	520,000 cases	520,000 cases	520,000 cases	520,000 cases	520,000 cases
eJuror	jury pools	67,000 jury pools	67,000 jury pools	67,000 jury pools	67,000 jury pools	67,000 jury pools
SC & Appellate / eFiling	cases	3,700 cases	3,700 cases	3,700 cases	3,700 cases	3,700 cases
District Court Criminal / eFiling	cases	65,000 cases	65,000 cases	65,000 cases	65,000 cases	65,000 cases
Circuit Court and Family Court Criminal (adult) / eFiling	25,009 cases	25,000 cases	25,000 cases	25,000 cases	25,000 cases	25,000 cases
Circuit Court and District Court Civil, including Land and Tax / eFiling	85,535 cases	85,700 cases	85,700 cases	85,700 cases	85,700 cases	85,700 cases
Family Court Civil / eFiling	24,693 cases	24,800 cases	24,800 cases	24,800 cases	24,800 cases	24,800 cases
Juvenile Criminal			9,300 cases	9,300 cases	9,300 cases	9,300 cases

Name of Fund/Account	Driver Education Training Fund
Type of Fund/Account (MOF)	Special Fund
Appropriation Symbol	S-320
Program ID/Title	JUD 310
Law Authorizing Fund/Account	H.R.S. Sec. 286G-2
Year Fund/Account Created	1974

Background Information:

On September 9, 1966, the United States Congress adopted the Highway Safety Act of 1966. The Act established a coordinated nationwide highway safety program by providing financial assistance to States that adopted accelerated highway traffic safety programs. The Act was motivated primarily by the growing public concern over the rising number of traffic fatalities in the United States. The Federal Highway Safety Act of 1966 required that a highway safety program be self-sustaining and that the program be approved by the Secretary of Transportation. The program's design was to reduce traffic accidents and deaths, injuries, and property damage resulting from traffic violations.

The State of Hawai'i established the Driver Education and Training Fund, through the Hawai'i Revised Statute 286G-2, to meet the federal mandate. The funds collected were to be used as matching funds for grants received from the Federal Government for highway safety projects coordinated by the Hawai'i State Department of Transportation.

In Fiscal Year 2025, the Judiciary, Driver Education program, furnished matching funds to implement the Department of Transportation's Motor Vehicle Safety Office, Highway Safety Program.

The State of Hawai'i Legislature approved the Hawai'i Highway Safety Act of 1967. Through this Act the Driver Education (DE) program was established. The mission of the program is to create a safer environment for all motorists and pedestrians.

The first driver-improvement course, which had 12 students, was conducted on June 26, 1968. The first *Driving While Intoxicated Counterattack Course* was conducted in 1974.

In FY2024, the Driver Education program serviced 5,719 students. The Driver Education program has statewide offices located on each of the islands. The office includes Hilo Driver Education, Kona Driver Education, Kaua'i Driver Education, Maui Driver Education, and O'ahu Driver Education.

In 2024, the Department of Transportation reported 102 traffic-related deaths on Hawai'i's roads, up from 92 in 2023. Driving under the influence, speeding, and distracted driving are the top contributors to Hawai'i's fatalities. The Driver Education program works with the Department of Transportation to strategize traffic safety community education. The program also sits on the Zero Fatality Task Force, which works to promote a safer community.

(1) A statement of objectives:

The program objectives are to provide traffic offenders with counseling, formal driver education instructional classes, and public education. The counseling and education is aimed to reduce traffic offenses, avoid collisions, save lives, prevent injuries, and reduce recidivism.

(2) Measures quantifying the target population to be served for each of the ensuing six fiscal years:

The Driver Education program has six (6) target populations: (1) Offenders violating HRS 291E-61 Operating a vehicle under the influence of an intoxicant; (2) Juvenile offenders violating HRS 291E-64; (3) Offenders violating 291C-105 Excessive Speeding; (4) Offenders violating HRS 291-11.5 Child Passenger Restraints; (5) HRS 291-2 Reckless Driving of Vehicle; and (6) Traffic-Related Violations/Offense(s) referred by the court to the DDE to benefit the offender i.e. involuntary manslaughter.

The quantifying measure(s) that will be used for the target population:

- (1) Number of offenders referred to DDE;
- (2) Number of students enrolled into classes; and
- (3) Number of students completed classes.
- (4) Provide 100% match of grant funds for the Hawai'i Highway Safety Programs.

Year	Number of Referrals	Total Number of Students Enrolled In Classes	Total Number of Student Completion
2024	5719	2889	2190
2023	6333	3612	2620
2022	6487	4036	3012
2021	4216	3539	2871
2020	2756	3071	2250

(3) Measure by which the effectiveness in attaining the objectives is to be assessed:

The Driver Education program measures its effectiveness based on students' compliance with counseling and instructional class requirements and the matching of grant funds for the Hawai'i Highway Safety Programs.

(4) The level of effectiveness planned for each of the ensuing six fiscal years:

1. Increase student compliance to driver-education classes;
2. Increase public awareness through certified car seat installation; and
3. Provide 100% matching of funds for Hawai'i Highway Safety Programs.

(5) A brief description of the activities encompassed:

Child Passenger Restraint Course (CPRC):

All Driver Education Assistant (DEA) instructors are certified by the National Child Passenger Safety Board as Child Passenger Technicians. Our Kona DEA is a certified Child Passenger Instructor and our Kaua'i DEA is in the process of obtaining the instructor status. According to the law, individuals convicted of Child Passenger Restraint offenses must attend a four-hour course developed by the educational officers of the Division of Driver Education.

In 2022, the Driver Education program joined the Community Outreach Court and began installing child car and booster seats. The program technicians continue to install the seats and provide participants with safety seat instructions. They assist the court participants with outstanding traffic cases and cases involving the Administrative Driver's License Revocation Office (ADLRO).

The program's technicians work closely with the Keiki Injury Prevention Coalition (KIPC). They participate in the *Click It or Ticket*, DUI traffic stops, and *Kids' Day* events. The driver education technicians provide installations and education.

Defensive Driving Program (DIP):

All Driver Education instructors hold certifications from the National Safety Council (NSC) and AARP, with the NSC providing the curriculum. They are also certified "Car Fit" Technicians under AARP's program designed for senior drivers. The Driver Education program collaborates with various military branches to advance the "Keep Hawai'i Roads Safe" initiative through education. Guest speakers from organizations such as the Hawai'i Bicycling League (Malia Harunaga), American Medical Response (AMR) (Danny Kau), and Alcoholics Anonymous Hawai'i are invited to educate students on the impact of excessive speed and reckless driving.

Operating a Vehicle under the Influence of an Intoxicant (OVUII) or DUI:

All instructors with the Driver Education program are certified by the Prevention Research Institute (PRI). This widely utilized curriculum is recognized by 17 states and all branches of the military. It is an evidence-based program that provides students with the most up-to-date and accurate information and is legally mandatory, requiring a 14-hour class. Guest speakers from AMR, MADD, and AA/NA offer students insights into victims' trauma. Driver Education instructors are required to undergo annual recertification and stay updated on national and state highway safety practices and statistics.

Substance Abuse Assessments:

The law requires that a substance abuse assessment be conducted for all DUI cases. The Driver Education program is in partnership with the Alcohol Drug Abuse Division (ADAD) of the Department of Health (DOH) to maintain and provide Certified Substance Abuse Counselors who conduct assessments for all referred offenders.

The Driver Education program was the pilot program for the Web Infrastructure for Treatment Service (WITS), a database that collects, analyzes, and reports information from behavioral health service providers and is used statewide. Punahale Pires, the Assistant Driver Education Administrator, played a crucial role in delivering statewide user training and providing troubleshooting support.

Driving While Impaired (DWI) Court:

The Driver Education Program provides 14-hour Operating a Vehicle Under the Influence of an Intoxicant (OVUII) classes to offenders enrolled in the Driving While Impaired (DWI) Court program. In addition, the program supports the court by supplying regular progress updates and completion reports for each participant

Public Education:

The Driver Education program participates in a variety of community service projects to educate the public on driving and pedestrian safety. The Driver Education Assistants volunteer for the *MADD Walk*, *Click It or Ticket*, OVUII checkpoints, State of Hawai'i *Kids Day* (car seat checks), and *AARP Car Fit* events.

Reporting:

The Driver Education program provides the courts with comprehensive status reports that confirm the fulfillment of a wide range of requirements, including attending classes, completing assessments, and meeting other court-ordered obligations. These services are extended to the ADLRO and the Adult Client Service Branch (ACSB) probation units. The program also submits reports to the court for defendants who have relocated out of state or abroad, ensuring that their court obligations are met and providing verification for the same.

Community Outreach Court:

The Driver Education program actively participates in the Community Outreach Court, aiming to assist the needs of individuals in the homeless community. The program offers certified child seat installation services and collects donated car seats, which are installed following court hearings. Additionally, the program provides traffic safety instructions and driver education counseling. Both the Community Outreach Court and the Driver Education program collaborate with the Department of Transportation to promote traffic and pedestrian safety.

The Community Outreach Court, in partnership with Driver Education and the Adult/Juvenile Community Service Restitution Unit (A/JCSRU), has collaborated to support participants in COC who are unable to engage in traditional community service due to physical limitations. The Learning Empowerment Action Program (LEAP) was developed to provide these individuals with a comprehensive series of classes covering relevant topics such as resume building, financial literacy, budgeting, basic computer skills, self-care, and stress management. The Driver Education program provides comprehensive sessions in LEAP that cover various aspects of driver and pedestrian education. Additionally, the program offers a thorough review of the driver's manual to help participants who would like to obtain their license prepare for the permit test.

Bike Safety:

The Driver Education program closely collaborates with the Bicycle League to educate students on bike and helmet safety. The program regularly updates its curriculum to incorporate any changes in traffic laws.

(6) The program size indicators:

The program received 5,719 referrals, which is 614 less than FY2023.

(7) The program size planned for each of the next six fiscal years:

The program is funded through the Driver Education Training Fund. Relying on this single revenue source does create some challenges, particularly in being able to secure all the resources needed for the program. To help manage costs, 14 of the 35 statewide Driver Education positions remain vacant.

Even with these limitations, the program has continued to adapt since joining the Specialized Program Services Section. Strong partnerships have been built with the Section's other two units, the Adult/Juvenile Community Service and Restitution Unit and the Community Outreach Court, which have helped us share resources and strengthen statewide impact.

While class and referral numbers have decreased in recent years, the program remains focused on maximizing available resources and ensuring participants receive meaningful instruction. The collaboration across units helps us maintain efficiency, address emerging needs, and continue supporting traffic safety and rehabilitation efforts statewide.

Conclusion:

The Driver Education program is mandated by law and plays a crucial role in our community. The educational and counseling efforts of the program are widely acknowledged across the state, and the dedicated staff is committed to enhancing the safety of the streets and highways in the State of Hawai'i for our children, seniors, and the community.

Name of Fund/Account:	Indigent Legal Assistance Fund
Type of Fund/Account (MOF):	Special Fund
Appropriation Symbol:	S-322-J
Program ID/Title:	JUD 601
Law Authorizing Fund/Account:	Act 305 / SLH 1996, Act 121 / SLH 1998, and Act 131/ SLH 2001
Year Fund/Account Created:	1996

Non-general fund program measures reports.

Please note that every biennium, the Judiciary submits a detailed report on the operation and success of the Indigent Legal Assistance Fund (ILAF), and more information can be found in that report supplementing the items described below. The next detailed report will be provided to the 2026 Legislative Session.

(1) A statement of its objectives:

ILAF was created by the Legislature in 1996 to provide funds for essential legal services for Hawai'i's limited-income people and has operated successfully for 29 years. No general funds are involved in the process, and all the funding is generated from surcharges on selected court case filings (no government case filings are surcharged). Legal needs of the limited-income people involve help with critical legal issues such as landlord and tenant, housing, financial situations, medical, family law, child custody and support, and elder law.

(2) Measures quantifying the target population to be served for each of the ensuing six fiscal years:

HRS § 607-5.7 created a special fund that receives surcharges collected on selected types of civil cases filed in Hawai'i's various state courts. These surcharges are then distributed to qualifying organizations that provide direct civil legal services to those in Hawai'i whose income does not exceed 125% of federal poverty guidelines or who are eligible for free services under the Older Americans Act or Developmentally Disabled Act. The target population of ILAF is determined by statute, and people who meet the qualifications seek help from the nine organizations currently participating in ILAF. Extensive data is available on the percentage of people in Hawai'i who are at or below 125% of federal poverty guidelines. This data indicates that the numbers are increasing each year, making services even more critical. Over 187,800 Hawai'i residents are now below 125% of federal poverty level, and this is 13% of Hawai'i's population. (Source: State of Hawai'i Department of Human Services December 2024)

(3) Measures by which the effectiveness of the objectives is to be assessed:

ILAF is administered under contract between the Judiciary and the Hawai'i Justice Foundation (HJF), which has administered the program from the inception in 1996. Quarterly invoices and reports are required from each of the participating organizations.

More than 9,400 cases are handled in total under ILAF each year. These cases range from full representation in complex cases to providing legal information or making appropriate referrals for assistance. All cases meet the statutory requirements of ILAF, including poverty income guidelines and/or type of case (i.e., elderly or disabled). The current process ensures that all funds collected under the program are be used only for the intended purposes.

(4) The level of effectiveness planned for each of the ensuing six fiscal years:

The amount of funds distributed to eligible legal service providers each year is determined by the dollar amount of collections during the previous year. From the inception of the program, an extensive application process is undertaken to ensure that the grantees are eligible and that the funds are divided fairly under the ILAF statutory formula. All involved are committed to continuing this process for each of the ensuing six fiscal years, since ILAF is a successful program that involves cooperation and partnership between the Judiciary, HJF, and the participating legal service providers. Best estimates are that Hawai'i is experiencing a significant increase in the numbers of people below 125% of federal poverty guidelines, making this continued effectiveness essential.

5) A brief description of the activities encompassed:

Each of the nine ILAF grantees handle different legal service needs. Activities vary from information, referral, and legal information/advice to direct representation before courts and administrative agencies. Client referrals are often made between the nine grantees to get the client to the legal service provider best able to handle the legal situation involved. Cases vary from landlord/tenant, bankruptcy, divorce, child custody and support, domestic violence prevention, disability rights, elder law, and mediation services

(6) The program size indicators:

ILAF provides supplemental funding to those legal services organizations qualifying under the statute. Thus, the program "size" is determined by the total size of the participating organizations. Eligible organizations can vary from staff less than 10 to a staff exceeding 150. Currently there are nine participating programs.

(7) The program size planned for each of the next six fiscal years:

COVID-19 had a dramatic impact on the method of delivering legal services during the pandemic, making Zoom and other technological devices essential. As Hawai'i has moved to more in-person interactions with ILAF organizations and eligible clients, many aspects of services provided are easier and more "user-friendly". However, the legal service providers are currently utilizing many of the best aspects of these technological developments in addition to returning to more in-person activities. It is not anticipated that the total program size will vary greatly over the next six fiscal years. The participating organizations will increase or decrease in size depending upon total available funding for each organization. ILAF alone is not sufficient to meet the financial needs of any of the nine participating programs, so program size depends upon all funding sources available to the legal service providers.

Name of Fund/Account	Parent Education Special Fund
Type of Fund/Account (MOF)	Special Fund
Appropriation Symbol	S-325
Program ID/Title	JUD 310
Law Authorizing Fund/Account	H.R.S. Sec. 607-5.6
Year Fund/Account Created	1997

Background Information

The Parent Education Special Fund was established by the 1997 Legislature, State of Hawai'i, through Act 274. On May 2, 2003, HRS 607-5.6 was amended to increase the Fund's surcharge from \$35 to \$50 for Family Court matrimonial cases and to add the surcharge to parentage actions.

The Purpose of the Fund

The Parent Education Special Fund is used to administer education programs to families currently involved in divorce cases in the State of Hawai'i. Parties litigating custody matters, as well as children of unmarried or never-married parents living in the same household, are also required to attend. Parents attending the divorce-education programs are encouraged to refocus on their children's needs by learning how continued fighting negatively impacts their children. They are also encouraged to mediate rather than litigate their custody conflicts. The programs emphasize that:

- family violence is never appropriate and is extremely harmful to children;
- children will thrive if they live in safe homes and are loved by both parents;
- the court takes into account the safety of victims and children in making custody and visitation decisions.

Children between the ages of six (6) and seventeen (17) also learn how to cope with changes in their family. The programs emphasize that children are not the cause of parental separation, that parents do not divorce their children, and that many families are going through similar experiences. Children and teens participate in age-appropriate discussions and activities designed to help each child identify and understand their emotions.

Following an opening statement by a Family Court judge, parents and children watch *The Purple Family* (1999), a timeless film that gently explores themes of divorce and separation. The film is unique in that the words "divorce" or "separation" are never used explicitly to describe the family's situation. The programs distribute parenting guides with island-specific information on resources for counseling, domestic violence, parenting, and anger management classes. The website www.kidsfirsthawaii.com is also available to provide island-specific programs and contact information to families.

Parent Education Programs

Each circuit administers its parent education program. In the First (O'ahu), Second (Maui), and Fifth (Kaua'i) Circuits, the program is called *Kids First*. The Third Circuit (Hawai'i Island) has two programs: *Children First* in Kona and *Children in Transition* in Hilo.

Due to the COVID-19 pandemic, which created unprecedented interruptions across the State of Hawai'i, in April 2020 *Kids First* O'ahu created innovative online programming still utilized by

families on all islands. The online program features pre-recorded presentations by Family Court judges and licensed psychologists from *Kids First*. The judges speak to parents about what to expect in Family Court, while the presenters discuss ways to minimize risks during the divorce or separation process. The programming also includes the award-winning *Purple Family* film, as well as a presentation by a licensed psychologist and interactive activities for children. Parents are asked to complete a feedback form and encouraged to ask questions, which are forwarded to *Kids First* staff and licensed psychologists.

The O'ahu *Kids First* program is held in person on Wednesday evenings, alternating weekly between Hale Hilina'i in Honolulu and the Ronald T.Y. Moon Court Complex in Kapolei. In addition, Zoom sessions are held for parents and children every Thursday evening and online classes are conducted for families with exceptional circumstances. The Maui *Kids First* program is held in person on the second Wednesday of the month at Hoapili Hale in Wailuku. Hawai'i Island continues to provide online classes only, utilizing O'ahu's online platform with its own link on the O'ahu web page and many of its own videos. Kauai's *Kids First* program is held in person on the second Wednesday of the month at Pu'u'honua Kaulike Building in Lihu'e.

FY 2024-2025 Cases by Circuit	Divorce	Parentage	Civil Union	Total Cases
First (O'ahu)	1,855	579	1	2,435
Second (Maui, Moloka'i, Lana'i)	377	140	1	518
Third (Kona and Hilo)	564	191	1	756
Fifth (Kaua'i)	164	56	0	220
Total:	2,960	966	3	3,929

The percentage of filings for each circuit closely mirrors the population distribution for the State of Hawai'i. The majority of cases were filed on O'ahu, with 1,855 new divorce cases (63% of the state total) and 579 parentage filings (60% of the state total). Additionally, one civil union divorce was filed on O'ahu (the state total is three).

FY 2024-2025 Attendance by Circuit	Adult Attendance	Children Attendance	Total Attendance
First (O'ahu)	1,855	1,121	2,976
Second (Maui, Moloka'i, Lana'i)	267	178	445
Third (Hilo and Kona)	241	274	515
Fifth (Kaua'i)	187	116	303
Total:	2,550	1,689	4,239

Statewide, divorce education classes served a total of 4,239 individuals (2,550 parents and 1,689 children). In FY 2024-2025, *Kids First* O'ahu served a total of 2,976 individuals (1,855 adults and 1,121 children).

(1) Statement of objectives:

To administer education programs and provide support to families going through divorce and separation proceedings in the State of Hawai'i.

(2) Measures quantifying the target population to be served for each of the ensuing six fiscal years:

The total number of parents and their children that the court refers to the program. In FY 2024-2025, divorce education classes served 2,550 parents and 1,689 children, totaling 4,239 in the State of Hawai'i.

(3) Measures by which the effectiveness in attaining the objectives is to be assessed:

The total number of adults and children who complete/attend the program is a method to measure the effectiveness of attending/viewing the online program. Adults who complete the online program are required to complete and return a feedback form to the program via email. The feedback form allows the parents an opportunity to provide comments and questions related to the program. The children are also encouraged to complete one or more of the activities to demonstrate their understanding of what is taking place and their comprehension of the family dynamics. This has been a very good way to start conversations with parents and between parents and children, which may not have occurred if they did not attend the program. Additionally, parents can request information on how to participate in external mediation services or other resources to help their children or themselves.

(4) The level of effectiveness planned for each of the ensuing six fiscal years:

Our programs are tailored to meet the needs of various target populations. By continuing to improve and update these programs, whether through enhancements to the in-person, Zoom, or online platforms, we strive to deliver effective solutions. For the parents, the goal is to gain an understanding of the importance of peaceful co-parenting and to develop an awareness that will refocus their attention on their children's needs through participation in this educational program. For the children, it is essential to provide them with an understanding that they are not the only family going through a divorce and divorce is never their fault.

(5) A brief description of the activities encompassed:

Please refer to Parent Education Programs on pages one and two of this report.

(6) The program size indicators:

The number and percentage of adults and children who participate in the program in person and online, and the total number of adults and children who finish/complete the program.

(7) The program size planned for each of the following six fiscal years:

Over the past five years, approximately 6,000 to 7,000 divorce, paternity, and civil union cases have been filed in the State of Hawai'i each year, including during the pandemic. These numbers will likely remain consistent in the future.

THE JUDICIARY
PARENT EDUCATION SPECIAL FUND
FY 2025 (July 01, 2024 - June 30, 2025)

OBJECT CODE	DESCRIPTION	FIRST CIRCUIT	SECOND CIRCUIT	THIRD CIRCUIT	FIFTH CIRCUIT	TOTAL
<u>REVENUES</u>						
0288	INTEREST	15,334	-	-		15,334
0763	SURCHARGE	74,350	13,400	11,780	6,525	106,055
		89,684	13,400	11,780	6,525	121,389
	TOTAL REVENUES					
<u>OTHER CURRENT EXPENSES & ENCUMBRANCES</u>						
2901	ESCORT SVC/ OTHER STATE DPT					-
2902	SECURITY SERVICES	10,045	4,962		741	15,748
3204	DUPLICATING SUPPLIES	117				117
3206	DATA PROCESSING SUPPLIES	379				379
3209	OTHER STATIONERY AND OFFICE SUPPLIES	400				400
3301	FOOD SUPPLIES	1,929			765	2,694
3501	DUES					-
3502	SUBSCRIPTIONS					-
3901	PRINTING AND BINDING					-
4102	CAR MILEAGE - OTHERS					-
4401	TRANS OUT OF STATE - EMPLOYEES					-
4501	SUBSISTENCE OUT OF STATE - EMPLOYEES					-
4601	HIRE OF PASSENGER CARS - EMPLOYEES					-
4801	OTHER TRAVEL					-
5503	OTHER RENTALS (PARKING PASS)					-
6619	OTHER PUBLIC SUPPORT & ASSISTANCE					-
7131	INTERPRETER FEES	534				534
7198	OTHER SERVICES ON FEE BASIS	28,760	18,000		8,700	55,460
7204	SPECIAL FUND ASSESSMENT (ACT 34, SLH 1964)	6,118				6,118
7205	TRNG COST & REG FEES					-
7215	OTHER MISC CURRENT EXP					-
7751	DATA PROCESSING SOFTWARE					-
7752	DATA PROCESSING EQUIPMENT					-
	TOTAL OTHER CURRENT EXPENSES					-
		48,282	22,962	-	10,206	81,450

Name of Fund/Account	Spouse and Child Abuse Special Account
Type of Fund/Account (MOF)	Special Fund
Appropriation Symbol	S-340
Program ID/Title	JUD 310
Law Authorizing Fund/Account	H.R.S. Sec. 601-3.6
Year Fund/Account Created	1994

(1) A statement of its objectives:

The objective of the Spouse and Child Abuse Special Account (SCASA) is to supplement Domestic Violence (DV) Purchase of Service (POS) contracts and provide the matching funds to the Federal Services, Training, Officers, and Prosecutors (STOP) Violence Against Women Act (VAWA) and Access and Visitation grants that the Judiciary receives.

(2) Measures quantifying the target population to be served for each of the ensuing six fiscal years:

Number served by DV survivor services: 2,750
Number served by DV intervention for those who cause harm: 500
Number served by DV services for children and youth: 400
Number of families served by supervised visitation and safe exchange: 150
Number of attendees to grant funded activities such as trainings and meetings: 30 – 300*

* A range of numbers is provided to account for the capacity variance between in-person and virtual sessions.

(3) Measures by which the effectiveness in attaining the objectives is to be assessed:

% of the SCASA that supplements the DV POS contracts.
% of match that the SCASA provides to the STOP VAWA grant.
% of match that the SCASA provides to the Access and Visitation grant.

(4) The level of effectiveness planned for each of the ensuing six fiscal years:

85% of the SCASA expenditures will supplement the DV POS contracts.
100% of match that the SCASA provides to the STOP VAWA grant.
100% of match that the SCASA provides to the Access and Visitation grant.

(5) A brief description of the activities encompassed:

The SCASA supplements funds that support the following: services to survivors of DV, intervention to those who have committed DV, as well as services to children and youth who have been exposed to DV. The SCASA also provides the matching funds for grants that support supervised visitation and safe exchange for families where DV is/has been a concern as well as activities that support the Judiciary's role in addressing DV such as training for judges, probation officers, other court staff and stakeholders. Finally, the SCASA funds miscellaneous expenses such as the maintenance of DV risk assessments in a database.

(6) The program size indicators:

Number served by DV survivor services

Number served by DV intervention for those who cause harm

Number served by DV services for children and youth

Number of families served by supervised visitation and safe exchange

Number of attendees to grant funded activities such as trainings and meetings

(7) The program size planned for each of the next six fiscal years:

For DV services, the program size is dependent on the number of referrals to the services. For the number of attendees to grant funded activities such as trainings and meetings, the program size is dependent on the type of training (virtual vs. in person) and the number of trainings/conferences and meetings that meet grant purpose areas. It is expected that the program size for the next six fiscal years will remain somewhat similar to the numbers shown in the response to number (2) above.

Name of Fund/Account:	Supreme Court Law Library Revolving Fund
Type of Fund/Account (MOF):	Revolving Fund (R)
Appropriation Symbol:	S-350
Program ID/ Title:	JUD 601
Law Authorizing Fund/Account:	Section 601-3.5, HRS
Year Fund/Account Created:	1990

(1) Statement of its objectives:

The Supreme Court Law Library Special Fund was created in 1990 to account for all fines, fees, and other revenues derived from the operations of the Supreme Court Law Library. Act 64, SLH 1993, changed this special fund to a revolving fund and the balance was transferred accordingly. Moneys are used to replace or repair lost, damaged, stolen, unreturned, or outdated library materials and to support and improve library services. The fund continues to serve the purpose for which it was created. Linkage exists between the fees and fines received for lost or damaged library materials and their replacement or repair, as well as providing library services such as a public copier and pc printing at a nominal cost. The monies collected also enable the library to introduce new resources and services such as upgrading computer systems to keep pace with the increasing availability of electronic legal resources.

(2) Measures quantifying the target population to be served for each of the ensuing six fiscal years; and

(3) Measures by which the effectiveness in attaining the objectives is to be assessed; and

(4) The level of effectiveness planned for each of the ensuing six fiscal years:

Statistics of patrons served are collected to reflect library activity and effectiveness, which includes in person and virtual transactions, general physical attendance, as well as library resource circulation, reference, library electronic tools usage, web site visitors and activity, and use of public computers.

	FY2026	FY2027	FY2028	FY2029	FY2030	FY2031
A04 Library - Size of Collections (000's)	294	295	294	294	295	295
A05 Library - Circulation, Trans & Ref Use (000's)	46	46	46	47	47	47
A06 Library - Patrons Served (000's)	17	17	17	18	18	18

(5) A brief description of the activities encompassed; and

(6) The program size indicators:

The Hawai'i State Law Library System, established in 1966, collects, organizes and

disseminates information and materials related to legal research and judicial administration. The Supreme Court Law Library in Honolulu, which serves as the administrative headquarters, and the satellite branches in the Second, Third, and Fifth Judicial Circuits are unified into one system under the direction of the State Law Librarian. The fundamental purpose of the State Law Library System is to provide legal reference and information services to the Hawaii Judiciary (please see table above).

The library system is also “available to all who have need of its resources for legal research and study;” a privilege granted by Rule 12(a) of the Supreme Court rules. The law libraries are thereby open to the public and are committed to enhancing access to justice and ensuring that legal resources are available to all who have need for them through the following types of activities: providing legal reference sources and information services; collecting, organizing, and disseminating information and materials in various formats relating to legal research and judicial administration; providing assistance and training to library users on the use of print and non-print legal resources; and maintaining easily accessible, well-organized collections in as complete and up-to-date manner as is fiscally possible.

The Supreme Court Law Library is comprised of the State Law Librarian, two professional librarians, four paraprofessional staff, one student assistant position, as well as volunteer positions on an “as-needed” basis, including library graduate school internship openings. The neighbor island libraries include one staff member at each location, and they report directly to their respective chief court administrators.

(7) The program size planned for each of the next six fiscal years:

The Hawai'i State Law Library System program size will remain stable. When new, updated materials are added, out-dated and no longer useable items are withdrawn. At times, more supplements or volumes will be released; also, cost of library materials can hover between a 5% to 15% increase by various publishers year over year. Staffing levels are also planned to remain stable.

Name of Fund/Account:	Court Interpreting Services Revolving Fund
Type of Fund/Account (MOF):	Revolving Fund
Appropriation Symbol:	S-352
Program ID/ Title:	JUD 601
Law Authorizing Fund/Account:	H.R.S. § 607-1.5
Year Fund/Account Created:	2005

(1) A Statement of its objectives:

The 2005 Legislature established the Court Interpreting Services Revolving Fund using fees, charges, and other moneys collected for programs relating to interpreter issues and training, screening and certification of court interpreters, to start a Court Interpreter Certification Program and to support educational services and activities relating to the training, screening, testing, and certification of court interpreters. The fund is not used for other purposes/program activities. Act 184, Section 1, Session Laws of Hawai'i 2005 (codified as H.R.S. § 607-1.5).

(2) Measures quantifying the target population to be served for each of the ensuing six fiscal years:

The target population to be served are the interpreters who enter into and are currently in the Court Interpreter Certification Program ("Program").

The Program is a significant part of the Judiciary's ongoing commitment to access to justice for all. The Program is designed to promote and ensure access to justice for limited English proficient ("LEP") persons by providing the most qualified interpreters available, at no charge to the LEP person, in accordance with federal and state law mandates. The Program establishes minimum standards for court interpreter certification and qualification and screens, trains, and tests interpreters to meet and surpass this standard. As of June 30, 2025, there are 367 interpreters qualified to interpret in the Hawai'i State Courts.

(3) Measures by which the effectiveness in attaining the objectives is assessed:

The Judiciary publishes a Court Interpreter Registry, or list of interpreters, on its website as a public service. The Registry lists all interpreters who have completed the mandatory program requirements and are deemed qualified to interpret in the Hawai'i State Courts through mandatory training and testing. The Registry is updated at least monthly. Each year, new interpreters are added and some interpreters are removed, due to moving out of state, retiring, or other reasons.

In addition, highly specialized resources are made available in the Law Libraries in each Judicial Circuit to support court interpreter professional development.

(4) The level of effectiveness planned for each of the ensuing six fiscal years:

Statistics on the number of interpreters listed on the Court Interpreter Registry, which is published on the Judiciary website, training and testing events scheduled, and court interpreter professional development resources maintained are compiled to evaluate program effectiveness.

	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Interpreters listed on Registry (Tier 1-6)	367	385	405	425	445	465
Mandatory court interpreter training events scheduled	19	21	21	21	21	21
Court interpreter resources maintained	49	52	55	58	61	64

(5) A brief description of the activities encompassed:

The Court Interpreter Certification Program was launched in July 2007 in accordance with the Hawai'i Rules for Certification of Spoken-Language Interpreters ("Rules") (fka Hawai'i Rules for Certification of Spoken and Sign Language Interpreters) adopted by the Hawai'i Supreme Court. Interpreters must meet the following minimum requirements:

1. Complete a two-day Basic Orientation Workshop that introduces the requirements of the Program, legal terminology, court procedure, ethics, and interpreting skills;
2. Pass two Written Exams. The Written English Proficiency Exam developed by the National Center for State Courts, and the Hawai'i Basic Ethics Exam.
3. Clear a state-based criminal background check.

Interpreters who meet these minimum requirements are deemed qualified to interpret in the Hawai'i State Courts and are listed on the Court Interpreter Registry, which is published on the Hawai'i State Judiciary's website as a public service.

Interpreters who meet the mandatory minimum requirements may elect to take an oral interpreting exam, if one exists in their language. The oral exam measures the interpreter's ability to speak both English and the non-English language fluently, and to accurately transfer meanings between both languages. Interpreters who attain the requisite score on an oral exam attain a higher tier designation status and commensurate higher pay. The "Certified Court Interpreter" credential is only available in 16 languages of national need. Certified interpreters are classified as Tier 4 or Tier 6.

In addition to conducting the interpreter training and testing events listed above, other, non-mandatory interpreter training events may be offered from time to time.

Moreover, court interpreter resources have been purchased and made available in the Law Libraries in each Judicial Circuit to support court interpreter professional development. These resources are updated and new resources purchased as needed.

(6) Program size indicators:

Please see #4 above.

The Court Interpreter Certification Program is managed by the Judiciary's Office on Equality and Access to the Courts (OEAC), which is part of Judiciary Administration. OEAC currently has a staff of four: Program Director, Court Interpreting Services Coordinator, Equality and Access Program Specialist, and Research Statistician.

(7) The program size planned for each of the next six fiscal years:

Please see #4 above.

Name of Fund/Account:	Supreme Court Bar Examination Fund
Type of Fund/Account (MOF):	Trust Fund
Appropriation Symbol:	
Program ID/Title:	
Law Authorizing Fund/Account:	Rule 1.4(a) of the Rules of the Supreme Court of the State of Hawai'i
Year Fund/Account Created:	1994

(1) Statement of objectives:

This trust fund was established in 1994 under the Rules of the Supreme Court of the State of Hawai'i (RSCH), to account for filing fees collected from individuals who are applying to take the Hawaii bar examination. Per Rule 1.4(a) of the RSCH, "Each applicant shall pay to the Clerk a filing fee with his or her application in such amount as may be determined by the Supreme Court." The bar exam is administered twice a year, in February and July. Effective with the February 2014 exam, each applicant is required to pay a filing fee of \$500.00 per examination.

Monies in this fund are held outside of the State Treasury and are not subject to legislation appropriation. They are maintained in a designated trust account by the Supreme Court Fiscal Officer. The use of the funds is expended in accordance with the Judiciary Financial Manual, and all expenditures require approval from the Chair of the Board.

The sole purpose of the trust fund is to cover costs associated with administering the bar examination for applicants.

(2) Measures quantifying the target population to be served for each of the ensuing six fiscal years:

The target population are the bar exam applicants granted permission to take the exam. The number of exam filing fees paid during FY2021 to FY2025 ranged between 270 and 293.

(3) Measures by which the effectiveness of the objectives is to be assessed:

The filing fees of \$500 per applicant since 2014 have been adequate to pay for the costs of administering the bar exam.

(4) The level of effectiveness planned for each of the ensuing six fiscal years:

There are no plans in the next six years to raise the filing fees. However, there are plans for changes to the format of the exam, meeting additional technology requirements and new training for the graders and administrators.

(5) A brief description of the activities encompassed:

Examples of cost associated with the bar exam are: purchase of exam materials, rental of software/hardware for non-standard test accommodations, the rental of the facility where the exam is administered and for admission ceremonies as needed, hiring an electrician to provide power to each applicant in the laptop test room, professional consultant fees to interpret ADA requests and the findings and statistics for exam scores, court reporters and transcription fees, security posted at our exam site (off duty HPD officers or deputy sheriffs), postage, travel to grading workshops and conferences, and other expenses incidental to the administration of the bi-annual bar exam.

(6) The program size indicators:

The number of applicants that sit for the bar exam has not fluctuated in the past five years at just below 300 per year.

(7) The program size planned for each of the next six fiscal years:

There are no significant changes anticipated in the number of applicants who take the bar exam within the next six fiscal years. However, the costs associated with administering the bar exam are expected to increase due to the upcoming changes. The changes include, but are not limited to the format of the exam, additional technology requirements, and new training for the graders and administrators.

Name of Fund/Account:	Detention Home Donation Fund
Type of Fund/Account (MOF):	Trust Fund
Appropriation Symbol:	T-902-J
Program ID/Title:	JUD 310/Family Court, First Circuit
Law Authorizing Fund/Account:	None
Year Fund/Account Created:	Approximately 45 years ago

(1) Statement of objectives:

The Donations for Detention Home Trust Fund was established approximately 45 years ago to account for donations to the Detention Services Division of the Family Court of the First Circuit, which operates a detention facility for juveniles who await disposition of their cases. The donors' intent was to have items purchased for the detainees during the holiday season such as food and items they could use after leaving the facility like water bottles, personal hygiene supplies, and shoes.

(2) Measures quantifying the target population to be served for each of the ensuing six fiscal years:

The target population are the juveniles at the detention facility which detains 48 juveniles at any given time.

(3) Measures by which the effectiveness of the objectives is to be assessed:

Detention facility staff maintain documentation of the positive experiences created with the holiday food and gifts given to the detainees; and the relationships and team spirit resulting from the recreational activities.

(4) The level of effectiveness planned for each of the ensuing six fiscal years:

Members of the community consistently donate food, essential supplies and gifts for the detainees during the holiday season. For this reason, the fund has been used to purchase recreational equipment. To engage detained youth in social and physical activities, more purchases of recreational equipment and supplies are planned in the ensuing six fiscal years.

(5) A brief description of the activities encompassed:

Detained youth are given frequent periods to engage in physical activities; arts and crafts; and other therapeutic activities.

(6) The program size indicators:

The number of detainees ranges between 7 to 13 per day.

(7) The program size planned for each of the next six fiscal years:

The program size is anticipated to increase during the next six years.

Name of Fund/Account:	Family Court, First Circuit-Restitution Fund
Type of Fund/Account (MOF):	Trust Fund
Appropriation Symbol:	T-905-J
Program ID/Title:	JUD 310/Family Court, First Circuit
Law Authorizing Fund/Account:	None
Year Fund/Account Created:	1989

(1) Statement of objectives:

This trust fund was established in 1989 to account for donations from the Jean and William Mau Foundation to the Family Court's Juvenile Monetary Restitution Program. The program allows juvenile offenders to earn credits based on the minimum wage for each hour of community service performed. The fund pays restitution to victims of offenders in a timely manner and amounts equivalent to the number of credits that juveniles earn.

(2) Measures quantifying the target population to be served for each of the ensuing six fiscal years:

Since FY2023, juvenile offenders have been encouraged to participate in the Juvenile Monetary Restitution Program, with the incentive of shortening their probation period upon paying off the restitution owed. The target population to be served are the juvenile offenders who opt to participate in this program and their victims.

(3) Measures by which the effectiveness of the objectives is to be assessed:

Juveniles may perform community service for various organizations that present the juveniles with a certificate/letter of community service hours performed. Records are maintained to keep track of the participants who successfully pay off their restitution amount owed. In addition, log is maintained for juveniles who perform community service over longer periods and is reviewed by the juveniles and their probation officers to measure progress.

(4) The level of effectiveness planned for each of the ensuing six fiscal years:

Juvenile Probation Officers monitor juvenile offenders' compliance with the terms and conditions of their probation including payment of restitution ordered. Each juvenile offender who owes restitution is given the incentive of a shorter probation period if they pay the restitution amount in full. Continuance of this incentive is planned during the next six years.

(5) A brief description of the activities encompassed:

The Accountability Program has established a variety of community partnerships located throughout Oahu to help serve the youth in different areas. The Aina Wellness Academy, located in Makiki, helps youth restore the 'ahu pua'a function through 'aina and culture-based activities. The youth also participate with the Malama Maunalua Adopt-A-Plot, located in Hawai'i Kai, which helps restore Maunalua Bay. The Accountability Program also partnered with Kealahou West O'ahu, they are a non-profit organization that serves unsheltered and at-risk homeless population. The Accountability Program helps clean out the rooms after families have left the program.

These are just a few examples of community service performed by juvenile offenders.

(6) The program size indicators:

Sixty-six juveniles participated in the program in FY2023, 69 in FY2024 and 50 so far in FY2025.

(7) The program size planned for each of the next six fiscal years:

The Accountability Program is unable to predict the number of cases each year due to various outside factors like how many referrals Family Court will receive from the prosecutor's office and how many cases will be adjudicated and ordered restitution.

Name of Fund/Account:	Promote and Advance Civic Education Commission
Type of Fund/Account (MOF):	Trust Fund
Appropriation Symbol:	T-962-J
Program ID/Title:	JUD 101/Supreme Court
Law Authorizing Fund/Account:	Rule 23 of the Rules of the Supreme Court of the State of Hawai'i
Year Fund/Account Created:	2021

(1) Statement of objectives:

In January 2021, the Hawai'i Supreme Court adopted Rule 23 of the Rules of the Supreme Court of the State of Hawai'i, creating the Commission to Promote and Advance Civic Education (PACE Commission) for students and citizens throughout Hawai'i. Rule 23 sets forth six purposes to accomplish the goal of promoting and advancing civic education. The PACE Commission is tasked with endeavoring to:

1. Provide leadership, oversight, and initiatives to increase civic education in the community and schools; increase knowledge about government; promote informed participation in government and democracy in Hawai'i.
2. Provide educational resources for the public about the importance of civic education.
3. Maximize the efficient use of available resources by improving collaboration and coordination among entities promoting civic education.
4. Encourage attorneys, judges, government officials, and other public and private leaders in Hawai'i to take leadership roles in expanding civic education.
5. Reduce barriers to civic education by developing resources to overcome language, cultural, and other obstacles.
6. Increase pro bono contributions by Hawai'i attorneys to civic education.

The Commission's mission statement is "To create, implement, and amplify sustainable programs, resources, and practices that improve place-based, constitutionally informed, and culturally sensitive civic education and engagement in Hawai'i schools and communities."

(2) Measures quantifying the target population to be served for each of the ensuing six fiscal years:

Students and citizens of Hawai'i are the target population. Since the formation of the PACE Commission in 2021, the main target population served has been students and educators. The PACE Commission does much of its work through two committees. The Committee on Civic Education in Schools focuses on school-related projects. The Civic Engagement Committee works to create and coordinate civics initiatives more broadly to include the community as well as students.

(3) Measures by which the effectiveness of the objectives is to be assessed:

Rule 23 of the Rules of the Supreme Court of the State of Hawai'i sets forth six purposes to accomplish the goal of promoting and advancing civic education for students and citizens throughout Hawai'i. The PACE Commission meets monthly to discuss ongoing and future projects. Each of its projects aims to fulfill some aspect of the six purposes under Rule 23. The 2024-2025 annual report accounts for how the PACE Commission has filled the six purposes.

(4) The level of effectiveness planned for each of the ensuing six fiscal years:

A Civics Survey Study of educators throughout the state was completed in February 2025 to provide a research-based report on the state of civics in Hawai'i and to focus resources on areas of need, identify opportunities for collaboration, and provide data for future initiatives.

The PACE Commission as well as the Civic Engagement and Education Committees typically meet monthly to discuss updates and progress on continuing projects and plans for future projects and events. Recent and ongoing events include the Kaua'i Law and Justice Academy held in October 2025, the continuing partnership with the Library System on civics presentations, collaboration with the American Judicature Society on creating educational materials for teachers, collaboration with the Department of Education on Schools of Democracy, upcoming events related to America 250 and the Youth Xchange Video Awards. The PACE Commission joined the CivxNow Coalition in 2025 to engage further with other civics groups nationwide. There are also plans to incorporate student voice and participation in the PACE Commission going forward.

(5) A brief description of the activities encompassed:

In 2024 and 2025, a total of four Hawai'i public high schools were honored as official Hawai'i Schools of Democracy. This designation reflects their exceptional dedication to civic education and youth empowerment. To date, the PACE Commission has held three Law and Justice Academies, with each being three-day events. Twenty-three high school students participated in the Maui Nui Law and Justice Academy in 2022 to learn about state and federal governments, the operation and structure of the state court system, pathways to a legal career, other career opportunities in the courts, and advocacy skills culminating in a uniquely tailored mock trial exercise. A Hilo Law and Justice Academy was held in 2024, similar to the one on Maui. At the end of the three-day event, all student participants argued for their clients in front of real judges from the Third Circuit. The third Law and Justice Academy was just recently held on Kaua'i in October 2025, similar to the past two academies.

A website was launched in 2024 serving as a hub for the PACE Commission's work and outreach to the public. In March 2025, the PACE Commission sponsored a civics forum

with the leadership of the Hawai'i Supreme Court Law Librarian in collaboration with other Civic Engagement Committee members, and other organizations like the UH West O'ahu Library. Speakers at this event were two retired judges and a retired state senator addressing why laws and citizen participation make a difference. The Committee hopes to replicate this model of discussions regarding civics and civic engagement in communities across the state in partnership with libraries. Recently, the PACE Commission requested and received from Governor Green, a Proclamation recognizing Constitution and Citizenship Day on September 17, 2025. This proclamation was sent to all schools in the state, along with a letter from the PACE Commission informing principals and heads of schools about speakers' bureaus that could coordinate judges and lawyers speaking to students.

(6) The program size indicators:

The program size has growth potential as shown by the success and continuation of the Law and Justice Academies, and collaborative projects with the American Judicature Society, the Federal Bar Association's civic education committee, the Hawai'i State Bar Association, and others. The recognition to date of four public high schools as Schools of Democracy and the educational leaders and community members for their exceptional dedication to civic education emphasizes its significance and encourages continued commitment in Hawai'i's schools to educating students about their government. With the successful outcome of the civics forum in 2025, there are also hopes to sponsor more civics forums in partnership with the Hawai'i state libraries. In addition to the events sponsored thus far, the PACE Commission continues to work on other worthy civics projects. Anticipated projects in the coming year will include events related to America 250.

(7) The program size planned for each of the next six fiscal years:

The program size and activities are likely to meet or exceed its current number of participants as the PACE Commission is planning events and activities similar to that of the previous four fiscal years, continuing its partnership with the Library System and collaboration with other civics groups, and incorporating student voice and participation in the PACE Commission. The PACE commission has received a total of \$30,000 from the US District Court of Hawai'i Attorney Admission Fund for their civic education efforts. The PACE Commission expended \$5,108 and \$3,674 in fiscal years 2023 and 2024. To date in 2025, \$4,750 has been expended, although further expenditures are anticipated this fiscal year related to projects that are being planned. It appears likely that the US District Court of Hawai'i will provide additional funding in the future. It is also possible other private donors may donate additional funding and/or non-monetary items like food, refreshments, and supplies to the PACE Commission's projects.

Name of Fund/Account:	MOA-Alcohol & Drug Abuse Division-Hawaii Drug Court Program
Type of Fund/Account (MOF):	Trust Fund
Appropriation Symbol:	T-968-J
Program ID/Title:	JUD 310/First Circuit
Law Authorizing Fund/Account:	None
Year Fund/Account Created:	2022

(1) Statement of objectives:

This trust fund was established in 2022 to account for funds received under the Memorandum of Agreement between the Department of Health, Alcohol and Drug Abuse Division (ADAD), State of Hawai'i, and the Judiciary, in implementing the Hawai'i Drug Court Program (HDCP) to offer an effective and less costly alternative to incarceration for non-violent offenders with substance abuse disorders and conditions.

(2) Measures quantifying the target population to be served for each of the ensuing six fiscal years:

The State of Hawai'i continues to see the need to provide alcohol and other drug treatment services to those who are involved in the criminal justice system. The HDCP is a court-supervised Intensive Outpatient Program (IOP) for non-violent offenders with substance use disorders or conditions. Since 1995, the HDCP has accepted 1,614 individuals into the program and has graduated 1,037.

(3) Measures by which the effectiveness of the objectives is to be assessed:

The Judiciary provides feedback to ADAD relating to improvement of the overall system of care. The Judiciary also provides outcomes data to ADAD as needed.

(4) The level of effectiveness planned for each of the ensuing six fiscal years:

The continuance of providing feedback to ADAD and tracking outcomes of participants in HDCP is planned for each of the ensuing six fiscal years as tools to improve overall state outcomes, reduce the need for incarceration, increase the HDCP participants' rates of successful completion of rehabilitation programs while meeting their justice related responsibilities.

(5) A brief description of the activities encompassed:

The coordinated treatment services include, but are not limited to, alcohol and drug testing, individual and group counseling and regular attendance at self-help meetings. The HDCP's in-house certified substance abuse counselors administer intensive outpatient treatment to all clients, frequent and random drug and alcohol testing, random home visits, and strict curfew monitoring. The HDCP provides clients with assistance in

obtaining employment and housing, frequent review hearings before the Drug Court Judge, along with incentives for those who maintain sobriety, complete their treatment plan assignments, attend school, training, or are employed.

(6) The program size indicators:

Entry into the HDCP is voluntary. There were 31 petitioned to participate in the HDCP in FY2023, 29 in FY2024 and 23 in FY2025.

(7) The program size planned for each of the next six fiscal years:

The program size is anticipated to increase up to the maximum participants of 150 during the next six years. The increasing need for alcohol and other drug treatment services in the next six years is due to the continued rise in drug and alcohol use. The voluntarily participation in HDCP, a less costly and effective alternative to incarceration, that assists participants with attaining and maintaining sobriety and self-sufficiency, assimilating back into the community with employment and housing is another incentive that will keep the program size from decreasing.

Name of Fund/Account:	Juvenile Detention Alternative Initiative VII
Type of Fund/Account (MOF):	Trust Fund
Appropriation Symbol:	T-969-J
Program ID/Title:	JUD 310/Family Court, First Circuit
Law Authorizing Fund/Account:	None
Year Fund/Account Created:	2017

This program has concluded. The remaining balance will be returned to the grantor.

Name of Fund/Account:	MOA-Alcohol & Drug Abuse Division
Type of Fund/Account (MOF):	Trust Fund
Appropriation Symbol:	T-972-J
Program ID/Title:	JUD 310/First Circuit
Law Authorizing Fund/Account:	None
Year Fund/Account Created:	2019

(1) Statement of objectives:

This trust fund was established in 2019 to account for funds received under Memorandums of Agreement between the Department of Health, Alcohol and Drug Abuse Division (ADAD), State of Hawai'i, and the Judiciary, in implementing the Driving While Impaired (DWI) Court Program to help address and reduce incidence and prevalence of repeat offenses of DWI.

(2) Measures quantifying the target population to be served for each of the ensuing six fiscal years:

The number of traffic fatalities ranged from 85 to 116 per year during 2020 and 2023. For 2025, there were 93 traffic fatalities as of September 18, 2025. While the percentage of 2025 traffic fatalities that were caused by OVUII is not confirmed, 33% of traffic fatalities in 2019, and 39% in 2017 were estimated to be related to OVUII.

Although anyone may apply for the DWI Court Program, the target population is as follows:

- a. Offenders with two prior operating a vehicle under the influence of an intoxicant (OVUII) convictions within 10 years.
- b. Offenders with one prior OVUII conviction and high blood alcohol content (.15 or greater).
- c. Offenders with one prior OVUII conviction and a concurrent driving with a suspended or revoked license charge.
- d. Offenders with one prior OVUII conviction and a concurrent leaving the scene of an accident or minor motor vehicle accident charge.

(3) Measures by which the effectiveness of the objectives is to be assessed:

In partnership, the Judiciary and ADAD coordinate access and integration of treatment services provided by DWI court. The Judiciary provides feedback to ADAD relating to improvement of the overall system of care. The Judiciary also provides outcomes data to ADAD as needed.

(4) The level of effectiveness planned for each of the ensuing six fiscal years:

The continuance of providing feedback to ADAD and tracking outcomes of participants in DWI court is planned for each of the ensuing six fiscal years as tools to reduce incidence and prevalence of repeat offenses of DWI. Continued improvement in DWI court is in Hawaii's best interest in addressing traffic fatalities.

(5) A brief description of the activities encompassed:

The DWI Court Program is a voluntary program that includes regular court appearances before a designated DWI Court Case Judge and includes alcohol and drug testing, individual and group counseling and regular attendance at self-help meetings. The DWI Court Program helps clients abstain from alcohol through treatment and assistance in life skills. Case management services provide help with employment, housing, health insurance and other necessary life skills concurrently with alcohol treatment, providing the best chance for success and continued sobriety.

(6) The program size indicators:

Entry into the DWI Court Program is voluntary and at the sole discretion of the DWI Court Judge. There were 23 participants in the DWI Court Program in FY2023, 25 in FY2024 and 11 in FY2025.

(7) The program size planned for each of the next six fiscal years:

OVUII offenses are not anticipated to decrease in the next six years due to the continued rise in drug and alcohol use. The incentive of participants' sentencing being stayed pending compliance and completion of the DWI Court Program is another factor that will keep the program size from decreasing.

Name of Fund/Account:	Agency Fund
Type of Fund/Account (MOF):	Trust Fund
Appropriation Symbol:	T-999-J
Program ID/Title:	JUD 601/Office of the Administrative Director of the Courts
Law Authorizing Fund/Account:	HRS 40-81
Year Fund/Account Created:	1980

(1) Statement of objectives:

This trust account was established to record the Judiciary's funds held outside the State Treasury. The account includes funds held by the Judiciary in a trustee or agency capacity. These include monies deposited with the courts, such as appeal deposits, bails, bonds, case deposits, court costs, court expenditure reimbursements, court fees, fines, restitutions, unclaimed estates, and naturalization fees. The Judiciary also acts as an agent and collects monies for others, which are then disbursed as trust disbursements, government realizations, reimbursements of expenditures, or agency disbursements.

(2) Measures quantifying the target population to be served for each of the ensuing six fiscal years:

This fund will accommodate all who are required to deposit funds upon a court order or to have monies held in a fiduciary capacity.

(3) Measures by which the effectiveness of the objectives is to be assessed:

The court cases and their associated balances are itemized on subsidiary ledgers. The pattern of disbursement amounts closely reflecting amounts received from the previous year indicates an efficient adjudication of cases by the courts.

(4) The level of effectiveness planned for each of the ensuing six fiscal years:

The accurate accounting of the balances in the Agency Fund is accomplished by adhering to the procedures for the collection, deposit, and disbursement of monies in the Agency Fund are prescribed in the Judiciary Financial Administration Manual.

(5) A brief description of the activities encompassed:

All collections and disbursements of money in the Agency Fund must be supported by a court order. Collections are deposited directly into the appropriate checking account at an approved financial institution no later than the next business day following receipt.

(6) The program size indicators:

The Agency Fund balance ranged from \$49.5 million to \$393 million between FY2021 and FY2025

(7) The program size planned for each of the next six fiscal years:

The Agency Fund balance may fluctuate in the next six years as it has in previous years.

Name of Fund/Account:	Rent Trust Fund
Type of Fund/Account (MOF):	Trust Fund
Appropriation Symbol:	None
Program ID/Title:	JUD 310, JUD 320, JUD 1009, and JUD 340/First, Second, Third, and Fifth Circuit Courts
Law Authorizing Fund/Account:	HRS 666-21
Year Fund/Account Created:	1984

(1) Statement of objectives:

As prescribed in HRS §666-21, in a landlord-tenant case, disputed rent is deposited into a rent trust fund and held by the court hearing the case until the court rules on the case and orders payment of the rent held in the trust fund.

(2) Measures quantifying the target population to be served for each of the ensuing six fiscal years:

This fund will accommodate all disputed rent deposits required by a court order.

(3) Measures by which the effectiveness of the objectives is to be assessed:

The court cases and their associated balances are itemized on subsidiary ledgers. The pattern of disbursement amounts closely reflecting amounts received in each of the past five fiscal years indicates an efficient adjudication of cases by the courts.

(4) The level of effectiveness planned for each of the ensuing six fiscal years:

The accurate accounting of the balances in the Rent Trust Fund is accomplished by adhering to the procedures for the collection, deposit, and disbursement of monies as prescribed in the Judiciary Financial Administration Manual.

(5) A brief description of the activities encompassed:

All collections and disbursements of money in the Rent Trust Fund must be supported by a court order. Collections are deposited directly into the appropriate checking account at an approved financial institution no later than the next business day following receipt.

(6) The program size indicators:

The Rent Trust Fund balance ranged from \$298,371 to \$807,373 during FY2021 and FY2025.

(7) The program size planned for each of the next six fiscal years:

The Rent Trust Fund balance may fluctuate in the next six years as it has in previous years.

SECTION 37-49, HAWAI'I REVISED STATUTES
Non-General Fund Cost Element Reports

JUD 601 - COMPUTER SYSTEM SPECIAL FUND

Object Code	Description	FY 2026
A - PERSONAL SERVICES-PAYROLL		
2001	REGULAR PAY - PERMANENT POSITION	72,516
2002	REGULAR PAY - NON PERMANENT POSITION	269,772
2003	ORDINARY OVERTIME PAY - PERMANENT POSITION	8,000
2014	TEMPORARY ASSIGNMENT PREMIUM - NON PERM POSTN	8,692
2020	VACATION PAY AT TERMINATION	34,870
2021	IMPOSED CONTRIBUTIONS	420,917
TOTAL PERSONAL SERVICES		814,767
B - OTHER CURRENT EXPENSES		
3804	TELEPROCESSING LINE CHARGES	500
5809	DATA PROCESSING EQUIP REPAIR AND MAINTENANCE	467,445
7198	OTHER SERVICES ON FEE BASIS	3,105,223
7204	SPECIAL FUND ASSESSMENT (ACT 34, SLH 1964)	250,000
7215	OTHER MISCELLANEOUS CURRENT EXPENDITURES	2,068,953
TOTAL OTHER CURRENT EXPENSES		5,892,121
C - EQUIPMENT		
TOTAL EQUIPMENT		-
M - MOTOR VEHICLES		
TOTAL MOTOR VEHICLES		-
A B C M SUMMARY TOTALS		
TOTAL "A"		814,767
TOTAL "B"		5,892,121
TOTAL "C"		-
TOTAL "M"		-
COMPUTER SYSTEM SPECIAL FUND - TOTAL		6,706,888

JUD 310 - DRIVER EDUCATION TRAINING FUND

Object Code	Description	FY 2026
A - PERSONAL SERVICES-PAYROLL		
2001	REGULAR PAY - PERMANENT POSITION	1,493,167
2013	TEMPORARY ASSIGNMENT PREMIUM - PERM POSITION	30,600
2020	VACATION PAY AT TERMINATION	63,000
2021	IMPOSED CONTRIBUTIONS	910,000
TOTAL PERSONAL SERVICES		2,496,767
B - OTHER CURRENT EXPENSES		
3001	EDUCATIONAL SUPPLIES	100,000
3003	MEDICAL AND HOSPITAL SUPPLIES	1,200
3202	ENVELOPES	400
3204	DUPLICATING SUPPLIES	3,600
3205	STANDARD FORMS	600
3206	DATA PROCESSING SUPPLIES	2,400
3209	OTHER STATIONERY AND OFFICE SUPPLIES	3,000
3404	SAFETY SUPPLIES (PERSONAL)	240
3430	OTHER MATERIAL AND SUPPLIES	6,000
3502	SUBSCRIPTIONS	150
3609	OTHER FREIGHT AND DELIVERY CHARGES	2,150
3701	POSTAGE	1,800
3709	OTHER POSTAGE AND POSTAL CHARGES	95
3901	PRINTING AND BINDING	2,000
4101	CAR MILEAGE - EMPLOYEES	1,000
5601	RENTAL OF COPY MACHINE	15,000
5701	OTHER RENTALS	3,110
5809	DATA PROCESSING EQUIP REPAIR AND MAINTENANCE	1,000
5820	OTHER REPAIRS AND MAINTENANCE	12,000
7198	OTHER SERVICES ON FEE BASIS	12,000
7203	SERVICE AND MERIT AWARDS	300
7204	SPECIAL FUND ASSESSMENT (ACT 34, SLH 1964)	140,000
7205	TRAINING COSTS AND REGISTRATION FEES	1,200
7215	OTHER MISCELLANEOUS CURRENT EXPENDITURES	745,982
TOTAL OTHER CURRENT EXPENSES		1,055,227
C - EQUIPMENT		
TOTAL EQUIPMENT		-
M - MOTOR VEHICLES		
TOTAL MOTOR VEHICLES		-
A B C M SUMMARY TOTALS		
TOTAL "A"		2,496,767
TOTAL "B"		1,055,227
TOTAL "C"		-
TOTAL "M"		-
DRIVER EDUCATION TRAINING FUND - TOTAL		3,551,994

JUD 601 - INDIGENT LEGAL ASSISTANCE FUND

Object Code	Description	FY 2026
A - PERSONAL SERVICES-PAYROLL		
TOTAL PERSONAL SERVICES		-
B - OTHER CURRENT EXPENSES		
7156	ATTORNEY EXPENSES - NONLAW INDIGENT	1,429,228
7198	OTHERS SERVICES ON FEE BASIS	60,386
7204	SPECIAL FUND ASSESSMENT (ACT 34, SLH 1964)	60,386
TOTAL OTHER CURRENT EXPENSES		1,550,000
C - EQUIPMENT		
TOTAL EQUIPMENT		-
M - MOTOR VEHICLES		
TOTAL MOTOR VEHICLES		-
A B C M SUMMARY TOTALS		
TOTAL "A"		-
TOTAL "B"		1,550,000
TOTAL "C"		-
TOTAL "M"		-
INDIGENT LEGAL ASSISTANCE FUND - TOTAL		1,550,000

JUD 310 - PARENT EDUCATION SPECIAL FUND

Object Code	Description	FY 2026
A - PERSONAL SERVICES-PAYROLL		
2021	IMPOSED CONTRIBUTIONS	1,500
2023	PER DIEM JUDGES	1,500
TOTAL PERSONAL SERVICES		3,000
B - OTHER CURRENT EXPENSES		
2902	SECURITY SERVICES	27,000
3202	ENVELOPES	100
3203	PRINTED FORMS	100
3204	DUPLICATING SUPPLIES	300
3206	DATA PROCESSING SUPPLIES	500
3209	OTHER STATIONERY AND OFFICE SUPPLIES	500
3301	FOOD SUPPLIES	4,500
3501	DUES	1,200
3502	SUBSCRIPTIONS	1,100
3701	POSTAGE	100
3901	PRINTING AND BINDING	124
4401	TRANSPORTATION, OUT-OF-STATE - EMPLOYEES	17,500
4501	SUBSISTENCE ALLOW, OUT-OF-STATE - EMPLOYEES	5,000
4601	HIRE OF PASSENGER CARS - EMPLOYEES	500
4801	OTHER TRAVEL	1,500
5503	OTHER RENTAL OF LAND, BLDG, OR SPACE IN BLDG	100
7131	INTERPRETER FEES	1,200
7198	OTHER SERVICES ON FEE BASIS	80,000
7204	SPECIAL FUND ASSESSMENT (ACT 34, SLH 1964)	7,050
7205	TRAINING COSTS AND REGISTRATION FEES	5,000
7215	OTHER MISCELLANEOUS CURRENT EXPENDITURES	1,200
TOTAL OTHER CURRENT EXPENSES		154,574
C - EQUIPMENT		
TOTAL EQUIPMENT		-
M - MOTOR VEHICLES		
TOTAL MOTOR VEHICLES		-
A B C M SUMMARY TOTALS		
TOTAL "A"		3,000
TOTAL "B"		154,574
TOTAL "C"		-
TOTAL "M"		-
PARENT EDUCATION SPECIAL FUND - TOTAL		157,574

JUD 310 - SPOUSE AND CHILD ABUSE SPECIAL ACCOUNT

Object Code	Description	FY 2026
A - PERSONAL SERVICES-PAYROLL		
2023	PER DIEM JUDGES	6,000
TOTAL PERSONAL SERVICES		6,000
B - OTHER CURRENT EXPENSES		
4401	TRANSPORTATION, OUT OF STATE - EMPLOYEES	6,000
4501	SUBSISTENCE ALLOWANCE, OUT OF STATE - EMPLOYEES	5,000
4801	OTHER TRAVEL	9,000
6609	PURCHASE OF SERVICES CONTRACTS	318,754
7198	OTHER SERVICES ON FEE BASIS	19,056
7199	OTHER PERSONAL SERVICES	23,000
7204	SPECIAL FUND ASSESSMENT (ACT 34, SLH 1964)	21,790
7205	TRAINING COST AND REGISTRATION FEES	11,400
7215	OTHER MISCELLANEOUS CURRENT EXPENDITURES	180,000
TOTAL OTHER CURRENT EXPENSES		594,000
C - EQUIPMENT		
TOTAL EQUIPMENT		-
M - MOTOR VEHICLES		
TOTAL MOTOR VEHICLES		-
A B C M SUMMARY TOTALS		
TOTAL "A"		6,000
TOTAL "B"		594,000
TOTAL "C"		-
TOTAL "M"		-
SPOUSE AND CHILD ABUSE SPECIAL ACCOUNT - TOTAL		600,000

JUD 601 - SUPREME COURT LAW LIBRARY REVOLVING FUND

Object Code	Description	FY 2026
A - PERSONAL SERVICES-PAYROLL		
TOTAL PERSONAL SERVICES		-
B - OTHER CURRENT EXPENSES		
3206	DATA PROCESSING SUPPLIES	800
3209	OTHER STATIONERY AND OFFICE SUPPLIES	600
3502	SUBSCRIPTIONS	90,420
5601	RENTAL OF COPY MACHINE	26,600
5809	DATA PROCESSING EQUIP REPAIR AND MAINTENANCE	2,080
TOTAL OTHER CURRENT EXPENSES		120,500
C - EQUIPMENT		
7751	DATA PROCESSING SOFTWARE	1,000
7752	DATA PROCESSING EQUIPMENT	11,000
7780	FILMS	25,000
7781	BOOKS	85,761
TOTAL EQUIPMENT		122,761
M - MOTOR VEHICLES		
TOTAL MOTOR VEHICLES		-
A B C M SUMMARY TOTALS		
TOTAL "A"		-
TOTAL "B"		120,500
TOTAL "C"		122,761
TOTAL "M"		-
SUPREME COURT LAW LIBRARY REVOLVING FUND - TOTAL		243,261

JUD 601 - COURT INTERPRETING SERVICES REVOLVING FUND

Object Code	Description	FY 2026
A - PERSONAL SERVICES-PAYROLL		
TOTAL PERSONAL SERVICES		-
B - OTHER CURRENT EXPENSES		
3202	ENVELOPES	46
3204	DUPLICATING SUPPLIES	300
3206	DATA PROCESSING SUPPLIES	1,210
3209	OTHER STATIONERY AND OFFICE SUPPLIES	1,049
3301	FOOD SUPPLIES	800
3430	OTHER MATERIAL AND SUPPLIES	100
3502	SUBSCRIPTIONS	500
3609	OTHER FREIGHT AND DELIVERY CHARGES	200
3709	OTHER POSTAGE AND POSTAL CHARGES	400
4801	OTHER TRAVEL	600
7131	INTERPRETER FEES	2,000
7198	OTHER SERVICES ON FEE BASIS	5,000
7205	TRAINING COSTS AND REGISTRATION FEES	1,000
7215	OTHER MISCELLANEOUS CURRENT EXPENDITURES	86,795
TOTAL OTHER CURRENT EXPENSES		100,000
C - EQUIPMENT		
TOTAL EQUIPMENT		-
M - MOTOR VEHICLES		
TOTAL MOTOR VEHICLES		-
A B C M SUMMARY TOTALS		
TOTAL "A"		-
TOTAL "B"		100,000
TOTAL "C"		-
TOTAL "M"		-
COURT INTERPRETING SERVICES REVOLVING FUND - TOTAL		100,000

HRS 37-49 - Supreme Court Bar Examination Fund

Object Code	Description	FY2026
A – PERSONAL SERVICES – PAYROLL		
TOTAL PERSONAL SERVICES		-
B – OTHER CURRENT EXPENSES		
7198	Other services on a fee basis	73,100
5502	Rental of examination facilities	55,200
4402	Out-of-state travel	9,600
4202	Intra-state travel	600
3301	Food supplies	14,600
7215	Other expenditures	1,200
3209	Office and other supplies	6,500
4602	Car rental	400
3609	Freight/delivery & postage charges	1,800
3501	Dues and subscriptions	300
TOTAL OTHER CURRENT EXPENSES		163,300
C – EQUIPMENT		
7751	Other equipment inventory	3,600
TOTAL EQUIPMENT		3,600
M – MOTOR VEHICLES		
TOTAL MOTOR VEHICLES		-
A B C M SUMMARY TOTALS		
TOTAL "A"		-
TOTAL "B"		163,300
TOTAL "C"		3,600
TOTAL "M"		-
SUPREME COURT BAR EXAMINATION FUND – TOTAL		166,900

HRS 37-49 - JUD 310 – DONATIONS FOR DETENTION HOME

Object Code	Description	FY2026
A – PERSONAL SERVICES – PAYROLL		
TOTAL PERSONAL SERVICES		-
B – OTHER CURRENT EXPENSES		
3001	EDUCATIONAL SUPPLIES	2,000
TOTAL OTHER CURRENT EXPENSES		2,000
C – EQUIPMENT		
TOTAL EQUIPMENT		-
M – MOTOR VEHICLES		
TOTAL MOTOR VEHICLES		-
A B C M SUMMARY TOTALS		
TOTAL "A"		-
TOTAL "B"		2,000
TOTAL "C"		-
TOTAL "M"		-
DONATIONS FOR DETENTION HOME - TOTAL		2,000

HRS, 37-49 - JUD 310 – FAMILY COURT, FIRST CIRCUIT- RESITITUTION FUND

Expenditures are not budgeted for this program. Restitution payments from this fund are contingent on the number of juveniles who are ordered to pay restitution and referrals from Family Court to the Juvenile Monetary Restitution Program. Payments in the previous three fiscal years ranged from \$2,406 to \$5,080 per year.

HRS 37-49 - JUD 101 – PROMOTE AND ADVANCE CIVIL EDUCATION COMMISSION

Object Code	Description	FY2026
A – PERSONAL SERVICES – PAYROLL		
TOTAL PERSONAL SERVICES		-
B – OTHER CURRENT EXPENSES		
3209	OTHER STATIONERY AND OFFICE SUPPLIES	300
3301	FOOD SUPPLIES	3,125
3901	PRINTING AND BINDING	1,400
4202	TRANSPORTATION	1,095
4801	OTHER TRAVEL	2,110
5820	OTHER REPAIRS AND MAINTENANCE	192
7203	SERVICE AND MERIT AWARDS	300
TOTAL OTHER CURRENT EXPENSES		8,522
C – EQUIPMENT		
TOTAL EQUIPMENT		-
M – MOTOR VEHICLES		
TOTAL MOTOR VEHICLES		-
A B C M SUMMARY TOTALS		
TOTAL "A"		-
TOTAL "B"		8,522
TOTAL "C"		-
TOTAL "M"		-
PROMOTE AND ADVANCE CIVIL EDUCATION COMMISSION –TOTAL		8,522

HRS 37-49 - JUD 310 – MOA-Alcohol & Drug Abuse Division-Hawai'i Drug Court Program

Object Code	Description	FY2026
A – PERSONAL SERVICES – PAYROLL		
TOTAL PERSONAL SERVICES		-
B – OTHER CURRENT EXPENSES		
3003	MEDICAL AND HOSPITAL SUPPLIES	10,700
3209	OTHER STATIONERY AND OFFICE SUPPLIES	900
3430	OTHER MATERIAL AND SUPPLIES	500
3502	SUBSCRIPTIONS	6,200
7203	SERVICE AND MERIT AWARDS	400
7205	TRAINING COSTS AND REGISTRATION FEES	44,000
TOTAL OTHER CURRENT EXPENSES		62,700
C – EQUIPMENT		
TOTAL EQUIPMENT		-
M – MOTOR VEHICLES		
TOTAL MOTOR VEHICLES		-
A B C M SUMMARY TOTALS		
TOTAL "A"		-
TOTAL "B"		62,700
TOTAL "C"		-
TOTAL "M"		-
MOA-ALCOHOL AND DRUG ABUSE DIVISION-HAWAII DRUG COURT PROGRAM – TOTAL		62,700

HRS JUD 310 – JUVENILE DETENTION ALTERNATIVE INITIATIVE VII

This program has concluded. The remaining balance will be returned to the grantor.

HRS 37-49 - JUD 310 – MOA-Alcohol & Drug Abuse Division-Driving While Intoxicated

Object Code	Description	FY2026
A – PERSONAL SERVICES – PAYROLL		
2002	REGULAR PAY-NONPERMANENT POSITION	106,000
TOTAL PERSONAL SERVICES		106,000
B – OTHER CURRENT EXPENSES		
TOTAL OTHER CURRENT EXPENSES		-
C – EQUIPMENT		
TOTAL EQUIPMENT		-
M – MOTOR VEHICLES		
TOTAL MOTOR VEHICLES		-
A B C M SUMMARY TOTALS		
TOTAL "A"		106,000
TOTAL "B"		-
TOTAL "C"		-
TOTAL "M"		-
MOA-Alcohol & Drug Abuse Division-Driving While Intoxicated-Total		106,000

HRS 37-49 - JUD 601 – Agency Fund

Expenditures are not budgeted for the Agency Fund which operates in a fiduciary capacity.

HRS 37-49 - JUD 310, 320, 1009, and 340 – Rent Trust Fund

Expenditures are not budgeted for the Rent Trust Fund which operates in a fiduciary capacity.



Office of the Administrative Director of the Courts – THE JUDICIARY • STATE OF HAWAII
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Brandon M. Kimura
ADMINISTRATIVE DIRECTOR

Daylin-Rose H. Heather
DEPUTY ADMINISTRATIVE DIRECTOR

December 19, 2025

Via electronic submission

The Honorable Ronald D. Kouchi
President of the Senate
State Capitol
Honolulu, HI 96813

The Honorable Nadine Nakamura
Speaker of the House of Representatives
State Capitol
Honolulu, HI 96813

Dear President Kouchi and Speaker Nakamura:

Pursuant to Section 601-3.2, Hawai'i Revised Statutes (HRS), the Judiciary is transmitting a copy of the *Report on FY 2025 Non-General Funds*.

In accordance with Section 93-16, Hawai'i 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: https://www.courts.state.hi.us/news_and_reports/reports/reports.

Should you have any questions regarding this report, please feel free to contact Karen Takahashi of the Judiciary's Legislative Affairs and Special Projects Division at (808) 539-4896, or via e-mail at Karen.T.Takahashi@courts.hawaii.gov.

Sincerely,

Brandon Kimura

Brandon M. Kimura
Administrative Director of the Courts

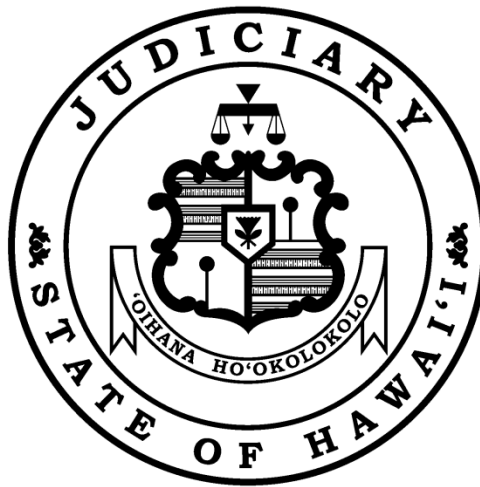
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**REPORT TO THE THIRTY-THIRD LEGISLATURE 2026
REGULAR SESSION**

A Report on FY 2025 Non-General Funds

Pursuant to HRS § 601-3.2



Prepared by:

The Judiciary, State of Hawai'i

December 2025

**REPORT TO THE THIRTY-THIRD LEGISLATURE
2026 REGULAR SESSION**

A Report on FY 2025 Non-General Funds

Pursuant to HRS § 601-3.2

The following report is respectfully submitted in accordance with HRS § 601-3.2, requiring a report of each non-general fund account, including but not limited to:

- (1) The name of the fund and a cite to the law authorizing the fund;
- (2) The intended purpose of the fund;
- (3) The current program activities that the fund supports;
- (4) The balance of the fund at the beginning of the current fiscal year;
- (5) The total amount of expenditures and other outlays from the fund account for the previous fiscal year;
- (6) The total amount of revenue deposited to the account for the previous fiscal year;
- (7) A detailed listing of all transfers from the fund;
- (8) The amount of moneys encumbered in the account as of the beginning of the fiscal year;
- (9) The amount of funds in the account which are required for the purposes of bond conveyance or other related bond obligations;
- (10) The amount of moneys in the account derived from bond proceeds; and
- (11) The amount of moneys of the fund held in certificates of deposit, escrow accounts or other investments.

NON-GENERAL FUND INFORMATION FY25
PURSUANT TO HRS, SECTION 601-3.2

NAME OF FUND (1) PURPOSE (2)	LAW AUTHORIZING FUND (1)	CURRENT PROGRAM ACTIVITY WHICH FUND SUPPORTS (3)	BEG BALANCE (2026) (4)	PRIOR YEAR EXPENDITURES (2025) (5)	PRIOR YEAR REVENUE (2025) (6)	TRANSFER FROM FUNDS (2025) (7)	BEG ENCUMBERED BALANCE (2026) (8)
Judicial Training FY24 (S-224) This grant aims to train district court judges with jurisdiction to preside over traffic matters that require information about legal issues and court procedures that may encourage increased compliance with existing traffic laws. Judges who attend judicial training sessions on impaired driving will increase their knowledge about the latest developments in the adjudication of traffic cases.	National Highway Traffic Safety Administration Fixing America's Surface Transportation Act Section 154, Section 164 and/or Section 405 program funds	Office of the Administrative Director of the Courts	-	4,797	3,129	-	-
Judiciary DWI court (S-225) The grant funds will support the continued operation of the Driving While Impaired (DWI) Court program in the District Court of the First Circuit by enhancing supervision resources for program participants and expanding training opportunities for staff. With the 2025 Legislature's approval of funding to make the DWI Court a permanent program, these funds will also support two permanent positions and ongoing program operations. This stable funding marks a significant milestone, allowing the DWI Court to grow and expand beyond its pilot phase and establish itself as a lasting part of the judicial system.	National Highway Traffic Safety Administration Fixing America's Surface Transportation Act Section 154, Section 164 and/or Section 405 program	District Court, First Circuit	-	33,959	32,562	-	-
Judiciary Electronic Citation Traffic Records (S-226) This grant enables the Judiciary Traffic Violation Bureau (TVB) for 1st and 2nd Circuits to continue to receive electronic citations (eCitations) from their respective police departments. eCitations have the benefit of reducing paper transport delays and therein provide immediate access to citation data to the courts, prosecutors, and police departments.	National Highway Traffic Safety Administration Fixing America's Surface Transportation Act 402	Office of the Administrative Director of the Courts	-	-	-	-	-
Judiciary Gunshot Detection Program Phase 3 (S-227) This grant is provided to mitigate, prevent, prepare, respond, and recover from threats and incidents of terrorism. It supports the Judiciary, State of Hawaii in leveraging funding to support the National Preparedness System initiatives.	The Homeland Security Act of 2002 (Public Law 107-296) (6 U.S.C. 603). The Appropriation Act, 2020, (Public Law 115-31).	Office of the Administrative Director of the Courts	-	8,042	8,042	-	-
Enhancing the Hawaii Drug Court (S-231) This grant program provides financial and technical assistance to states, state courts, local courts, and units of local government to implement and enhance the operations of adult drug courts and veteran treatment courts. The BJA allows award recipients to implement or enhance the most appropriate drug court model to accommodate the needs and available resources of their jurisdictions. The focus is to reduce opioid, stimulant, and substance abuse.	FY20 (BJA - Drug Courts) 34 USC 10611; Pub. L. No. 116-93, 133 Stat 2317, 2409	Circuit Court, First Circuit	-	17,110	17,110	-	-
FY2024 Access and Visitation Program (S-232) This grant provides safe Supervised Child Visitation/Exchange for families experiencing domestic violence on Oahu with a secure visitation center. The families are referred by Family Court. "Each year, about \$10 million in mandatory grant funding goes to states and territories to operate the AV program, which helps increase noncustodial parents' access to and time with their children. States are permitted to use grant funds to develop programs and provide services such as: mediation, development of parenting plans, education, counseling, visitation enforcement (including monitored and supervised visitation, and neutral drop-off and pick-up) and development of guidelines for visitation and alternative custody arrangements."	Title IV, Part D, Section 469B of the Social Security Act (the Act), 42 US Code 669b	Family Court, First Circuit	-	27,273	27,273	-	-

NAME OF FUND (1) PURPOSE (2)	LAW AUTHORIZING FUND (1)	CURRENT PROGRAM ACTIVITY WHICH FUND SUPPORTS (3)	BEG BALANCE (2026) (4)	PRIOR YEAR EXPENDITURES (2025) (5)	PRIOR YEAR REVENUE (2025) (6)	TRANSFER FROM FUNDS (2025) (7)	BEG ENCUMBERED BALANCE (2026) (8)
State Court Improvement Program (S-234) This grant provides assessment and improvement activities of the child welfare functions of the court system to promote continuous quality improvement with respect to due process, timeliness, and quality of court hearings; quality legal representation; and engagement of the entire family in the court process. It also allows state courts to make improvements to provide for the safety, well-being, and permanence of children in foster care and assist in the implementation of the PIP as a result of the CFSR.	Title IV Part B, Subpart 2, Section 438 of the Social Security Act (Act)	Family Court, First Circuit	-	111,076	111,076	-	-
Sustaining a Multi-Pronged Approach to Domestic Violence (S-240) To sustain efforts supported by prior Stop Violence Against Women Act grant awards through a multi-pronged approach that addresses ongoing education on the dynamics of domestic violence for judges and for the larger community, effective domestic violence intervention for those who perpetrate domestic violence, and strengthening coordinated community responses.	Title IV of the Violence Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 3796	Family Court, First Circuit	-	31,305	44,889	-	-
Homeland Security Grant Program (S-241) - New The FY 2024 HSGP funds are provided to Mitigate, Prevent, Prepare, Respond, and Recover from threats and incidents of terrorism. The FY 2024 HSGP supports the Judiciary, State of Hawaii in leveraging funding to support the National Preparedness System initiatives.	The Homeland Security Act of 2002 (Public Law 107-296) (6 U.S.C. 603). The Appropriation Act, 2020, (Public Law 115-31).	Office of the Administrative Director of the Courts	-	-	99,012	-	-
State Access and Visitation Program (FY23) (S-242) This grant provides safe Supervised Child Visitation/Exchange for families experiencing domestic violence on Oahu with a secure visitation center. The families are referred by Family Court. "Each year, about \$10 million in mandatory grant funding goes to states and territories to operate the AV program, which helps increase noncustodial parents' access to and time with their children. States are permitted to use grant funds to develop programs and provide services such as: mediation, development of parenting plans, education, counseling, visitation enforcement (including monitored and supervised visitation, and neutral drop-off and pick-up) and development of guidelines for visitation and alternative custody arrangements."	Social Security Act, Title IV, Part D, Section 469B, 42 US Code 669b	Family Court, First Circuit	-	-	-	-	-
COSSAP Hawaii (S-243) This grant will provide treatment, recovery support services and family court interventions by implementing and expanding comprehensive efforts to identify, respond to, treat, and support those impacted by drug abuse in the adult and the juvenile justice system on Oahu, Hawaii.	34 USC 10701; Public Law 116-260, 134 Stat. 1182, 1259	Circuit Court, First Circuit	-	335,411	335,411	-	-
Judiciary DWI Court (FY25) (S-245) - New The grant funds will support the continued operation of the Driving While Impaired (DWI) Court program in the District Court of the First Circuit by enhancing supervision resources for program participants and expanding training opportunities for staff. With the 2025 Legislature's approval of funding to make the DWI Court a permanent program, these funds will also support two permanent positions and ongoing program operations. This stable funding marks a significant milestone, allowing the DWI Court to grow and expand beyond its pilot phase and establish itself as a lasting part of the judicial system.	National Highway Traffic Safety Administration Fixing American's Surface Transportation Act Section 154, Section 164and/or Section 405 program funds; Bipartisan Infrastructure Law(BIL) Section 154, Section 164 and/or Section 405d program funds; and /or Supplemental BIL Section 405d program funds.	District Court, First Circuit	-	30,621	30,621	-	-

NAME OF FUND (1) PURPOSE (2)	LAW AUTHORIZING FUND (1)	CURRENT PROGRAM ACTIVITY WHICH FUND SUPPORTS (3)	BEG BALANCE (2026) (4)	PRIOR YEAR EXPENDITURES (2025) (5)	PRIOR YEAR REVENUE (2025) (6)	TRANSFER FROM FUNDS (2025) (7)	BEG ENCUMBERED BALANCE (2026) (8)
Judicial Training (FY25) (S-248) - New This grant aims to train district court judges with jurisdiction to preside over traffic matters that require information about legal issues and court procedures that may encourage increased compliance with existing traffic laws. Judges who attend judicial training sessions on impaired driving will increase their knowledge about the latest developments in the adjudication of traffic cases.	National Highway Traffic Safety Administration Fixing America's Surface Transportation Act Section 154, Section 164 and/or Section 405 program funds	Office of the Administrative Director of the Courts	-	-	-	-	-
Homeland Security Grant Program (FY22) (S-252) A portion of this grant (160K) covers Phase 4 of the Courthouse Security Camera Surveillance and Recording System (System) at Ali'iolani Hale and the Kapuaiwa Building. Initially started in FY 2018, this is the 4th and final phase of the project to close out and complete the System, which consists of approximately 60 high definition cameras strategically placed on the exterior and interior sides of both buildings. The remaining grant funds (80K) will enable the Information Technology and Systems Department to initiate and develop a Judiciary Emergency Data Center to serve as a backup to the existing Judiciary Data Center. This crucial secondary system located in an offsite secure commercial data center will allow the Judiciary to access Judiciary servers and applications in order to continue working in the event of a major crisis statewide and maintain continuity of the courts for the State of Hawaii.	Section 2002 of the Homeland Security Act of 2002 (Pub. L. No. 107-296, as amended) (6 U.S.C. § 603)	Office of the Administrative Director of the Courts	-	24,016	24,016	-	-
Court Improvement - Basic Program (S-253) This grant provides for assessment and improvement activities of the child welfare functions of the court system to promote continuous quality improvement with respect to due process, timeliness, and quality of court hearings; quality legal representation; and engagement of the entire family in the court process. It also allows state courts to make improvements to provide for the safety, well-being, and permanence of children in foster care and assist in the implementation of the PIP as a result of the CFSR.	Social Security Act, Title IV-B, Part 2, Section 438	Family Court, First Circuit	-	158,919	158,919	-	-
MOA Office of Language Access(S-254) - New To recruit language interpreters who are interested in providing services to assist limited English proficient (LEP) persons doing business with the Hawaii State Courts and other government agencies, and to provide training to increase the number and availability of qualified language interpreters and further develop their language interpretation skills.	Memorandum of Agreement (MOA) between the Office of Language Access (OLA) a governmental agency of the State of Hawaii and the Office on Equality and Access to the Courts, Hawaii Judiciary (OEAC)	Office of the Administrative Director of the Courts	-	21,965	49,500	-	-
Judiciary Driver Education (FY25) (S-255) - New The funds will be used to train and certify seven driver education instructors; purchase five pairs of impairment goggles and five set of corresponding activities; and send representatives to the Lifesaver Conference	National Highway Traffic Safety Administration Fixing American's Surface transportation Act Section 164 and/or Section 405 program funds; Bipartisan Infrastructure Law(FIL) Section 154, Section 164, Section 405d, Section 402 program funds; and/or Supplemental BIL Section 405d and Section 402 program funds.	District Court, First Circuit	-	24,309	24,309	-	-

NAME OF FUND (1) PURPOSE (2)	LAW AUTHORIZING FUND (1)	CURRENT PROGRAM ACTIVITY WHICH FUND SUPPORTS (3)	BEG BALANCE (2026) (4)	PRIOR YEAR EXPENDITURES (2025) (5)	PRIOR YEAR REVENUE (2025) (6)	TRANSFER FROM FUNDS (2025) (7)	BEG ENCUMBERED BALANCE (2026) (8)
Judiciary Gun Shot Detection Program (FY22) (S-257) This grant will assist the Security Division of the Courts to prevent, deter, respond to, and recover from threats and incidents of terrorism. The FY 2021 HSGP supports the Judiciary, State of Hawaii in leveraging funding to support the National Preparedness System initiatives.	The Homeland Security Act of 2002, Public Law 107-296, 6 U.S.C. 603; Department of Homeland Security Appropriations Act of 2020, Public Law 115-31.	Office of the Administrative Director of the Courts	-	-	-	-	-
State Access & Visitation Program (FY25) (S-258) - New This grant provides safe Supervised Child Visitation/Exchange for families experiencing domestic violence on Oahu with a secure visitation center. The families are referred by Family Court. "Each year, about \$10 million in mandatory grant funding goes to states and territories to operate the AV program, which helps increase noncustodial parents' access to and time with their children. States are permitted to use grant funds to develop programs and provide services such as: mediation, development of parenting plans, education, counseling, visitation enforcement (including monitored and supervised visitation, and neutral drop-off and pick-up) and development of guidelines for visitation and alternative custody arrangements."	Part D of Title IV section 469B of Social Security Act (Act)	Family Court, First Circuit	-	72,727	72,727	-	-
State Court Improvement Program (FY25) (S-259) - New This grant provides assessment and improvement activities of the child welfare functions of the court system to promote continuous quality improvement with respect to due process, timeliness, and quality of court hearings; quality legal representation; and engagement of the entire family in the court process. It also allows state courts to make improvements to provide for the safety, well-being, and permanence of children in foster care and assist in the implementation of the PIP as a result of the CFSR.	Title IV, Part B, Subpart 2, section 438, of the Social Security Act (Act)	Family Court, First Circuit	-	-	-	-	-
MOA, Alcohol and Drug Abuse Division (S-288) - New ADAD approved monies for a Dedicated Substance Abuse Counselor (DSAC) for the Juvenile Druhh Court Program to provide substance abuse services for court involved youth. These services are substance abuse assessments, substance abuse education, substance abuse outpatient program, and substances abuse intensive outpatient program.	Section 103F-101(a)(2), Hawaii Revised Statutes	Family Court, First Circuit	-	57,778	65,000	-	-
Justice for Families Program - (HSCADV) (S-290) This grant aims to assist self-represented victims of domestic violence, sexual assault, and stalking to understand their legal options and assert their rights, as well as to provide training and technical assistance for victim advocates and child welfare workers about critical civil legal issues.	34 U.S.C. § 12464 (OVW-JFF)	Office of the Administrative Director of the Courts	-	39,697	39,697	-	-
Judiciary Computer System Special Fund (S-315) This fund provides consulting and other related fees and expenses in selection, implementation, programming, and subsequent upgrades for a statewide computer system; and for purchase of hardware/software related to the system.	Act 203/96 , Act 299/99 Act 216/03, Act 230/04 Act 231/04	Judiciary Information Management System Users	5,246,422	3,013,645	4,775,330	-	687,336
Driver Education Training Fund (S-320) This fund coordinates and administers a comprehensive traffic safety education and training program as a preventative and rehabilitative effort for both adult and juvenile traffic offenders.	286G-2, HRS	Statewide Judiciary-Driver Education Training	1,702,121	2,222,253	1,944,750	-	61,324
Indigent Legal Assistance Fund (S-322) This fund provides civil legal services to indigent parties.	607-5.7, HRS	Indigent parties involved in civil litigation	934,303	1,129,995	1,424,155	-	-

NAME OF FUND (1) PURPOSE (2)	LAW AUTHORIZING FUND (1)	CURRENT PROGRAM ACTIVITY WHICH FUND SUPPORTS (3)	BEG BALANCE (2026) (4)	PRIOR YEAR EXPENDITURES (2025) (5)	PRIOR YEAR REVENUE (2025) (6)	TRANSFER FROM FUNDS (2025) (7)	BEG ENCUMBERED BALANCE (2026) (8)
<u>Parent Education Special Fund (S-325)</u> This fund supports programs to educate parents on the impact their separation will have on their children and to help separating parties avoid future litigious disputes. All divorcing parents and their children attend programs on each island.	607-5.6, HRS	Statewide Judiciary-Kid's First Program	495,318	81,450	121,389		15,645
<u>Spouse and Child Abuse Special Account (S-340)</u> This account is used for staff programs, and grants or purchases of service that support or provide spouse or child abuse intervention or prevention activities.	601-3.6, HRS	Statewide Judiciary-Family Courts	331,826	333,075	407,749		30,904
<u>Supreme Court Law Library Revolving Fund (S-350)</u> This fund is used to replace or repair lost, damaged, stolen, unreturned, or outdated books, serials, periodicals, and other library materials, or to support and improve library services.	601-3.5, HRS	Statewide Judiciary-Law Library Services	17,628	5,519	6,363		-
<u>Court Interpreting Services Revolving Fund (S-352)</u> This fund is used to support Court Interpreting Services program's educational services and activities relating to training, screening, testing, and certification of court interpreters.	607-1.5, HRS	Statewide Judiciary-Court Interpreter Services	35,788	7,278	8,909		761
<u>Supreme Court Bar Examination Fund (T-901)</u> This fund continues to serve the purpose for which it was created, which is to account for filing fees collected from individuals who are applying to take the Hawaii Bar Examination. Expenditures include costs associated with the administration of biannual bar examinations such as purchasing exam materials, rental of software and hardware for non-standard test accommodations, rent for the test facility, hiring an electrician to provide power in the laptop test room, court reporters, transcription fees, and security at the exam site. The fund expenditures also include providing for staff to travel to grading workshops and conferences, as well as other expenses incidental to the administration of the examination.	Supreme Court, Section 1.4	Supreme Court	437,934	166,790	145,085	-	-
<u>Detention Home Donations (T-902)</u> This fund was established to deposit donated funds from the public/community and is used to purchase clothes and personal items for the juveniles at the Detention Home. This fund is also used to purchase gifts for the juveniles at Christmas.	Public Law 8915,656564 (highway Safety Aur fa 1966)	Family Court, First Circuit	13,309	-	-	-	1,596
<u>Family Court, 1st Circuit-Restitution FD (T-905)</u> This account was established to document transactions for donations to the Family Courts Juvenile Monetary Restitution Program.	N/A	Family Court, First Circuit - Juvenile Client Services Branch, Intake and Probation Section	29,336	2,982	-	-	-
<u>Promote and Advance Civic Education (PACE) Commission (T-962)</u> The Supreme Court has created a commission to Promote and Advance Civic Education (PACE). The purpose of the commission is to promote and advance civic education for students and citizens of Hawaii. The PACE Commission's tasks include, providing leadership, oversight, and initiatives to increase civic education in the community and at schools, increasing citizens' knowledge about government, and promoting informed participation in government and democracy in Hawai'i, and (2) providing educational resources for the public about the importance of civic education through collaboration with the media and by other means.	N/A	Intermediate Court of Appeals	16,467	4,750	-	-	-

NAME OF FUND (1) PURPOSE (2)	LAW AUTHORIZING FUND (1)	CURRENT PROGRAM ACTIVITY WHICH FUND SUPPORTS (3)	BEG BALANCE (2026) (4)	PRIOR YEAR EXPENDITURES (2025) (5)	PRIOR YEAR REVENUE (2025) (6)	TRANSFER FROM FUNDS (2025) (7)	BEG ENCUMBERED BALANCE (2026) (8)
<u>MOA Alcohol and Drug Abuse Division (T-968)</u> This is a MOA with the State of Hawaii - DOH-ADAD to provide the Judiciary \$75,615/year for a period of three years (04/01/22 - 09/30/24) to continue operation of the Driving While Impaired Court Program. The funding of this MOA is to cover for the cost of two full-time positions (DWI Court Coordinator & DWI Court Case Manager) that are required to maintain the operation of the program.	N/A	District Court, First Circuit	59,488	55,859	-	-	33,228
<u>Juvenile Detention Alternative Initiative (JDAI) VII (T-969)</u> This grant supports replication of the JDAI and coordinates the implementation of the JDAI's eight core strategies in Hawaii. When the AECF launched JDAI as a pilot project in the early 1990s, overreliance on detention was widespread and growing nationwide. Using a model rooted in eight core strategies, JDAI proved effective in helping participating jurisdictions safely reduce their detention populations.	N/A	Family Court, First Circuit	13,595	-	-	-	-
<u>MOA Alcohol & Drug Abuse Division & Judiciary (T-972)</u> This is a MOA with the State of Hawaii - DOH-ADAD to provide the Judiciary \$200,000/year for a period of three years (10/01/19 - 09/30/22) to continue operation of the Driving While Impaired Court Program. The funding of this MOA is to cover for the cost of two full-time positions (DWI Court Coordinator & DWI Court Case Manager) that are required to maintain the operation of the program.	N/A	District Court, First Circuit	106,262	243,824	240,000	-	-
<u>Cash and Short-Term Cash Investments Held In Trust Outside of the State Treasury (Agency Fund - T-999)</u> Trust and agency funds are used to account for assets held by the Judiciary in a trustee or agency capacity. These include expendable trust funds that account for cash collected and expended by the Judiciary for designated purposes, and agency funds that account for the receipts and disbursements of various amounts collected by the Judiciary on behalf of others as their agent.	Section 40-81, Hawaii Revised Statutes	Admin, SC, CC1, CC2, CC3, CC5	66,135,636	78,349,520	81,446,502	-	-
<u>Rental Trust Fund</u> Court ordered deposits are held in individual case subsidiary ledgers in the Trust Accounting System for landlord - tenant disputes over rent and will be disbursed per court ordered judgments.	666-21, HRS	CC1, CC2, CC3, CC5	767,245	1,916,689	2,087,310	-	-

Note:

1) Bond Conveyance or Other Related Bond Obligations, Bond Proceeds, Certificates of Deposit, Escrow Accounts, and Other Investments are not applicable to the Judiciary.



Office of the Administrative Director of the Courts – THE JUDICIARY • STATE OF HAWAII
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Brandon M. Kimura
ADMINISTRATIVE DIRECTOR

Daylin-Rose H. Heather
DEPUTY ADMINISTRATIVE DIRECTOR

November 13, 2025

Via electronic submission

The Honorable Ronald D. Kouchi
President of the Senate
State Capitol
Honolulu, HI 96813

The Honorable Nadine K. Nakamura
Speaker of the House of Representatives
State Capitol
Honolulu, HI 96813

Dear President Kouchi and Speaker Nakamura:

Pursuant to Section 571-46.4, Hawai'i Revised Statutes (HRS), the Judiciary is transmitting a copy of the *Report on the Number of Complaints Against Court-Appointed Custody Evaluators*.

In accordance with Section 93-16, Hawai'i 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: https://www.courts.state.hi.us/news_and_reports/reports/reports.

Should you have any questions regarding this report, please feel free to contact Karen Takahashi of the Judiciary's Legislative Affairs and Special Projects Division at (808) 539-4896, or via e-mail at Karen.T.Takahashi@courts.hawaii.gov.

Sincerely,

Brandon Kimura

Brandon M. Kimura
Administrative Director of the Courts

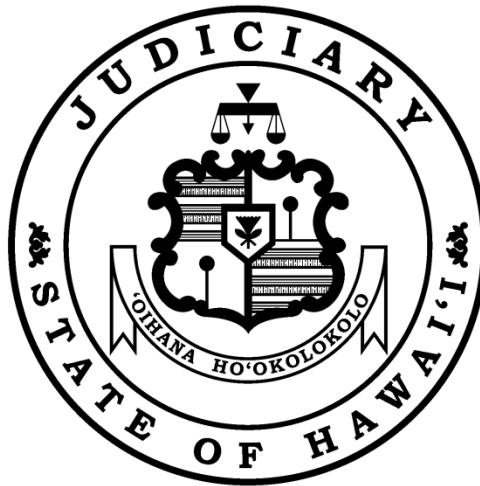
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**REPORT TO THE THIRTY-THIRD LEGISLATURE
2026 REGULAR SESSION**

**Report on the Number of Complaints Against
Court-Appointed Child Custody Evaluators**

Pursuant to HRS § 571-46.4



Prepared by:

The Judiciary, State of Hawai'i

November 2025

**REPORT TO THE THIRTY-THIRD LEGISLATURE
2026 REGULAR SESSION**

**Report on the Number of Complaints Against
Court-Appointed Child Custody Evaluators**

Pursuant to HRS § 571-46.4

This report is respectfully submitted pursuant to HRS § 571-46.4, which requires the Judiciary to submit an annual report regarding the number of complaints against court-appointed child custody evaluators.

During the fiscal year ending June 30, 2025, the Judiciary received no complaints against court-appointed child custody evaluators (Notice of Intent to File a Complaint Against a Private Child Custody Evaluator) filed in the First (O‘ahu), Second (Maui), Third (Hawai‘i Island), and Fifth (Kaua‘i) Circuits.



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Brandon M. Kimura
ADMINISTRATIVE DIRECTOR

Daylin-Rose H. Heather
DEPUTY ADMINISTRATIVE DIRECTOR

November 5, 2025

Via electronic submission

The Honorable Ronald D. Kouchi
President of the Senate
State Capitol
Honolulu, HI 96813

The Honorable Nadine K. Nakamura
Speaker of the House of Representatives
State Capitol
Honolulu, HI 96813

Dear President Kouchi and Speaker Nakamura:

Pursuant to Section 607.56, Hawai'i Revised Statutes (HRS), the Judiciary is transmitting a copy of the *Report on the Parent Education Special Fund*, including an accounting of all deposits into and expenditures from the fund in Fiscal Year 2025.

In accordance with Section 93-16, Hawai'i 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: https://www.courts.state.hi.us/news_and_reports/reports/reports.

Should you have any questions regarding this report, please feel free to contact Karen Takahashi of the Judiciary's Legislative Affairs and Special Projects Division at (808) 539-4896, or via e-mail at Karen.T.Takahashi@courts.hawaii.gov.

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Administrative Director of the Courts

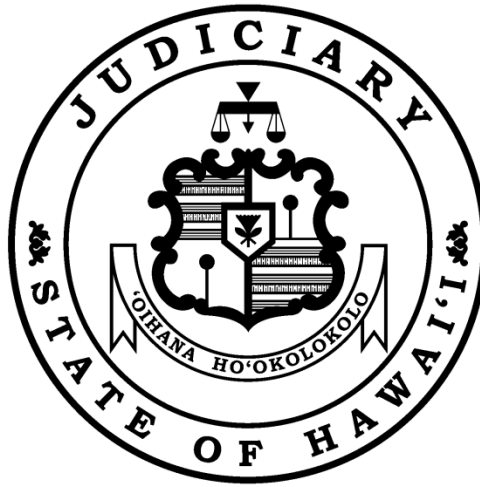
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**REPORT TO THE THIRTY-THIRD LEGISLATURE
2026 REGULAR SESSION**

A Report on the Parent Education Special Fund

Pursuant to HRS § 607-5.6



Prepared by:

The Judiciary, State of Hawai'i

November 2025

REPORT TO THE THIRTY-THIRD LEGISLATURE 2026 REGULAR SESSION

A Report on the Parent Education Special Fund

Pursuant to HRS § 607-5.6

The Parent Education Special Fund, established by the 1997 Legislature, State of Hawai'i, through Act 274, codified as HRS § 607-5.6, requires the Judiciary to submit a report on the Parent Education Fund.

On May 2, 2003, HRS § 607-5.6 was amended to increase the fund's surcharge from \$35 to \$50 for Family Court matrimonial cases and to add the surcharge to parentage actions.

The Purpose of the Fund

The Parent Education Special Fund is used to administer education programs to families currently involved in divorce cases in the State of Hawai'i. Parties litigating custody matters as well as children of unmarried or never-married parents living in the same household are also required to attend. Parents attending the divorce-education programs are encouraged to refocus on their children's needs by learning how continued fighting negatively impacts their children. They are also encouraged to mediate rather than litigate their custody conflicts. The programs emphasize that:

- family violence is never appropriate and is extremely harmful to children;
- children will thrive if they live in safe homes and are loved by both parents;
- the court takes into account the safety of victims and children in making custody and visitation decisions.

Children between the ages of six (6) and seventeen (17) also attend to learn how to cope with changes in their family. The programs emphasize that children are not the cause of parental separation, that parents do not divorce their children, and that there are many families going through similar experiences. Children and teens participate in age-appropriate discussions and activities focused on helping each child identify and understand their emotions.

After an opening statement by a Family Court judge, parents and children watch *The Purple Family* (1999), a timeless film which gently broaches themes of divorce and separation. The film is unique in that the words "divorce" or "separation" are never used explicitly to describe the family's situation. The programs distribute parenting guides with island-specific information on resources for counseling, domestic violence, parenting, and anger management classes. The website www.kidsfirsthawaii.com is also available to provide island-specific program and contact information to families.

Parent Education Programs

Each circuit administers its parent education program. In the First (O'ahu), Second (Maui), and Fifth (Kaua'i) Circuits, the program is called *Kids First*. The Third Circuit (Hawai'i Island) has two programs: *Children First* in Kona and *Children in Transition* in Hilo.

Due to the COVID-19 pandemic, which created unprecedented interruptions across the State of Hawai'i, in April 2020 *Kids First* O'ahu created innovative online programming still utilized by families on all islands. The online program features pre-recorded presentations by Family Court judges and licensed psychologists from *Kids First*. The judges speak to parents about what to expect in Family Court, while the presenters discuss ways to minimize risks during the divorce or separation process. The programming also includes the award-winning *Purple Family* film, as well as a presentation by a licensed psychologist and interactive activities for children. Parents are asked to complete a feedback form and encouraged to ask questions, which are forwarded to *Kids First* staff and licensed psychologists.

The O'ahu *Kids First* program is held in person on Wednesday evenings, alternating weekly between Hale Hilina'i in Honolulu and the Ronald T.Y. Moon Court Complex in Kapolei. In addition, Zoom sessions are held for parents and children every Thursday evening and online classes are conducted for families with exceptional circumstances. The Maui *Kids First* program is held in person on the second Wednesday of the month at Hoapili Hale in Wailuku. Hawai'i Island continues to provide online classes only, utilizing O'ahu's online platform with its own link on the O'ahu web page and many of its own videos. Kauai's *Kids First* program is held in person on the second Wednesday of the month at Pu'uhonua Kaulike Building in Lihu'e.

FY 2024-2025 Cases by Circuit	Divorce	Parentage	Civil Union	Total Cases
First (O'ahu)	1,855	579	1	2,435
Second (Maui, Moloka'i, Lana'i)	377	140	1	518
Third (Kona and Hilo)	564	191	1	756
Fifth (Kaua'i)	164	56	0	220
Total:	2,960	966	3	3,929

The percentage of filings for each circuit closely mirrors the population distribution for the State of Hawai'i. The majority of cases were filed on O'ahu, with 1,855 new divorce cases (63% of the state total) and 579 parentage filings (60% of the

state total). Additionally, one civil union divorce was filed on O‘ahu (the state total is three).

FY 2024-2025 Attendance by Circuit	Adult Attendance	Children Attendance	Total Attendance
First (O‘ahu)	1,855	1,121	2,976
Second (Maui, Moloka‘i, Lana‘i)	267	178	445
Third (Hilo and Kona)	241	274	515
Fifth (Kaua‘i)	187	116	303
Total:	2,550	1,689	4,239

Statewide, divorce education classes served a total of 4,239 individuals (2,550 parents and 1,689 children). In FY 2024-2025, *Kids First* O‘ahu served a total of 2,976 individuals (1,855 adults and 1,121 children).

Statewide revenue during FY 2024-2025 totaled \$121,389, which includes interest of \$15,334. Total expenses were \$81,450.

The Parent Education Special Fund began collecting filing fee surcharges and donations beginning July 1, 1997. The attached financial report reflects the 28th year of collections. The Parent Education Special Fund continues to support all five of the State of Hawai‘i Judiciary’s parent-education programs.

THE JUDICIARY
PARENT EDUCATION SPECIAL FUND
FY 2025 (July 01, 2024 - June 30, 2025)

OBJECT CODE	DESCRIPTION	FIRST CIRCUIT	SECOND CIRCUIT	THIRD CIRCUIT	FIFTH CIRCUIT	TOTAL
<u>REVENUES</u>						
0288	INTEREST	15,334	-	-		15,334
0763	SURCHARGE	74,350	13,400	11,780	6,525	106,055
		89,684	13,400	11,780	6,525	121,389
	TOTAL REVENUES					
<u>OTHER CURRENT EXPENSES & ENCUMBRANCES</u>						
2901	ESCORT SVC/ OTHER STATE DPT					-
2902	SECURITY SERVICES	10,045	4,962		741	15,748
3204	DUPLICATING SUPPLIES	117				117
3206	DATA PROCESSING SUPPLIES	379				379
3209	OTHER STATIONERY AND OFFICE SUPPLIES	400				400
3301	FOOD SUPPLIES	1,929			765	2,694
3501	DUES					-
3502	SUBSCRIPTIONS					-
3901	PRINTING AND BINDING					-
4102	CAR MILEAGE - OTHERS					-
4401	TRANS OUT OF STATE - EMPLOYEES					-
4501	SUBSISTENCE OUT OF STATE - EMPLOYEES					-
4601	HIRE OF PASSENGER CARS - EMPLOYEES					-
4801	OTHER TRAVEL					-
5503	OTHER RENTALS (PARKING PASS)					-
6619	OTHER PUBLIC SUPPORT & ASSISTANCE					-
7131	INTERPRETER FEES	534				534
7198	OTHER SERVICES ON FEE BASIS	28,760	18,000		8,700	55,460
7204	SPECIAL FUND ASSESSMENT (ACT 34, SLH 1964)	6,118				6,118
7205	TRNG COST & REG FEES					-
7215	OTHER MISC CURRENT EXP					-
7751	DATA PROCESSING SOFTWARE					-
7752	DATA PROCESSING EQUIPMENT					-
						-
	TOTAL OTHER CURRENT EXPENSES					-
		48,282	22,962	-	10,206	81,450



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Brandon M. Kimura
ADMINISTRATIVE DIRECTOR

Daylin-Rose H. Heather
DEPUTY ADMINISTRATIVE DIRECTOR

November 5, 2025

Via electronic submission

The Honorable Ronald D. Kouchi
President of the Senate
State Capitol
Honolulu, HI 96813

The Honorable Nadine K. Nakamura
Speaker of the House of Representatives
State Capitol
Honolulu, HI 96813

Dear President Kouchi and Speaker Nakamura:

Pursuant to Section 577-7.5, Hawai'i Revised Statutes (HRS), the Judiciary is transmitting a copy of the *Report on Parental Preferences in Government Contracts*.

In accordance with Section 93-16, Hawai'i 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: https://www.courts.state.hi.us/news_and_reports/reports/reports.

Should you have any questions regarding this report, please feel free to contact Karen Takahashi of the Judiciary's Legislative Affairs and Special Projects Division at (808) 539-4896, or via e-mail at Karen.T.Takahashi@courts.hawaii.gov.

Sincerely,

Brandon Kimura

Brandon M. Kimura
Administrative Director of the Courts

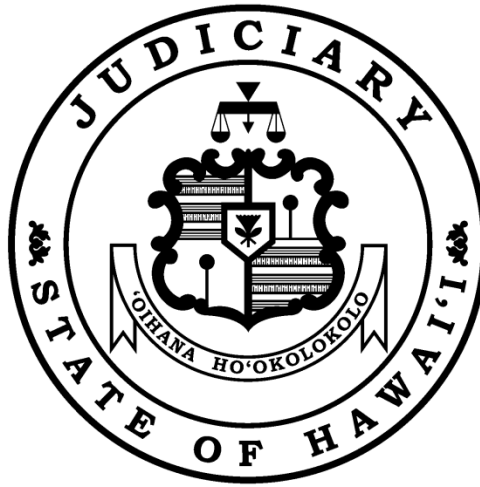
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**REPORT TO THE THIRTY-THIRD LEGISLATURE
2026 REGULAR SESSION**

A Report on Parental Preferences in Government Contracts

Pursuant to HRS § 577-7.5



Prepared by:

The Judiciary, State of Hawai'i

November 2025

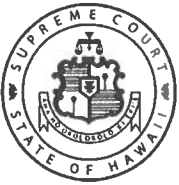
**REPORT TO THE THIRTY-THIRD LEGISLATURE
2026 REGULAR SESSION**

A Report on Parental Preferences in Government Contracts

Pursuant to HRS § 577-7.5

Hawai'i Revised Statutes, Section 577-7.5, provides that Judiciary contracts, programs, and services shall not favor one parent over the other in terms of child rearing and that the Judiciary provide an annual report to the Legislature.

We report that the Judiciary program administrators, program specialists, and contracting officers are continuing to monitor their contracts to ensure compliance with this Section. In addition to using standard contractual terms, our Judiciary staff attorney ensures compliance with all applicable laws by reviewing these contracts prior to finalization. Judiciary policies and procedures in the contracting of individuals or groups providing contractual services to the Judiciary do not and will not reflect any parental preference.



Supreme Court – THE JUDICIARY • STATE OF HAWAII

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Sabrina S. McKenna
ACTING CHIEF JUSTICE

November 17, 2025

Via electronic submission

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

The Honorable Nadine K. Nakamura
Speaker of the House of Representatives
State Capitol, Room 431
Honolulu, HI 96813

Re: Final Report of the 2025 Advisory Committee on Penal Code Review

Dear President Kouchi and Speaker Nakamura:

Pursuant to Act 245, Sessions Law of Hawaiʻi 2024, I hereby transmit for your consideration and review the Final Report of the 2025 Advisory Committee on Penal Code Review (the “Final Report”).

The Final Report provides the Legislature with a total of twenty-five proposals and recommendations, along with a discussion summary of issues addressed by the 2025 Advisory Committee on Penal Code Review (the “Committee”).

The membership of the Committee was diverse and large, and included the Senate Judiciary Committee Chairperson, the House of Representatives Judiciary and Hawaiian Affairs Committee Chairperson, sixteen jurists representing all courts (Supreme Court, Intermediate Court of Appeals, Circuit Court, Family Court, and District Court) and all four Judicial Circuits, prosecutors from all counties and the Department of the Attorney General, lawyers from the Public Defender’s Office and the private defense bar, medical professionals, law enforcement officers, advocates for victims’ rights, advocates for prisoner rights, the Director of the Department of Corrections and Rehabilitation, and interested members of the public.

The Committee began work on November 1, 2024, and met in plenary session nine times. Eight subcommittees also met separately on a number of occasions to consider issues of community concern, and prepare proposals for the larger Committee’s consideration and vetting.

The legislative proposals in the Final Report are made only after supermajority approval of the Committee, and reflect broad consensus of the diverse membership. Due to the supermajority approval requirement, and the diversity of members, many of the issues the subcommittees researched, prepared, and presented, did not result in legislative proposals. These issues, and the differing opinions of the membership, are nevertheless captured in the Final Report.

The Honorable Ronald D. Kouchi
The Honorable Nadine K. Nakamura
November 17, 2025
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Finally, I am pleased to note that the Committee was able to accomplish its duties without any expense to the Legislature. By adhering to the Judiciary's interest of leveraging technology, all research was conducted online, and all meetings were conducted via Zoom teleconferencing.

On behalf of the Judicial Council and the Committee, thank you for the opportunity to be of service to the Legislature and the people of Hawai'i.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Sabrina S. McKenna', with a long horizontal flourish extending to the right.

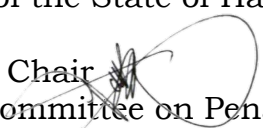
Sabrina S. McKenna
Acting Chief Justice

FINAL REPORT OF THE 2025 ADVISORY COMMITTEE ON PENAL CODE REVIEW



**Submitted to the Thirty-Third Legislature
of the State of Hawai‘i
2026 Regular Session**

To: Acting Chief Justice Sabrina S. McKenna
Supreme Court of the State of Hawai‘i

From: Paul B.K. Wong, Chair 
2025 Advisory Committee on Penal Code Review

Re: Final Report of the 2025 Advisory Committee on Penal Code Review

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I. Introduction

This is the final report of the 2025 Advisory Committee on Penal Code Review (the “Committee”), appointed by the Honorable Mark E. Recktenwald (Ret.), then Chief Justice of the State of Hawai‘i, and the Judicial Council, to carry out the request of the 2024 Legislature in Act 245, Sessions Law of Hawaii 2024 (“Act 245 SLH2024”), to review and recommend revisions to the Hawai‘i Revised Statutes Title 37 (the “Penal Code”). The Committee’s primary work product is divided into two sections of this report: (1) Section VI Legislative Proposals, and (2) Section VII Issues without Recommendations.

Act 245 SLH2024 sought from the Judicial Council a comprehensive review of the current Penal Code to ensure it is: (1) consistent and proportional across classes of offenses; (2) aligned with national best practices and utilizing evidence-based strategies; (3) cost-effective in advancing penal interests and providing equal justice to all in our community; and (4) responsive to offenders suffering from mental illness. A copy of Act 245 SLH2024 is attached hereto as Appendix A.

II. Membership of the Committee

The 2024 Legislature, through Act 245 SLH2024, sought the inclusion of a broad section of our community members interested in criminal law and civil liberties to participate on the Committee. To embrace the Legislature's direction of inclusion and breadth, the Committee was much larger than previous Penal Code Review Committees and consisted of 61 members from a diverse cross-section of the community affected by the criminal laws in Hawai'i. The membership included the Senate Judiciary Committee Chairperson, the House of Representatives Judiciary and Hawaiian Affairs Committee Chairperson, sixteen jurists representing all courts (Supreme Court, Intermediate Court of Appeals, Circuit Court, Family Court, and District Court) and all four Judicial Circuits, prosecutors from all counties and the Department of the Attorney General, lawyers from the Public Defender's Office and the private defense bar, medical professionals, law enforcement officers, advocates for victims' rights, advocates for prisoner rights, the Director of the Department of Corrections and Rehabilitation, and interested members of the public. The members of the 2025 Penal Code Review Committee are:

1. Saifoloi Aganon
Probation Administrator
Judiciary of the State of Hawai'i
2. Sean Aronson, Esq.
Staff Attorney
House Judiciary and Hawaiian Affairs Committee
3. Jennifer Awong, Esq.
Staff Attorney, Criminal Division
Circuit Court of the First Circuit
4. Rosemarie Albano
Director, Victim Witness Kokua Services
Department of the Prosecuting Attorney, City and County of Honolulu
5. Brenda Bauer-Smith, Psy.D.
Chief, Court Evaluation Branch
Department of Health, State of Hawai'i
6. Scott Bell, Esq.
Deputy Prosecuting Attorney
City and County of Honolulu

7. Parker Bode
Major, Human Resources Division
Honolulu Police Department
8. Kat Brady
Coordinator
Community Alliance on Prisons
9. Thomas Brady, Esq.
1st Deputy Prosecuting Attorney
City and County of Honolulu
10. Jason Burks, Esq.
Attorney at Law
11. Michael Champion, M.D.
Senior Advisor for Mental Health and the Justice System
Office of the Governor of the State of Hawai'i
12. Hayley Cheng, Esq.
1st Deputy Public Defender
State of Hawai'i
13. Hon. Brian Costa
Circuit Court of the First Circuit
14. David Day, Esq.
Special Assistant to the Attorney General
Department of the Attorney General, State of Hawai'i
15. Hon. Wendy DeWeese
Chief Judge
Circuit Court of the Third Circuit
16. Adrian Dhakhwa, Esq.
Deputy Attorney General
Department of the Attorney General, State of Hawai'i
17. Hon. Christopher Dunn
Deputy Chief Judge
District Court of the Second Circuit
18. Dennis Dunn

19. Hon. Todd Eddins
Associate Justice
Supreme Court of the State of Hawai'i
20. Pamela Ferguson-Brey, Esq.
Executive Director
Crime Victim Compensation Commission
21. Hon. Tracy Fukui
District Court of the First Circuit
22. Nelson Goo, Esq.
Attorney at Law
23. Nelson Hamilton
Captain
Maui Police Department
24. Daylin-Rose Heather, Esq.
Deputy Administrative Director of the Courts
25. Jon Ikenaga, Esq.
Public Defender
State of Hawai'i
26. Hon. Ronald Johnson
Deputy Chief Judge/Criminal Administrative Judge
Circuit Court of the First Circuit
27. Tommy Johnson
Director, Department of Corrections and Rehabilitation
State of Hawai'i
28. Ku'ike Kamaka-Ohelo
Director of Wellbeing
Office of Hawaiian Affairs
29. Jongwook "Wookie" Kim
Legal Director
ACLU Hawai'i
30. Chad Kumagai
Deputy Prosecuting Attorney
County of Maui

31. Hon. M. Kanani Laubach
Deputy Chief Judge
District Court of the Third Circuit
32. Rebecca Lester
Deputy Prosecuting Attorney
County of Hawai'i
33. Nikos Leverenz
Grants and Advancement Manager
Hawai'i Health and Harm Reduction Center
34. James Lindblad
President
A-1 Bonding, Inc.
35. Benjamin Lowenthal, Esq.
Attorney at Law
36. Hon. Clarissa Malinao
Circuit Court of the First Circuit
37. Hon. Sonja McCullen
Associate Judge
Intermediate Court of Appeals, State of Hawai'i
38. Hon. Gregory Meyers
District Court of the Fifth Circuit
39. Thomas Michener, Esq.
Deputy Attorney General
Department of the Attorney General, State of Hawai'i
40. Hon. Trish Morikawa
Circuit Court of the First Circuit
41. Tracy Murakami, Esq. (succeeding Ramsey Ross, Esq.)
Deputy Prosecuting Attorney
County of Kauai
42. Tricia Nakamatsu, Esq.
Deputy Attorney General
Department of the Attorney General, State of Hawai'i

43. Brandon Nakasato
Major, Professional Standards Office
Honolulu Police Department
44. Matthew Nardi, Esq.
Attorney at Law
45. Sarah Nishioka, Esq.
Deputy Public Defender
State of Hawai'i
46. Bradon Ogata
Major, District 6
Honolulu Police Department
47. Stanton Oshiro, Esq.
Attorney at Law
48. Jerome Pacarro
Captain, Narcotics/Vice Division
Honolulu Police Department
49. Hon. Catherine Remigio
Circuit Court of the First Circuit
50. Hon. Karl Rhoads
Senate Judiciary Committee Chairperson
51. Richard Sing, Esq.
Attorney at Law
52. Hon. Rowena Somerville
Circuit Court of the First Circuit
53. James Tabe, Esq.
Attorney at Law
54. Hon. David Tarnas
House Judiciary and Hawaiian Affairs Committee Chairperson
55. David Van Acker, Esq.
Deputy Attorney General
Department of the Attorney General, State of Hawai'i
56. Hon. Matthew Viola
Circuit Court of the First Circuit

- 57. Aaron Wills, Esq.
Attorney at Law
- 58. Zachary Wingert, Esq.
Deputy Public Defender
State of Hawai'i
- 59. Hon. Paul Wong
Circuit Court of the First Circuit
- 60. Hon. Kristine Yoo
District Court of the First Circuit
- 61. Kory Young, Esq.
Deputy Attorney General
Department of the Attorney General, State of Hawai'i

III. Organization of the Subcommittees

The Committee was divided into eight Subcommittees, each with the primary responsibility to review one or more chapters of the Penal Code. The following is a list of the Subcommittees and their respective Chairpersons:

1. Chapter 701: Preliminary Provisions
Chapter 702: General Principles of Penal Liability
Chapter 703: General Principles of Justification
Chapter 705: Inchoate Crimes
Subcommittee Chair: Judge Wendy DeWeese
2. Chapter 704: Penal Responsibility and Fitness to Proceed
Subcommittee Chair: Judge M. Kanani Laubach
3. Chapter 706: Disposition of Convicted Defendants
Chapter 853: Deferred Acceptance of Guilty and No Contest Plea
Subcommittee Chair: Judge Matthew Viola
4. Chapter 707: Offenses Against the Person
Chapter 709: Offenses Against Family and Against Incompetents
Chapter 134: Firearms, Ammunition and Dangerous Weapons
Subcommittee Chair: Judge Gregory Meyers
5. Chapter 708: Offenses Against Property Rights
Subcommittee Chair: Judge Clarissa Malinao
6. Chapter 710: Offenses Against Public Administration
Chapter 711: Offenses Against Public Order
Subcommittee Chair: Judge Tracy Fukui
7. Chapter 712: Offenses Against Public Health and Morals
Subcommittee Chair: Judge Trish Morikawa
8. Chapter 804: Bail and Bonds (Pretrial Release)
Subcommittee Chair: Judge Christopher Dunn

Appendix B attached hereto contains the Subcommittee rosters, meeting dates, and other work-up information. Some members were assigned to subcommittees due to their expertise. Other members were allowed to select their subcommittee, move between subcommittees, participate in multiple subcommittees, and/or attend plenary sessions without specific subcommittee assignments.

IV. Work of the Committee

The Committee met in plenary session, usually on the first Friday of the calendar month, on the following dates:

November 1, 2024
February 7, 2025
March 7, 2025
June 6, 2025
July 11, 2025
August 1, 2025
September 5, 2025
October 3, 2025
October 31, 2025

The Subcommittees generally met on the first Friday of the months between the plenary sessions, and whenever a Subcommittee Chairperson deemed appropriate for additional meetings as reflected in Appendix B.

The Subcommittees reviewed their respective Penal Code chapters and were responsible for analyzing issues of concern and crafting legislative solutions. Through their work, the Subcommittees then presented recommended legislative changes for further discussion and vetting by the overall Committee in plenary session. Each Subcommittee identified a broad array of issues for discussion and analysis. However, not all issues resulted in legislative proposals. Many issues were discussed, but for a myriad of reasons, did not result in legislative recommendations. The inability to present a legislative recommendation could reflect the failure to obtain consensus approval because of competing societal interests, ineffective use of resources, and/or the aversion to create new penal statutes when existing statutes can address the perceived need. Essentially, from the broad array of issues identified by members in their respective subcommittees, these issues were winnowed down before any legislative proposals would be presented to the Committee in plenary session.

By agreement of the Committee, only the legislative proposals that gained *supermajority* approval in plenary session would result in recommendations for the 2026 Legislature. Supermajority approval required two-thirds of all voting members at any plenary session. During every plenary session, the Committee had a quorum of more than half of the total membership for voting. Given the constraints of the voting procedures, legislative recommendations made in this report reflect broad acceptance of the members of the Committee, and the respective interests that they represent.

V. Executive Summary

The Penal Code is remarkably durable in addressing the community's need of identifying and addressing antisocial behavior worthy of criminal penalties. Stated differently, the Committee believes the Penal Code is currently effective, should be reviewed and changed, but not significantly. Reflective of the large and diverse membership, the work of the Committee focused not on the technical operation of the Penal Code, but on larger policy issues that are at the forefront of the community's consciousness at the present time. As a result, the Committee approved 25 legislative recommendations by supermajority vote, and they are presented in Section VI of this report entitled "Legislative Proposals." The following is a summary of the recommended amendments to the Penal Code:

Chapter 701: Preliminary Provisions

Chapter 705: Inchoate Crimes

The amendment to Hawai'i Revised Statutes ("HRS") section 701-107 clarifies that whenever the Legislature creates statutes involving criminal liability, they are treated as such even though these legislative enactments are not within the Penal Code (HRS Title 37). Many crimes are defined outside of the Penal Code, e.g., firearm violations in HRS Chapter 134. This proposed amendment creates consistency throughout the statutory scheme of the HRS.

The "Statute of Limitations" in section 701-108 should be amended to change the time period to prosecute parking violations as the same time to prosecute petty misdemeanors, rather than a more serious misdemeanor. The recommendation would allow prosecution of a parking violation within one year of the offense, rather than two years. In contrast, prosecution for Class B and Class C felony offenses must begin within three years, and Class A felony offenses must begin within six years.

The proposed amendment to section 701-106 clarifies the standard of proof whenever a finding of fact is necessary. A fact must be proved by a "preponderance of the evidence" unless otherwise specified by the Legislature (other specified standards include "clear and convincing evidence" and "proof beyond a reasonable doubt").

The recommended amendments to sections 705-501, 705-511, 705-520, 705-521, 705-523 make the respective provisions gender neutral and consistent with the remainder of the Penal Code.

Chapter 704: Penal Responsibility and Fitness to Proceed

Consistent with the request of the Legislature in Act 245 2024SLH to review the Penal Code and be more responsive to offenders suffering from mental illness, the proposed legislative revisions to HRS Chapter 704 are the most substantive in this report. The proposed legislative revisions to HRS Chapter 704 seek to modernize and expedite the transfer of information, and patients, between the Department of Health (“DOH”) and Department of Corrections and Rehabilitation (“DCR”). The recommendations facilitate faster mental examination of defendants, minimize the time between court decisions and transfer of a defendant’s custody between the DOH and the DCR, leverage the medical treatment already afforded to this defendant population, and ultimately, reduce the length of stay by defendants at the Hawai‘i State Hospital (the “State Hospital”).

When criminal defendants manifest mental health disorders that prevent them from assisting in their defense (i.e., they are mentally “unfit”), their respective criminal proceedings are suspended until examinations by mental health professionals (psychiatrists or psychologists) are performed and the court can determine a defendant’s mental “fitness to proceed.” Mental health examinations can be delayed due to a variety of factors including the unavailability of relevant medical records and difficulty meeting with defendants. Revisions to sections 704-404, 704-406, and 704-407.5 codify and simplify the collection of medical records for review by the examiners. These sections are also modified to allow telehealth examination of criminal defendants.

Unfit criminal defendants are often transferred to the custody of the DOH and the State Hospital for treatment until they regain fitness to proceed. Currently, another set of court-appointed examinations is required before a defendant can be found fit, transferred from the State Hospital back to the custody of DCR, and allow resumption of the underlying criminal proceedings. This requirement of another set of court-appointed examinations omits the input of a defendant’s treatment providers and lengthens the proceedings. The significant revisions of section 704-406 expedite the transfer of defendants out of the State Hospital, especially when there is no dispute that a defendant is fit to proceed and should be returned to the DCR for further criminal proceedings.

Chapter 706: Disposition of Convicted Defendants

The proposal to amend section 706-623 will reduce the initial probation term for non-violent felony defendants from four years to three years. This recommendation is in response to the Pew Charitable Trust study in December 2020 that ranked Hawai‘i with the longest average probation lengths. While

many factors are responsible for extending probation terms, this proposal starts to address the issue with the lowest level of felony offenders. Violent and more serious felony offenders are still subject to probation terms of four, five, and ten years.

Chapter 709: Offenses Against Family and Against Incompetents

The Committee proposes defining “physically abuse” for the offense of Abuse of family or household members in section 709-906. Abuse of family or household members is charged as felony offenses, misdemeanor offenses, and petty misdemeanor offenses. The proposed definition follows current caselaw and standardizes an element of an offense that is widely charged in criminal cases.

Chapter 710: Offenses Against Public Administration

The Committee proposes the repeal of section 710-1011 Refusing to aid a law enforcement officer. This offense is rarely charged, and complying with the requirements of this statute may place private citizens in harm’s way.

The Committee proposes a heavy revision and renaming of section 710-1012 Refusing to assist in fire control to “Disobeying an order or regulation relating to the conduct of persons in the vicinity of a fire.” Similar to the considerations of section 710-1011, this statute is rarely used, and compliance could endanger a private citizen. However, the renamed statute still maintains the community interest that private citizens obey the explicit commands of first responders.

The recommended amendment to section 710-1021 Escape in the second degree avoids a draconian outcome for non-violent defendants charged with a petty misdemeanor when they “flee” the custody of the DOH. Currently, these defendants could be charged with a Class C felony when their underlying petty misdemeanor charge limits the maximum incarceration to 30 days.

Chapter 711: Offenses Against Public Order

The Committee recommends amendment of section 711-1101 Disorderly conduct, the creation of a new offense entitled “Consenting to unreasonable noise on premises,” and an amendment of section 711-1100 to define “unreasonable noise.” These amendments clarify when the offense of Disorderly conduct is a petty misdemeanor and when it is a violation. The creation of an unreasonable noise violation in residential settings addresses a

situation when noise creates a public nuisance but does not rise to the level of “disorderly conduct.”

Chapter 712: Offenses Against Public Health and Morals

The Committee recommends the creation of a minimum threshold amount of dangerous drugs such as cocaine, heroin, methamphetamine, and fentanyl, before possession becomes a felony offense. The proposed legislation is a revision and renaming of section 712-1243 Promoting a dangerous drug in the third degree into an offense entitled “Possessing a dangerous drug in the first degree.” This revision specifies the minimum amount of 0.5 grams of methamphetamine, heroin, morphine, cocaine, or fentanyl, and 2.0 grams of any other dangerous drug for felony liability.

The Committee also proposes the creation of a new offense of section 712-1243.5 Possessing a dangerous drug in the second degree. This new misdemeanor offense applies to cases where a defendant possesses only trace amounts or residue of dangerous drug (amounts that have no commercial value). The Committee believes the threshold amount allows less serious offenders to be treated as substance abusers with rehabilitative needs, rather than on the level akin to major criminal offenders.

The remaining legislative proposals to section 706-623 Terms of probation and section 712-1255 Conditional Discharge account for the new misdemeanor offense of Possessing a dangerous drug in the second degree and achieves code consistency if the Legislature does create the new offenses of Possessing a dangerous drug.

Chapter 804: Bail and Bonds (Pretrial Release)

The Committee recommends amendment of section 804-7.1 Conditions of release on bail, recognizance, or supervised release to ensure that release conditions, specifically electronic monitoring and surveillance, remain available to all criminal defendants. If the cost of electronic monitoring and surveillance is assessed to defendants, truly indigent defendants that cannot afford the monetary cost will remain incarcerated. This amendment specifies the cost of electronic monitoring or surveillance is borne by the DCR.

The Committee also recommends amending section 804-7. Act 179, Session Laws of Hawai‘i 2019 required the creation of a statewide program that permits the posting of monetary bail seven-days-a-week for defendants who remain in the custody of the DCR. A program is not yet in place, and with this amendment, the Legislature can specify a time period for compliance with this statute.

Issues without Recommendations

The legislative recommendations are one part of the work of the Committee. Also presented in this report are subcommittee discussions that did not result in legislative recommendations but may nevertheless spark the interest of the Legislature. These issues did not ultimately reach supermajority approval of the Committee, but were worthy of research and analysis, and provide insight into the current concerns of the community. The discussions of these issues are presented in this report in Section VI “Issues without Recommendations.” The Committee hopes the inclusion of this section will be helpful to the Legislature if/when constituent groups seek changes to the Penal Code related to these issues.

VI. Legislative Proposals

Chapter 701: Preliminary Provisions

§ 701-107 Grades and classes of offenses. (1) An offense defined by this Code or by any other statute of this State for which a sentence of imprisonment is authorized constitutes a crime. Crimes are of three grades: felonies, misdemeanors, and petty misdemeanors. Felonies include murder in the first and second degrees, attempted murder in the first and second degrees, and the following three classes: class A, class B, and class C.

(2) A crime is a felony if it is so designated in this Code or in a statute other than this Code enacted subsequent thereto, or if persons convicted thereof may be sentenced to imprisonment for a term which is in excess of one year.

(3) A crime is a misdemeanor if it is so designated in this Code or in a statute other than this Code enacted subsequent thereto, or if it is defined in a statute other than this Code which provides for a term of imprisonment the maximum of which is one year.

(4) A crime is a petty misdemeanor if it is so designated in this Code or in a statute other than this Code enacted subsequent thereto, or if it is defined by a statute other than this Code that provides that persons convicted thereof may be sentenced to imprisonment for a term not to exceed thirty days.

(5) An offense defined by this Code or by any other statute of this State constitutes a violation if it is so designated in this Code or in the law defining the offense or if no other sentence than a fine, or fine and forfeiture or other civil penalty, is authorized upon conviction or if it is defined by a statute other than this Code which provides that the offense shall not constitute a crime. A violation does not constitute a crime, and conviction of a violation shall not give rise to any civil disability based on conviction of a criminal offense.

(6) Any offense declared by law to constitute a crime, without specification of the grade thereof or of the sentence authorized upon conviction, is a misdemeanor.

(7) An offense defined by any statute of this State other than this Code shall be classified as provided in this section and the sentence that may be imposed upon conviction thereof shall hereafter be governed by this Code.

Comment:

The existing commentary on section 701-107 notes that this section's "main thrust . . . is to govern the classification of offenses defined outside the Code." However, there are several felony offenses currently "outside the Code." See *e.g.*, HRS section 11-412 regarding campaign fraud as a class C felony, enacted in 2010; section 132D-14 regarding fireworks offenses as a class C felony, enacted in 1994; section 161-28 regarding bribery of poultry inspectors as a class C felony, enacted in 1969; sections 329-41 and 329-42 regarding prohibited acts involving the Uniform Controlled Substances Act punishable as a class C felony, enacted in 1972; section 329C-2 regarding distribution of an imitation controlled substance to a minor punishable as a class C felony, enacted in 1984; section 329D-19 regarding alteration or falsification of medical cannabis dispensary records punishable as a class C felony, enacted in 2015; section 428-1302 regarding violations of the Uniform Limited Liability Company Act punishable as a class C felony, enacted in 1996; section 480-16 regarding antitrust and monopoly activity punishable "by imprisonment not exceeding three years", enacted in 1961; section 480E-12 regarding mortgage rescue fraud punishable as a class C felony, enacted in 2012; section 485A-508 regarding securities fraud punishable as a class C felony up to a class A felony, depending on the amount of monetary loss, enacted in 2006; section 846E-9 regarding failure to comply with sex offender registration requirements punishable as a class C felony, enacted in 1997.

Additionally, the rationale is unclear as to why the proposed language was in subsections (3) and (4) regarding misdemeanor and petty misdemeanor offenses but omitted from subsection (2) regarding felony offenses. Thus, the proposed amendment to section 701-107 is made for the purposes of clarity and consistency.

§ 701-108 Time limitations. (1) A prosecution for murder, murder in the first and second degrees, attempted murder, attempted murder in the first and second degrees, criminal conspiracy to commit murder in any degree, criminal solicitation to commit murder in any degree, sexual assault in the first and second degrees, sex trafficking, and continuous sexual assault of a minor under the age of fourteen years may be commenced at any time.

(2) Except as otherwise provided in this section, prosecutions for other offenses are subject to the following periods of limitation:

- (a) A prosecution for manslaughter where the death was not caused by the operation of a motor vehicle must be commenced within ten years after it is committed;

- (b) A prosecution for a class A felony must be commenced within six years after it is committed;
 - (c) A prosecution for any felony under part IX of chapter 708 must be commenced within five years after it is committed;
 - (d) A prosecution for any other felony must be commenced within three years after it is committed;
 - (e) A prosecution for a misdemeanor [~~or parking violation~~] must be commenced within two years after it is committed; and
 - (f) A prosecution for a petty misdemeanor or a violation [~~other than~~] including a parking violation, must be commenced within one year after it is committed.
- (3) If the period prescribed in subsection (2) has expired, a prosecution may nevertheless be commenced for:
- (a) Any offense an element of which is fraud, deception as defined in section 708-800, or a breach of fiduciary obligation or the offense of medical assistance fraud under section 346-43.5, within three years after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is oneself not a party to the offense, but in no case shall this provision extend the period of limitation by more than six years from the expiration of the period of limitation prescribed in subsection (2);
 - (b) Any offense based on misconduct in office by a public servant at any time when the defendant is in public office or employment or within two years thereafter, but in no case shall this provision extend the period of limitation by more than three years from the expiration of the period of limitation prescribed in subsection (2); and
 - (c) Any felony offense involving evidence containing deoxyribonucleic acid from the offender, if a test confirming the presence of deoxyribonucleic acid is performed prior to expiration of the period of limitation prescribed in subsection (2), but in no case shall this provision extend the period of limitation by more than ten years from the expiration of the period of limitation prescribed in subsection (2).
- (4) An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the defendant's complicity therein is

terminated. Time starts to run on the day after the offense is committed.

(5) A prosecution is commenced either when an indictment is found or a complaint filed, or when an arrest warrant or other process is issued, provided that such warrant or process is executed without unreasonable delay.

(6) The period of limitation does not run:

- (a) During any time when the accused is continuously absent from the State or has no reasonably ascertainable place of abode or work within the State, but in no case shall this provision extend the period of limitation by more than four years from the expiration of the period of limitation prescribed in subsection (2);
- (b) During any time when a prosecution against the accused for the same conduct is pending in this State; or
- (c) For any felony offense under chapter 707, part V or VI, during any time when the victim is alive and under eighteen years of age.

(7) As used in this section, "public servant" shall have the same meaning as in section 710-1000.

Comment:

The applicable time period to commence a prosecution for a parking violation is two years as noted in section (2)(e), while the applicable time period to commence a prosecution for a petty misdemeanor or a violation other than a parking violation is one year as noted in section (2)(f). This discrepancy has been in effect for at least 24 years. During this time, the Committee is not aware of a single instance of a parking violation prosecution being brought beyond one year after it was committed. Whatever the original justification for a two-year period may have been, it no longer appears to be warranted. The Committee finds that reducing the time period to commence a prosecution for a parking violation from two years to one year will not significantly impact parking violation prosecutions and will allow parking violations to be treated in the same manner as other violations.

§ 701-116 Proving applicability of the Code. When the application of the Code depends on the finding of a fact which is not required to be found beyond a reasonable doubt:

(1) The burden of proving the fact is on the prosecution or defendant, depending on whose interest or contention will be furthered if the finding should be made; and

(2) Unless there is any authority to the contrary, the fact must be proved by a preponderance of the evidence.

Comment:

The Committee recognizes there may be instances where the appropriate burden of proof must be made by “clear and convincing evidence” instead of the lower “preponderance” standard. In 1999, the Hawai‘i Supreme Court, in *State v. Kotis*, 91 Hawai‘i 319, 340, 984 P.2d 78, 99 (1999), held that due process under article I, section 5 of the state constitution requires “that an order for the nonemergency involuntary administration of antipsychotic medications to a criminal defendant must be based upon facts found by clear and convincing evidence.” Accordingly, the proposed amendment to section 701-116 is made for the purposes of clarity and consistency.

Chapter 705: Inchoate Crimes

§ 705-501 Criminal attempt; attempting to aid another. (1) A person who engages in conduct intended to aid another to commit a crime is guilty of an attempt to commit the crime, although the crime is not committed or attempted by the other person, provided ~~his~~ the person's conduct would establish ~~his~~ their complicity under sections 702-222 through 702-226 if the crime were committed or attempted by the other person.

(2) It is not a defense to a prosecution under this section that under the circumstances it was impossible for the defendant to aid the other person in the commission of the offense, provided ~~he~~ the person could have done so had the circumstances been as ~~he~~ they believed them to be.

§ 705-511 Immunity, irresponsibility, or incapacity of a party to criminal solicitation. (1) A person shall not be liable under section 705-510 for criminal solicitation of another if under sections 702-224(1) and (2) and 702-225(1) ~~he~~ they would not be legally accountable for the conduct of the other person.

(2) It is not a defense to a prosecution under section 705-510 that the person solicited could not be guilty of committing the crime because:

- (a) ~~He~~ The person is, by definition of the offense, legally incapable in an individual capacity of committing the offense solicited;
- (b) ~~He~~ The person is penally irresponsible or has an immunity to prosecution or conviction for the commission of the crime;
- (c) ~~He~~ The person is unaware of the criminal nature of the conduct in question or of the defendant's criminal intent; or

- (d) ~~He~~ The person does not have the state of mind sufficient for the commission of the offense in question.

(3) It is not a defense to a prosecution under section 705-510 that the defendant is, by definition of the offense, legally incapable in an individual capacity of committing the offense solicited.

§ 705-520 Criminal conspiracy. A person is guilty of criminal conspiracy if, with intent to promote or facilitate the commission of a crime:

(1) ~~He~~ The person agrees with one or more persons that they or one or more of them will engage in or solicit the conduct or will cause or solicit the result specified by the definition of the offense; and

(2) ~~He~~ The person or another person with whom ~~he conspired~~ they conspire commits an overt act in pursuance of the conspiracy.

§ 705-521 Scope of conspiratorial relationship. If a person guilty of criminal conspiracy, as defined in section 705-520, knows that a person with whom ~~he conspires~~ they conspire to commit a crime has conspired with another person or persons to commit the same crime, ~~he is the person~~ they conspire is guilty of conspiring to commit the crime with such other person or persons, whether or not ~~he knows~~ they know their identity.

§ 705-523 Immunity, irresponsibility, or incapacity of a party to criminal conspiracy. (1) A person shall not be liable under section 705-520 for criminal conspiracy if under sections 702-224(1) and (2) and 702-225(1) ~~he the person~~ would not be legally accountable for the conduct of the other person.

(2) It is not a defense to a prosecution under section 705-520 that a person with whom the defendant conspires could not be guilty of committing the crime because:

- (a) ~~He~~ The person is, by definition of the offense, legally incapable in an individual capacity of committing the offense;
- (b) ~~He~~ The person is penally irresponsible or has an immunity to prosecution or conviction for the commission of the crime;
- (c) ~~He~~ The person is unaware of the criminal nature of the conduct in question or of the defendant's criminal intent; or
- (d) ~~He~~ The person does not have the state of mind sufficient for the commission of the offense in question.

(3) It is not a defense to a prosecution under section 705-520 that the defendant is, by definition of the offense, legally incapable in an individual capacity of committing the offense that is the object of the conspiracy.

Comment:

The Committee proposes amendments to sections 705-501, 705-511, 705-520, 705-521, and 705-523 to make this Chapter gender neutral and consistent with the remainder of the Penal Code.

Chapter 704: Penal Responsibility and Fitness to Proceed

§ 704-404 Examination of defendant with respect to physical or mental disease, disorder, or defect excluding fitness to proceed.

(1) Whenever there is reason to doubt the defendant's fitness to proceed, the court may immediately suspend all further proceedings in the prosecution; provided that for any defendant not subject to an order of commitment to the director of health for the purpose of the examination, neither the right to bail nor proceedings pursuant to chapter 804 shall be suspended. If a trial jury has been empaneled, it shall be discharged or retained at the discretion of the court. The discharge of the trial jury shall not be a bar to further prosecution.

(2) Upon suspension of further proceedings in the prosecution:

- (a) In cases where the defendant is charged with a petty misdemeanor not involving violence or attempted violence, if a court-based certified examiner is available, the court shall appoint the court-based certified examiner to examine and provide an expedited report solely upon the issue of the defendant's capacity to understand the proceedings against the defendant and defendant's ability to assist in the defendant's own defense. The court-based certified examiner shall file the examiner's report with the court within two days of the appointment of the examiner, or as soon thereafter is practicable. A hearing shall be held to determine if the defendant is fit to proceed within two days of the filing of the report, or as soon thereafter as is practicable;
- (b) In all other nonfelony cases, and where a court-based certified examiner is not available in cases under paragraph (a), the court shall appoint one qualified

examiner to examine and report upon the defendant's fitness to proceed. The court may appoint as the examiner either a psychiatrist or a licensed psychologist designated by the director of health from within the department of health; and

- (c) In felony cases, the court shall appoint three qualified examiners to examine and report upon the defendant's fitness to proceed. The court shall appoint as examiners psychiatrists, licensed psychologists, or qualified physicians; provided that one of the three examiners shall be a psychiatrist or licensed psychologist designated by the director of health from within the department of health.

All examiners shall be appointed from a list of certified examiners as determined by the department of health. The court, in appropriate circumstances, may appoint an additional examiner or examiners. The examination may be conducted while the defendant is in custody or on release or, in the court's discretion, when necessary the court may order the defendant to be committed to a hospital or other suitable facility for the purpose of the examination for a period not exceeding thirty days, or a longer period as the court determines to be necessary for the purpose. The court may direct that one or more qualified physicians or psychologists retained by the defendant be permitted to witness the examination. As used in this section, the term "licensed psychologist" includes psychologists exempted from licensure by section 465-3(a)(3) and "qualified physician" means a physician qualified by the court for the specific evaluation ordered.

(3) An examination performed under this section may employ any method that is accepted by the professions of medicine or psychology for the examination of those alleged to be affected by a physical or mental disease, disorder, or defect; provided that each examiner shall form and render an opinion upon the defendant's fitness to proceed independently from the other examiners, and the examiners, upon approval of the court, may secure the services of clinical psychologists and other medical or paramedical specialists to assist in the examination. The examination shall comply with the other provisions of this section and may be conducted utilizing telehealth, as that term is defined in section 453-1.3(j), at the request of the examiner. The department of health and the department of corrections and rehabilitation shall provide secure access to defendants in their custody for any examination requested to be conducted utilizing telehealth.

(4) For defendants charged with felonies, the examinations for fitness to proceed under this section and penal

responsibility under section 704-407.5 shall be conducted separately unless a combined examination has been ordered by the court upon a request by the defendant or upon a showing of good cause to combine the examinations. The report of the examination for fitness to proceed shall be separate from the report of the examination for penal responsibility unless a combined examination has been ordered. For defendants charged with offenses other than felonies, a combined examination is permissible when ordered by the court.

(5) Except in the case of an examination pursuant to subsection (2)(a), the report of the examination for fitness to proceed shall include the following:

- (a) A description of the nature of the examination;
- (b) A diagnosis of the physical or mental condition of the defendant;
- (c) An opinion as to the defendant's capacity to understand the proceedings against the defendant and to assist in the defendant's own defense;
- (d) An assessment of the risk of danger to the defendant or to the person or property of others for consideration and determination of the defendant's release on conditions; and
- (e) Where more than one examiner is appointed, a statement that the opinion rendered was arrived at independently of any other examiner, unless there is a showing to the court of a clear need for communication between or among the examiners for clarification. A description of the communication shall be included in the report. After all reports are submitted to the court, examiners may confer without restriction.

(6) If the examination cannot be conducted by reason of the unwillingness of the defendant to participate in the examination, the report shall so state and shall include, if possible, an opinion as to whether the unwillingness of the defendant was the result of physical or mental disease, disorder, or defect.

(7) A copy of the report of the examination, including any supporting documents, shall be filed with the clerk of the court.

(8) Any examiner shall be permitted to make a separate explanation reasonably serving to clarify the examiner's opinion.

(9) The court shall obtain all existing relevant medical, mental health, social, police, and juvenile records, including those expunged, and other pertinent records in the custody of public agencies, notwithstanding any other statute, and make the records available for inspection by the examiners in hard copy

or digital format. The court may order that the records so obtained be made available to the prosecuting attorney and counsel for the defendant in either format, subject to conditions the court determines appropriate; provided that juvenile records shall not be made available unless constitutionally required. ~~[No further disclosure of records shall be made except as permitted by law.]~~ If, pursuant to this section, the court orders the defendant committed to a hospital or other suitable facility under the control of the director of health, then the county police departments shall provide to the director of health and the defendant copies of all police reports from cases filed against the defendant that have been adjudicated by the acceptance of a plea of guilty or no contest, a finding of guilt, acquittal, acquittal pursuant to section 704-400, or by the entry of plea of guilty or no contest made pursuant to chapter 853; provided that the disclosure to the director of health and the defendant does not frustrate a legitimate function of the county police departments, with the exception of expunged records, records of or pertaining to any adjudication or disposition rendered in the case of a juvenile, or records containing data from the United States National Crime Information Center. The county police departments shall segregate or sanitize from the police reports information that would result in the likely or actual identification of individuals who furnished information in connection with its investigation, or who were of investigatory interest. The department of corrections and rehabilitation and the department of health may disclose all relevant records between themselves regarding a defendant moved between departments. No further disclosure of records shall be made except as provided by law.

(10) ~~[All]~~ Within fourteen days of receipt of a court order, excluding intermediate Saturdays, Sundays, or holidays designated pursuant to section 8-1, or a longer time as the court may prescribe, all public agencies, persons, or other entities in possession of relevant medical, mental health, social, police, and juvenile records, including those expunged, and any other pertinent records of a defendant ordered to be examined under this chapter, shall provide those records to the court~~[7]~~ in accordance with the terms of the order, notwithstanding any other state statute~~[7]~~ and without requiring a signed consent from the defendant if the order so provides. An order may provide for a continuing obligation to provide records to the court created or received by public agencies, persons, or other entities after the initial provision of records to the court. Additionally, all public agencies shall make records available to an appointed examiner for inspection at the location where the records are maintained upon request

and presentment of a court order authorizing the examiner to make the inspection, notwithstanding any other state statute and without requiring a signed consent of the defendant if the order so provides."

(11) The compensation of persons making or assisting in the examination, other than those retained by a nonindigent defendant, who are not undertaking the examination upon designation by the director of health as part of their normal duties as employees or contractors of the State or a county, shall be paid by the judiciary in the amount of \$2,000, which amount includes compensation for the examination, the drafting of the report, and any consultation, preparation, testimony, and attendance in court.

§ 704-406 Effect of finding of unfitness to proceed and regained fitness to proceed.

(1) If the court determines that the defendant lacks fitness to proceed, the proceeding against the defendant shall be suspended, except as provided in sections 704-407 and 704-421, and the court shall commit the defendant to the custody of the director of health to be placed in an appropriate institution for detention, assessment, care, and treatment; provided that:

- (a) When the defendant is charged with a petty misdemeanor not involving violence or attempted violence, the defendant shall be diverted from the criminal justice system pursuant to section 704-421; and
- (b) When the defendant is charged with a misdemeanor not involving violence or attempted violence, the commitment shall be limited to no longer than one hundred twenty days from the date the court determines the defendant lacks fitness to proceed.

If the court is satisfied that the defendant may be released on conditions without danger to the defendant or to another or risk of substantial danger to property of others, the court shall order the defendant's release, which shall continue at the discretion of the court, on conditions the court determines necessary; provided that the release on conditions of a defendant charged with a misdemeanor not involving violence or attempted violence shall continue for no longer than one hundred twenty days. A copy of all reports filed pursuant to section 704-404 shall be attached to the order of commitment or order of release on conditions that is provided to the department of health. When the defendant is committed to the custody of the director of health for detention, assessment, care, and treatment, the county police departments shall provide to the

director of health and the defendant copies of all police reports from cases filed against the defendant that have been adjudicated by the acceptance of a plea of guilty or nolo contendere, a finding of guilt, acquittal, acquittal pursuant to section 704-400, or by the entry of a plea of guilty or nolo contendere made pursuant to chapter 853; provided that the disclosure to the director of health and the defendant does not frustrate a legitimate function of the county police departments; provided further that expunged records, records of or pertaining to any adjudication or disposition rendered in the case of a juvenile, or records containing data from the United States National Crime Information Center shall not be provided. The county police departments shall segregate or sanitize from the police reports information that would result in the likely or actual identification of individuals who furnished information in connection with the investigation or who were of investigatory interest. The department of corrections and rehabilitation and the department of health may disclose all relevant records between themselves regarding a defendant moved between departments. No further disclosure of records shall be made except as provided by law.

(2) When the defendant is released on conditions after a finding of unfitness to proceed, the department of health shall establish and monitor a fitness restoration program consistent with conditions set by the court order of release, and shall inform the prosecuting attorney of the county that charged the defendant of the program and report the defendant's compliance therewith.

(3) The department of health shall periodically report to the court on the defendant's compliance with treatment and fitness restoration. When the court, on its own motion or upon the application of the director of health, the prosecuting attorney, or the defendant, determines, after a hearing if a hearing is requested, ~~[has reason to believe]~~ that the defendant has regained fitness to proceed, the penal proceeding shall be resumed. If requested by the prosecuting attorney or the defendant, the court may appoint one or more qualified examiner(s) as set forth below to examine and report upon the physical and mental condition of the defendant to assist the court in making the determination of fitness. If an examination is ordered, for a defendant charged with the offense of murder in the first or second degree, attempted murder in the first or second degree, or a class A felony, the court shall appoint three qualified examiners and may appoint in all other cases one qualified examiner~~[, to examine and report upon the physical and mental condition of the defendant. In cases in which the defendant has been charged with murder in the first or second~~

~~degree, attempted murder in the first or second degree, or a class A felony, the court shall appoint as examiners at least one psychiatrist and at least one licensed psychologist. The third examiner may be a psychiatrist, licensed psychologist, or qualified physician.]~~ When appointing three examiners, the court shall appoint as examiners psychiatrists, licensed psychologists, or qualified physicians, provided that o[θ]ne of the three examiners shall be a psychiatrist or licensed psychologist designated by the director of health from within the department of health. In all other cases, the one qualified examiner shall be a psychiatrist or licensed psychologist designated by the director of health from within the department of health. The court, in appropriate circumstances, may appoint an additional examiner or examiners. All examiners shall be appointed from a list of certified examiners as determined by the department of health. ~~[After a hearing, if a hearing is requested, if the court determines that the defendant has regained fitness to proceed, the penal proceeding shall be resumed and the defendant shall no longer be committed to the custody of the director of health. In cases where a defendant is charged with the offense of murder in the first or second degree, attempted murder in the first or second degree, or a class A felony, upon the request of the prosecuting attorney or the defendant, and in consideration of information provided by the defendant's clinical team, the court may order that the defendant remain in the custody of the director of health, for good cause shown, subject to bail or until a judgment on the verdict or a finding of guilt after a plea of guilty or nolo contendere. Thereafter, the court may consider a request from the director of health to rescind its order maintaining the defendant in the director's custody, for good cause shown.]~~ As used in this section, the term "qualified physician" means a physician qualified by the court for the specific evaluation ordered. If, ~~[however,]~~ after a determination that the defendant has regained fitness, the court is of the view that so much time has elapsed since the commitment or release on conditions of the defendant that it would be unjust to resume the proceeding, the court may dismiss the charge and:

- (a) Order the defendant to be discharged;
- (b) Subject to section 334-60.2 regarding involuntary hospitalization criteria, order the defendant to be committed to the custody of the director of health to be placed in an appropriate institution for detention, care, and treatment; or
- (c) Subject to section 334-121 regarding assisted community treatment criteria, order the defendant to

be released on conditions the court determines necessary.

(4) If an examination is ordered under subsection (3) herein, the examination and report and the compensation of persons making or assisting in the examination shall be in accordance with sections 704-404(3), (5), (6), (7), (8), (9), (10), and (11). ~~[An examination for regained fitness to proceed performed under this section may employ any method that is accepted by the professions of medicine or psychology for the examination of those alleged to be affected by a physical or mental disease, disorder, or defect, and shall include a review of records where the defendant, while under the custody of the director of health, was placed; provided that each examiner shall form and render an opinion on the defendant's regained fitness to proceed independently from the other examiners and the examiners, upon approval of the court, may secure the services of clinical psychologists and other medical or paramedical specialists to assist in the examination.]~~

~~(5) The report of the examination for regained fitness to proceed shall include the following:~~

- ~~(a) A description of the nature of the examination;~~
- ~~(b) An opinion as to the defendant's capacity to understand the proceedings against the defendant and to assist in the defendant's own defense; and~~
- ~~(c) Where more than one examiner is appointed, a statement that the opinion rendered was arrived at independently of any other examiner, unless there is a showing to the court of a clear need for communication between or among the examiners for clarification. A description of the communication shall be included in the report. After all reports are submitted to the court, examiners may confer without restriction.~~

~~(6) All other procedures as set out in section 704-404(6) through (11) shall be followed for the completion of the report of the examination for regained fitness to proceed performed under this section.~~

([7]5) If a defendant who has either been committed to the custody of the director of health for a limited period pursuant to subsection (1)(b) or released on conditions for a limited period pursuant to subsection (1) is not found fit to proceed prior to the expiration of the commitment, the charge for which the defendant was committed for a limited period shall be dismissed. Upon dismissal of the charge, the defendant shall be released from custody or discharged from the release on conditions, whichever is applicable, unless the defendant is subject to prosecution for other charges or subject to section 334-60.2 regarding involuntary hospitalization criteria, in

which case the court shall order the defendant's commitment to the custody of the director of health to be placed in an appropriate institution for detention, care, and treatment. Within a reasonable time following any other commitment or release on conditions under subsection (1), the director of health shall report to the court on whether the defendant presents a substantial likelihood of becoming fit to proceed in the future. The court, in addition, may appoint a panel of three qualified examiners in felony cases or one qualified examiner in nonfelony cases to make a report as to whether the defendant presents a substantial likelihood of becoming fit to proceed in the future. The examination and report shall comply with subsections (3) and (4) above. If, following the receipt of the report(s), the court determines, after a hearing, if a hearing is requested, that the defendant probably will remain unfit to proceed, the court may dismiss the charge and:

- (a) Release the defendant; or
- (b) Subject to section 334-60.2 regarding involuntary hospitalization criteria, order the defendant to be committed to the custody of the director of health to be placed in an appropriate institution for detention, care, and treatment.

~~(8) If a defendant released on conditions for a limited period pursuant to subsection (1) is not found fit to proceed prior to the expiration of the release on conditions order, the charge for which the defendant was released on conditions for a limited period shall be dismissed. Upon dismissal of the charge, the defendant shall be discharged from the release on conditions unless the defendant is subject to prosecution for other charges or subject to section 334-60.2 regarding involuntary hospitalization criteria, in which case the court shall order the defendant's commitment to the custody of the director of health to be placed in an appropriate institution for detention, care, and treatment. Within a reasonable time following any other release on conditions under subsection (1), the court shall appoint a panel of three qualified examiners in felony cases or one qualified examiner in nonfelony cases to report to the court on whether the defendant presents a substantial likelihood of becoming fit to proceed in the future. If, following the report, the court determines that the defendant probably will remain unfit to proceed, the court may dismiss the charge and:~~

- ~~(a) Release the defendant; or~~
- ~~(b) Subject to section 334-60.2 regarding involuntary hospitalization criteria, order the defendant to be committed to the custody of the director of health to~~

~~be placed in an appropriate institution for detention,
care, and treatment.~~

§ 704-407.5 Examination of defendant with respect to physical or mental disease, disorder, or defect excluding penal responsibility.

(1) Whenever the defendant has filed a notice of intention to rely on the defense of physical or mental disease, disorder, or defect excluding penal responsibility, or there is reason to believe that the physical or mental disease, disorder, or defect of the defendant will or has become an issue in the case, the court may order an examination as to the defendant's physical or mental disease, disorder, or defect at the time of the conduct alleged.

Whenever there is reason to believe that the physical or mental disease, disorder, or defect of the defendant will or has become an issue in the case, the court may enter into an agreement with the parties at any stage of the proceeding to divert the case into an evaluation of the defendant, treatment of the defendant, including residential or rehabilitation treatment; or any other course or procedure, including diversion into specialized courts. Such agreements may include in-court clinical evaluations.

(2) For those cases not diverted by an agreement pursuant to subsection (1), the court shall appoint three qualified examiners for class A and class B felonies, as well as for class C felonies involving violence or attempted violence, and one qualified examiner in nonfelony cases to examine and report upon the physical or mental disease, disorder, or defect of the defendant at the time of the conduct. For class C felonies not involving violence or attempted violence, the court may appoint one or three qualified examiners to examine and report upon the physical or mental disease, disorder, or defect of the defendant at the time of the conduct. In cases where the court appoints three examiners, the court shall appoint as examiners psychiatrists, licensed psychologists, or qualified physicians; provided that one of the three examiners shall be a psychiatrist or licensed psychologist designated by the director of health from within the department of health. In nonfelony cases and class C felonies not involving violence or attempted violence where one examiner is appointed, the court may appoint as examiners either a psychiatrist or a licensed psychologist. The examiner may be designated by the director of health from within the department of health. All examiners shall be appointed from a list of certified examiners as determined by the department of health. The court, in appropriate circumstances, may appoint an

additional examiner or examiners. The court may direct that one or more qualified physicians or psychologists retained by the defendant be permitted to witness the examination. As used in this section, the term "licensed psychologist" includes psychologists exempted from licensure by section 465-3(a)(3) and "qualified physician" means a physician qualified by the court for the specific evaluation ordered.

(3) An examination performed under this section may employ any method that is accepted by the professions of medicine or psychology for the examination of those alleged to be affected by a physical or mental disease, disorder, or defect; provided that each examiner shall form and render diagnoses and opinions upon the physical and mental condition of the defendant independently from the other examiners, and the examiners, upon approval of the court, may secure the services of clinical psychologists and other medical or paramedical specialists to assist in the examination and diagnosis. The examination shall comply with the other provisions of this section and may be conducted utilizing telehealth, as that term is defined in section 453-1.3(j), at the request of the examiner. The department of health and the department of corrections and rehabilitation shall provide secure access to defendants in their custody for any examination requested to be conducted utilizing telehealth.

(4) For defendants charged with felonies, the examinations for fitness to proceed under section 704-404 and penal responsibility under this section shall be conducted separately unless a combined examination has been ordered by the court upon a request by the defendant or upon a showing of good cause to combine the examinations. The report of the examination for fitness to proceed shall be separate from the report of the examination for penal responsibility unless a combined examination has been ordered. For defendants charged with offenses other than felonies, a combined examination is permissible when ordered by the court.

(5) The court may order the examination to occur no sooner than one hundred twenty days of a finding of unfit to proceed under section 704-404 upon a showing of good cause.

(6) The report of the examination for penal responsibility shall include the following:

- (a) A description of the nature of the examination;
- (b) A diagnosis of the physical or mental condition of the defendant;
- (c) An opinion as to the extent, if any, to which the capacity of the defendant to appreciate the wrongfulness of the defendant's conduct or to conform

the defendant's conduct to the requirements of law was impaired at the time of the conduct alleged;

- (d) When directed by the court, an opinion as to the capacity of the defendant to have a particular state of mind that is required to establish an element of the offense charged; and
- (e) Where more than one examiner is appointed, a statement that the diagnosis and opinion rendered were arrived at independently of any other examiner, unless there is a showing to the court of a clear need for communication between or among the examiners for clarification. A description of the communication shall be included in the report. After all reports are submitted to the court, examiners may confer without restriction.

(7) If the examination cannot be conducted by reason of the unwillingness of the defendant to participate in the examination, the report shall so state and shall include, if possible, an opinion as to whether the unwillingness of the defendant was the result of physical or mental disease, disorder, or defect.

(8) Three copies of the report of the examination, including any supporting documents, shall be filed with the clerk of the court, who shall cause copies to be delivered to the prosecuting attorney and to counsel for the defendant.

(9) Any examiner shall be permitted to make a separate explanation reasonably serving to clarify the examiner's diagnosis or opinion.

(10) The court shall obtain all existing relevant medical, mental health, social, police, and juvenile records, including those expunged, and other pertinent records in the custody of public agencies, notwithstanding any other statute, and make the records available for inspection by the examiners in hard copy or digital format. The court may order that the records so obtained be made available to the prosecuting attorney and counsel for the defendant in either format, subject to conditions the court determines appropriate; provided that juvenile records shall not be made available unless constitutionally required. The department of corrections and rehabilitation and the department of health may disclose all relevant records between themselves regarding a defendant moved between departments. No further disclosure of records shall be made except as permitted by law.

(11) ~~[All]~~ Within fourteen days of receipt of a court order, excluding intermediate Saturdays, Sundays, or holidays designated pursuant to section 8-1, or a longer time as the court may prescribe, all public agencies, persons, or other

entities in possession of relevant medical, mental health, social, police, and juvenile records, including those expunged, and any other pertinent records of a defendant ordered to be examined under this chapter, shall provide those records to the court[7] in accordance with the terms of the order, notwithstanding any other state statute[7] and without requiring a signed consent from the defendant if the order so provides. An order may provide for a continuing obligation to provide records to the court created or received by public agencies, persons, or other entities after the initial provision of records to the court. Additionally, all public agencies shall make records available to an appointed examiner for inspection at the location where the records are maintained upon request and presentment of a court order authorizing the examiner to make the inspection, notwithstanding any other state statute and without requiring a signed consent from the defendant if the order so provides.

(12) The compensation of persons making or assisting in the examination, other than those retained by a nonindigent defendant, who are not undertaking the examination upon designation by the director of health as part of their normal duties as employees of the State or a county, shall be paid by the judiciary in the amount of \$2,000, which amount includes compensation for the examination, the drafting of the report, and any consultation, preparation, testimony, and attendance in court.

(13) The time during which completion of an examination pursuant to this section is pending shall be excluded in computing the time for trial commencement.

Comment:

The proposed legislative changes to sections 704-404, 704-406, and 704-407.5 seek to modernize and expedite the transfer of information, and patients, between the DOH and the DCR.

Collection of Documents

When a court orders the mental examination of a criminal defendant, appointed forensic examiners conduct in-person (or video) interviews of the criminal defendant and perform a document review of that defendant's treatment history. To make the records review more efficient, this legislative proposal addresses the question over whether DOH and DCR may transmit records between themselves is resolved with an express authorization in sections 704-404(9), 704-406(1), and 704-407.5(10).

To ensure timely production of records to the Judiciary’s Adult Client Service Branch (“ACSB”), a deadline of 14 days following receipt of a court order to produce records to ACSB (or such longer time as the court may prescribe) has been added to sections 704-404(10) and 704-407.5(11). Under current law, this subsection only applies to public agencies—this proposal expands the reach of this subsection to all persons or entities in possession of relevant documentation. For consistency with section 704-404(9) and 704-407.5(10), it further provides for the disclosure of expunged records. To address issues of records produced or received after the initial production of documents, the proposal authorizes judges to order that there is a continuing obligation to produce records created or received after the initial production. This, however, may create additional administrative burdens on those ordered to produce records.

Under HIPAA regulations, a covered entity can disclose records without patient authorization “[i]n response to an order of a court . . . , provided that the covered entity discloses only the protected health information expressly authorized by such order[.]” 45 C.F.R. § 164.512(e). The proposal amends sections 704-404(10) and 704-407.5(11) to expressly authorize the court to order that records be provided without the consent of the defendant.

The proposal expressly authorizes examiners to inspect records at public agencies on site upon presentment of a court order. This would resolve any ambiguity in the statute, and also provide for a failsafe for examiners to review records of public agencies if there is a delay in production to ACSB.

DCR expressed concern about establishing a deadline for the production of records to ACSB and to on-site inspection due to lack of resources. DCR was asked if an appropriation could alleviate concerns. DCR requested appropriations of \$5,000 for a designation workstation consisting of an internet line and a computer that would need to be replaced every 3 years, and \$6,700 annually per user of the workstation for a license for a total of \$11,700 for fiscal year 2026-2027. The committee recommends inclusion in any proposed bill of an appropriation in that amount to DCR for those purposes and a similar amount to DOH for the fiscal year 2026-2027.

Telehealth

In the interest of efficient mental health examinations of criminal defendants, the additions for sections 704-404(3) and 704-407.5(3) codify the existing practice of allowing examination by telehealth. The DOH and DCR have already undertaken measures to permit telehealth examinations. The Committee recommends inclusion in any proposed bill an appropriation to both DCR and DOH in order to facilitate the use of telehealth in their respective facilities.

Fitness Restoration (HRS section 704-406)

Currently there are several individuals held in the custody of the DOH who are awaiting a panel examination to determine if they have regained fitness to proceed in their criminal action. With the amendments to section 704-406 in 2016 under Act 198, the court was, for the first time, required to order a panel of one or three examiners in each of these cases to determine if a defendant had regained fitness to proceed. At the time, the legislature found that it was “in the best interest of the defendants for the examination process to proceed in a timely, expedient manner by codifying procedures for appointing examiners for reevaluation of fitness.” However, those amendments foreclosed any other avenue for the court to make a determination that a defendant understood the proceedings against them and could assist in their own defense, regardless of other evidence available to the court.

The revisions proposed attempt to address some of the overcrowding at the State Hospital by reverting to the pre-2016 provisions of section 706-406(3) and thereby permitting the court, with the agreement of the parties, to hear evidence and make a determination of fitness without the necessity of a panel examination. This revision would allow the court and the parties to reinstate the criminal action when the court determines, after a hearing, that a defendant is fit to proceed. Should either party request an examination, then a panel examination may be ordered by the court to aid in its determination. As noted, these revisions would reinstate the practice that was occurring prior to Act 198 SLH2016 and will likely eliminate unnecessary delays in those cases where the State, the defense, and the court agree that a defendant has the capacity to understand the proceedings against them and to assist in their own defense. In addition, eliminating unnecessary panel examinations will aid in the timeliness of the examination for those defendants that do require panel examinations.

The revisions proposed to section 704-406(3) are to address the fact that currently the statute only requires a report from the DOH on whether there is a substantial likelihood of the defendant becoming fit to proceed in the future. These reports are currently required for those committed or released on conditions (those who are found unfit but who may be released without danger) “within a reasonable time.”¹ There is no statutory obligation for a report from DOH on any other issue or within any other timeframe. The court itself currently orders DOH to provide reports to the court in the original determination of unfitness order and subsequently at each fitness review hearing regarding the defendant’s compliance with treatment and fitness restoration. This provision merely puts those court orders into statute to make

¹ This does not include those who are specifically committed (or released) for a limited period of time under section 704-406(1)(b).

clear that DOH is required to provide reports to the court regardless of the status of the defendant.

The other revisions to section 704-406(3) are proposed to make section 704-406(3) consistent with all the other provision of Chapter 704 wherein a three-panel examination is ordered (sections 704-404, 704-407.5, 704-411, and 704-413) by removing the requirement that one of the examiners be a psychiatrist for all “A” felony charges, murder, and attempted murder. After the enactment of Act 26 SLH2020, this section was the only remaining section that required a psychiatrist to be on the panel. This has made it difficult to maintain continuity in the cases where panel examinations are ordered along the continuum of the criminal case and has further exacerbated the delays for section 704-406 examinations as there is only one psychiatrist on the DOH approved list for the First Circuit. The argument for maintaining a psychiatrist on the panel stems from the belief that only psychiatrists can opine on whether a defendant is suffering from an organic brain issue (trauma/damage). However, practically speaking, all examiners are permitted to request, and those requests are unfailingly granted, a neuropsychological examination of the defendant in order for them to render an opinion. This obviates the need for mandating a psychiatrist on the panel.

The last revision to section 704-406(3) reverses unnecessary revisions made in Act 198 SLH2016. Prior to Act 198, where a defendant who had been unfit for a period of time and committed to the custody of the DOH had stabilized and, in the opinion of the panel examiners and/or the court, had “regained fitness,” and was, at that time, prepared to either proceed via jury-waived trial on the penal responsibility defense, or to change their plea, then the court would make the determination of fitness just prior to the trial or entry of the plea. Therefore, a defendant would remain in the custody of the director of health until a finding of fitness and the simultaneous “judgment on the verdict or finding of guilt after a plea of guilty or nolo contendere” regardless of charge. The option of keeping a defendant who would likely decompensate if transferred to the custody of the DCR pending the imminent resolution of their case should not be restricted to those charged with “A” felonies and above. Implicitly requiring those lower level offenders to be transferred needlessly increases the necessity for subsequent examinations for fitness (i.e. if a defendant decompensates while awaiting their change of plea hearing date, a new panel examination would be required before going forward with the change of plea hearing).

The amendments to sections 704-406(4)-(6) are proposed for efficiency and consistency. The language is consistent with the language in sections 704-411(3) and 704-714(1) which reference back to section 704-404 for the examinations ordered in those sections. The proposed revisions have no substantive effect on the examination, content of the report, or the compensation provided to the examiners.

The revisions to the remaining sections 704-406(7) and (8) condense two duplicative subsections into one new subsection 704-406(5) that applies to both committed defendants and those defendants that were released on conditions. The proposed revisions have no substantive effect on those provisions.

Chapter 706: Disposition of Convicted Defendants

§ 706-623 Terms of probation. (1) When the court has sentenced a defendant to be placed on probation, the period of probation shall be as follows, unless the court enters the reason therefor on the record and sentences the defendant to a shorter period of probation:

- (a) Ten years upon conviction of a class A felony;
- (b) Five years upon conviction of a class B or class C felony under part II, V, or VI of chapter 707, chapter 709, and part I of chapter 712; ~~and~~
- (c) ~~Four~~ Four years upon conviction of any other class B ~~or C~~ felony, a C felony under part III, IV, and VII, of chapter 707, and a C felony under part V and XIII of chapter 708;
- (d) Three years upon conviction of any other class C felony;
- (~~ee~~) One year upon conviction of a misdemeanor; except that upon a conviction under section 586-4, 586-11, or 709-906, the court may sentence the defendant to a period of probation not exceeding two years; or
- (~~ef~~) Six months upon conviction of a petty misdemeanor; provided that up to one year may be imposed upon a finding of good cause; except upon a conviction under section 709-906, the court may sentence the defendant to a period of probation not exceeding one year.

The court, on application of a probation officer, on application of the defendant, or on its own motion, may discharge the defendant at any time. Prior to the court granting early discharge, the defendant's probation officer shall be required to report to the court concerning the defendant's compliance or non-compliance with the conditions of the defendant's probation and the court shall afford the prosecuting attorney an opportunity to be heard. The terms of probation provided in this part, other than in this section, shall not apply to sentences of probation imposed under section 706-606.3.

(2) When a defendant who is sentenced to probation has previously been detained in any state or county correctional or other institution following arrest for the crime for which

sentence is imposed, the period of detention following arrest shall be deducted from the term of imprisonment if the term is given as a condition of probation. The pre-sentence report shall contain a certificate showing the length of such detention of the defendant prior to sentence in any state or county correctional or other institution, and the certificate shall be annexed to the official records of the defendant's sentence.

Comment:

The Pew Charitable Trust published a study in December 2020 on the variability of probation term lengths in the United States. Hawai'i ranked #1 with the longest average probation length of 59 months. Hawaii's 2019 Recidivism Study (the latest available) reveals that most probationers, if they violate their supervision terms, do so early in their probation terms. This data leads the Committee to conclude that if a probationer is no longer violating probation conditions after two years, they no longer need active supervision, and probation can be terminated. Accordingly, this recommendation allows a court to sentence non-violent Class C felony offenders to a probation term of three years (a reduction from the current four years).²

The Committee members discussed even shorter terms of probation such as two years since recidivism generally occurs with eighteen months of being placed on probation. The interest in shorter probation terms was counterbalanced with the need for time to complete services to address criminogenic needs such as long-term substance abuse/mental health treatment, and the interest to insure the payment of court-ordered restitution.

Several committee members raised concerns that shorter terms of probation would negatively affect the collection of restitution. During a probation term, the court has power and jurisdiction over a defendant to enforce payment, whereas upon termination of probation, victims would have to resort to private debt collection actions. Probation related collection of restitution is generally more effective than private debt collection, notwithstanding the availability of free standing orders of restitution. These committee members, therefore, were concerned that shorter terms of probation would shift the burden of enforcing court ordered restitution onto individual victims and result in lower collection rates.

The Committee was able to reach a consensus recommendation because actual probation supervision, despite the length specified by statute, can still

² Violent Class C felonies such as Assault in the Second Degree, Terroristic Threatening in the First Degree, Extortion in the Second Degree, Arson in the Third Degree, and most Class B felonies are still subject to probation terms of four years.

be modified on a case-by-case basis. If a probationer is successful in their rehabilitative efforts and satisfy the court-ordered terms and conditions, they are able to petition the court to terminate their probation supervision before the statutorily provided length is completed. If a probationer is struggling to satisfy their court-ordered terms and conditions, a Motion to Revoke Probation can be filed, and a court can extend probation or impose another term of probation to further monitor a probationer's rehabilitative efforts.

The Hawai'i Revised Statutes specify particular terms of probation on some offenses. These particular crimes include Habitual Property Crime (section 708-803) and Habitual Operation of a Vehicle Under the Influence of an Intoxicant (section § 291E-61.5). After discussion, the Committee decided to not make any recommendations outside the structure of *normal* probation codified in HRS Chap. 706 and give deference to the inherent legislative intent to punish these particular crimes differently.

Chapter 709: Offenses Against Family and Against Incompetents

§ 709-906 Abuse of family or household members; penalty.

(1) It shall be unlawful for any person, singly or in concert, to physically abuse a family or household member or to refuse compliance with the lawful order of a police officer under subsection (4). The police, in investigating any complaint of abuse of a family or household member, upon request, may transport the abused person to a hospital or safe shelter.

(2) Any police officer, with or without a warrant, may arrest a person if the officer has reasonable grounds to believe that the person is physically abusing, or has physically abused, a family or household member and that the person arrested is guilty thereof.

(3) A police officer who has reasonable grounds to believe that the person is physically abusing, or has physically abused, a family or household member shall prepare a written report.

(4) Any police officer, with or without a warrant, shall take the following course of action, regardless of whether the physical abuse or harm occurred in the officer's presence:

- (a) The police officer shall make reasonable inquiry of the family or household member upon whom the officer believes physical abuse or harm has been inflicted and other witnesses as there may be;
- (b) If the person who the police officer reasonably believes to have inflicted the abuse is eighteen years of age or older, the police officer lawfully shall order the person to leave the premises for a period of

separation, during which time the person shall not initiate any contact, either by telephone or in person, with the family or household member; provided that the person is allowed to enter the premises with police escort to collect any necessary personal effects. The period of separation shall commence when the order is issued and shall expire at 6:00 p.m. on the second business day following the day the order was issued; provided that the day the order is issued shall not be included in the computation of the two business days;

- (c) If the person who the police officer reasonably believes to have inflicted the abuse is under the age of eighteen, the police officer may order the person to leave the premises for a period of separation, during which time the person shall not initiate any contact with the family or household member by telephone or in person; provided that the person is allowed to enter the premises with police escort to collect any necessary personal effects. The period of separation shall commence when the order is issued and shall expire at 6:00 p.m. on the second business day following the day the order was issued; provided that the day the order is issued shall not be included in the computation of the two business days. The order of separation may be amended at any time by a judge of the family court. In determining whether to order a person under the age of eighteen to leave the premises, the police officer may consider the following factors:
 - (i) Age of the person;
 - (ii) Relationship between the person and the family or household member upon whom the police officer reasonably believes the abuse has been inflicted; and
 - (iii) Ability and willingness of the parent, guardian, or other authorized adult to maintain custody and control over the person;
- (d) All persons who are ordered to leave as stated above shall be given a written warning citation stating the date, time, and location of the warning and stating the penalties for violating the warning. A copy of the warning citation shall be retained by the police officer and attached to a written report which shall be submitted in all cases. A third copy of the warning citation shall be given to the abused person;

- (e) If the person so ordered refuses to comply with the order to leave the premises or returns to the premises before the expiration of the period of separation, or if the person so ordered initiates any contact with the abused person, the person shall be placed under arrest for the purpose of preventing further physical abuse or harm to the family or household member; and
 - (f) The police officer shall seize all firearms and ammunition that the police officer has reasonable grounds to believe were used or threatened to be used in the commission of an offense under this section.
- (5) Abuse of a family or household member and refusal to comply with the lawful order of a police officer under subsection (4) are misdemeanors and the person shall be sentenced as follows:
- (a) For the first offense the person shall serve a minimum jail sentence of forty-eight hours; and
 - (b) For a second offense that occurs within one year of the first conviction, the person shall be termed a "repeat offender" and serve a minimum jail sentence of thirty days.
- (6) It shall be a petty misdemeanor for a person to intentionally or knowingly strike, shove, kick, or otherwise touch a family or household member in an offensive manner; subject the family member or household member to offensive physical contact; or exercise coercive control, as defined in section 586-1, over a family or household member and the person shall be sentenced as provided in sections 706-640 and 706-663. Upon conviction and sentencing of the defendant, the court may order that the defendant immediately be incarcerated to serve the mandatory minimum sentence imposed; provided that the defendant may be admitted to bail pending appeal pursuant to chapter 804. The court may stay the imposition of the sentence if special circumstances exist.
- (7) Whenever a court sentences a person or grants a motion for deferral pursuant to subsections (5) and (6), it shall also require that the offender first complete, within a specified time frame, an assessment at any available domestic violence intervention program, and then complete a domestic violence intervention or anger management course as determined by the domestic violence program, and, if the offense involved the presence or abuse of a minor, any available parenting classes ordered by the court. The court shall revoke the defendant's probation or set aside the defendant's deferred acceptance of guilty plea and enter an adjudication of guilt, if applicable, and sentence or resentence the defendant to the maximum term of incarceration if:

- (a) The defendant fails to complete, within the specified time frame, any domestic violence intervention course, anger management course, or parenting classes ordered by the court; or
 - (b) The defendant violates any other term or condition of the defendant's probation or deferral imposed by the court; provided that, after a hearing on an order to show cause, the court finds that the defendant has failed to show good cause why the defendant has not timely completed the domestic violence intervention course, anger management course, or parenting classes, if applicable, or why the defendant violated any other term or condition of the defendant's sentence. However, the court may suspend any portion of a jail sentence, except for the mandatory sentences under subsection (5) (a) and (b), upon the condition that the defendant remain arrest-free and conviction-free or complete court-ordered intervention.
- (8) For a third or any subsequent offense that occurs within two years of a second or subsequent conviction, the offense shall be a class C felony.
- (9) Where the physical abuse consists of intentionally or knowingly causing bodily injury by impeding the normal breathing or circulation of the blood by:
- (a) Applying pressure on the throat or the neck with any part of the body or a ligature;
 - (b) Blocking the nose and mouth; or
 - (c) Applying pressure to the chest, abuse of a family or household member is a class C felony; provided that infliction of visible bodily injury shall not be required to establish an offense under this subsection.

For the purposes of this subsection, "bodily injury" shall have the same meaning as in section 707-700.

(10) Where physical abuse occurs in the presence of a minor, as defined in section 706-606.4, and the minor is a family or household member less than fourteen years of age, abuse of a family or household member is a class C felony.

(11) Any police officer who arrests a person pursuant to this section shall not be subject to any civil or criminal liability; provided that the police officer acts in good faith, upon reasonable belief, and does not exercise unreasonable force in effecting the arrest.

(12) The family or household member who has been physically abused or harmed by another person may petition the family court, with the assistance of the prosecuting attorney of the applicable county, for a penal summons or arrest warrant to

issue forthwith or may file a criminal complaint through the prosecuting attorney of the applicable county.

(13) The defendant shall be taken into custody and brought before the family court at the first possible opportunity. The court may dismiss the petition or hold the defendant in custody, subject to bail. Where the petition is not dismissed, a hearing shall be set.

(14) This section shall not operate as a bar against prosecution under any other section of this Code in lieu of prosecution for abuse of a family or household member.

(15) It shall be the duty of the prosecuting attorney of the applicable county to assist any victim under this section in the preparation of the penal summons or arrest warrant.

(16) This section shall not preclude the physically abused or harmed family or household member from pursuing any other remedy under law or in equity.

(17) When a person is ordered by the court to complete any domestic violence intervention course, anger management course, or parenting classes, that person shall provide adequate proof of compliance with the court's order. The court shall order a subsequent hearing at which the person is required to make an appearance, on a date certain, to determine whether the person has completed the ordered domestic violence intervention course, anger management course, or parenting classes. The court may waive the subsequent hearing and appearance where a court officer has established that the person has completed the intervention ordered by the court.

(18) Notwithstanding any provision of law to the contrary, the court may grant a deferred acceptance of guilty plea pursuant to chapter 853 for misdemeanor or petty misdemeanor offenses of abuse of a family or household member when the defendant:

- (a) Has no prior conviction; or
 - (b) Has not been previously granted a deferred acceptance of guilty plea,
- for any offense charged in family court under this section regardless of the final plea.

(19) For the purposes of this section:

"Business day" means any calendar day, except Saturday, Sunday, or any state holiday.

"Family or household member":

- (a) Means spouses or reciprocal beneficiaries, former spouses or reciprocal beneficiaries, persons in a dating relationship as defined under section 586-1, persons who have a child in common, parents, children, persons related by consanguinity, and persons jointly

residing or formerly residing in the same dwelling unit; and

- (b) Does not include those who are, or were, adult roommates or cohabitants only by virtue of an economic or contractual affiliation.

"Physically abuse" means to engage in conduct that injures, hurts, or damages a person's body."

Comment:

The offense of Abuse of family or household members is frequently charged by prosecutors in Hawaii. During the 2022-23 fiscal year, more than 600 charges were filed in the Circuit and Family Courts.

"Physically abuse" does not have a statutory definition. However, in *State v. Nomura*, 79 Hawai'i 413, 903 P.2d 718 (App. 1995), the Intermediate Court of Appeals defined the term "physical abuse" as "treatment that injures, hurts, or damages a person." See also *State v. Ornellas*, 79 Hawai'i 418, 903 P.2d 723 (App. 1995), (holding that a trial court's jury instruction that defined "physically abuse" as "treatment resulting in physical pain, illness, or any impairment of physical conditions" was proper).

In light of the number of criminal cases brought under section 709-906, defining "physically abuse" within section 709-906(19), in a manner consistent with case law and the Hawai'i Pattern Jury Instructions, promotes a uniform and predictable approach for the public, prosecutors, defense attorneys, trial judges, and jurors.

Chapter 710: Offenses Against Public Administration

~~§ 710-1011 Refusing to aid a law enforcement officer. (1) A person commits the offense of refusing to aid a law enforcement officer when, upon a reasonable command by a person known to him to be a law enforcement officer, he intentionally refuses or fails to aid such law enforcement officer, in:~~

- ~~(a) Effectuating or securing an arrest; or~~
- ~~(b) Preventing the commission by another of any offense.~~

~~(2) Refusing to aid a law enforcement officer is a petty misdemeanor.~~

~~(3) A person who complies with this section by aiding a law enforcement officer shall not be held liable to any person for damages resulting therefrom, provided he acted reasonably under the circumstances known to him at the time.~~

Comment:

“*Posse comitatus*” refers to the “legal power of sheriffs and other officials to summon armed citizens to aid in keeping the peace.” “*Posse comitatus*” statutes make it illegal to refuse to comply with a request from law enforcement to aid in arrests or prevent the commission of offenses. These statutes originate in medieval England where citizens were obligated to assist sheriffs and constables in the pursuit of criminals. In 2019, California repealed its *posse comitatus* law which imposed a fine of up to \$1,000 on persons who refused to aid “peace officers.” The bill’s author stated:

In California, citizens who refuse to join a posse can be held criminally liable for a misdemeanor, for which they can be fined up to \$1,000. This ‘*posse comitatus*’ law is a vestige of a bygone era, and when invoked, subjects our citizens to an untenable moral dilemma: join and potentially put one’s life at risk, or refuse and become a criminal. SB 192 does away with this unnecessary penalty and helps bring California law into the 21st century.

The Committee believes that section 710-1011 is rarely, if ever, used. A search of Hawai‘i appellate cases revealed only one instance where section 710-1011 was cited. This was a civil appeal which discussed the immunity-from-liability provisions in subsection 710-1011(3). There were no criminal appellate cases which involved section 710-1011. The Committee members also raised concerns about the propriety of requiring citizens to choose between assisting a police officer in a potentially dangerous situation (i.e., effectuating or securing an arrest or preventing the commission of a crime) or refusing and being subject to penal liability. Other concerns were the potential civil liability if the citizen were injured while assisting the officer.

§ 710-1012 ~~Refusing to assist in fire control.~~ Disobeying an order or regulation relating to the conduct of persons in the vicinity of a fire. (1) A person commits the offense of ~~refusing to assist in fire control~~ disobeying an order or regulation relating to the conduct of persons in the vicinity of a fire when:

- ~~(a) Upon a reasonable command by a person known to him to be a firefighter, he intentionally refuses to aid in extinguishing a fire or in protecting property at the scene of a fire; or~~
- ~~(b) Upon command by a person known to him to be a firefighter or, law enforcement officer, emergency medical services personnel, or emergency medical technician, he intentionally~~ the person knowingly

disobeys an order or regulation relating to the conduct of persons in the vicinity of a fire.

(2) "Firefighter" means any officer of a fire department or any other person vested by law with the duty to extinguish fires.

(3) ~~Refusing to assist in fire control~~ Disobeying an order or regulation relating to the conduct of persons in the vicinity of a fire is a petty misdemeanor.

~~(4) A person who complies with this section by assisting in fire control shall not be held liable to any person for damages resulting therefrom, provided he acted reasonably under the circumstances known to him at the time.~~

Comment:

The Committee recommends that section 710- 1012(1)(a), "Refusing to Assist in Fire Control," be revised and renamed.

The Committee raised specific concerns about the propriety of subsection (1)(a), which requires citizens to choose between assisting a law enforcement officer or firefighter in a potentially dangerous situation (i.e., the scene of a fire) or refusing and being subject to penal liability. The term "reasonable command" is also vague and ambiguous. How would a citizen distinguish between a "reasonable command" or an "unreasonable command"? Other concerns were the potential civil liability if citizens are injured while attempting to extinguish a fire at the command of a law enforcement officer or firefighter.

The Committee agreed that subsection 710-1012(1)(b) may have some utility and should be maintained. Subsection 710-1012(1)(b) requires persons in the vicinity of a fire to obey an order of a firefighter or law enforcement officer or regulation relating to the conduct of persons in the vicinity of a fire. There may be instances where law enforcement officers or firefighters need to ensure compliance with orders or regulations, in order to ensure the safety of persons in the vicinity of a fire. Similarly, emergency medical services personnel and emergency medical technicians on-site may issue orders or regulations to persons in the vicinity, in the interest of assisting anyone requiring medical attention. Under such circumstances, it is not wholly unreasonable to impose penal liability to persons who fail to comply with such orders or regulations, when failure to do so may endanger themselves, other persons or property, or impede the actions of these emergency responders.

The Committee further recommends changing the applicable state of mind from "intentionally" to "knowingly." This would make it clear that people are prohibited from knowingly disobeying the orders or regulations of emergency personnel in these situations, even if it is not the person's specific intent to disobey. For example, if a person is told to stay away from

an automobile that is on fire, a “knowing” state of mind would preclude any argument that the person’s only intent was to collect important belongings from the vehicle (i.e., the person had no specific intent to disobey orders from emergency personnel).

§ 710-1021 Escape in the second degree. (1) A person commits the offense of escape in the second degree if the person intentionally escapes from a correctional or detention facility or from custody.

(2) Escape in the second degree is a class C felony.

(3) Notwithstanding subsection (2) above, if the offense was committed by a person under the custody of the director of health solely pursuant to section 704-421(1) for a petty misdemeanor not involving violence or attempted violence, it shall be a petty misdemeanor; provided that if the person is arrested for a new felony offense in the course of the escape or during the pendency of the escape, this subsection shall not apply.

Comment:

The Committee recommends amending section 710-1021, Escape in the second degree, to include a lower, petty misdemeanor level penalty for individuals charged with non-violent petty misdemeanors, who unlawfully leave a community-based facility after being diverted there for fitness examination via section 704-421.

Maintaining this type of escape as a crime will facilitate such individuals being brought back into the custody of the Director of the DOH quickly and effectively, without penalizing them with a felony offense. The only exception to this, which would remain a class C felony, would be if such an individual is arrested for a new felony offense in the course of the escape or during the pendency of the escape.

If the individual commits a violent misdemeanor or petty misdemeanor offense in the course of the escape or during the pendency of the escape, those could still be charged separately and would not qualify for the diversion program under section 704-421. Moreover, if the individual “intentionally employs physical force, the threat of physical force, or a dangerous instrument against the person of another in escaping...from custody,” that could be charged as Escape in the first degree instead.

Chapter 711: Offenses Against Public Order

§ 711-1101. Disorderly Conduct (1) A person commits the offense of disorderly conduct if, with intent to cause physical inconvenience or alarm by a member or members of the public, or recklessly creating a risk thereof, the person:

- (a) Engages in fighting or threatening, or in violent or tumultuous behavior;
- (b) Makes unreasonable noise;
- (c) Subjects another person to offensively coarse behavior or abusive language which is likely to provoke a violent response;
- (d) Creates a hazardous or physically offensive condition by any act which is not performed under any authorized license or permit; or
- (e) Impedes or obstructs, for the purpose of begging or soliciting alms, any person in any public place or in any place open to the public.

~~(2) Noise is unreasonable, within the meaning of subsection (1)(b), if considering the nature and purpose of the person's conduct and the circumstances known to the person, including the nature of the location and the time of the day or night, the person's conduct involves a gross deviation from the standard of conduct that a law-abiding citizen would follow in the same situation; or the failure to heed the admonition of a police officer that the noise is unreasonable and should be stopped or reduced. The renter, resident, or owner-occupant of the premises who knowingly or negligently consents to unreasonable noise on the premises shall be guilty of a noise violation.]~~

(2) Except as provided in subsection (3), disorderly conduct is a violation.

(3) Disorderly conduct is a petty misdemeanor if it is the defendant's intention to cause substantial harm or serious inconvenience, or if the defendant persists in disorderly conduct after reasonable warning or request to desist. ~~Otherwise disorderly conduct is a violation.~~

§ 711- Consenting to unreasonable noise on premises. A renter, resident, owner-occupant, or other person responsible for a premises who intentionally, knowingly, recklessly, or negligently allows another person to make unreasonable noise on the premises shall be guilty of a violation.

§ 711-1100 Definitions. In this chapter, unless a different meaning is plainly required, or the definition is otherwise limited by this section:

"Animal" includes every living creature, except a human being.

"Equine animal" means an animal of or belonging to the family Equidae, including horses, ponies, mules, donkeys, asses, burros, and zebras.

"Facsimile" means a document produced by a receiver of signals transmitted over telecommunication lines, after translating the signals, to produce a duplicate of an original document.

"Law enforcement animal" means any dog, horse, or other animal used by law enforcement or corrections agencies and trained to work in areas of tracking, suspect apprehension, victim assistance, crowd control, or drug or explosive detection for law enforcement purposes.

"Make unreasonable noise" means make noise that, considering the nature and purpose of the person's conduct and the circumstances known to the person, including the nature of the location and the time of the day or night, involves a gross deviation from the standard of conduct that a law-abiding citizen would follow in the same situation; or make noise that fails to heed the admonition of a police officer that the noise is unreasonable and should be stopped or reduced.

"Necessary sustenance" means care sufficient to preserve the health and well-being of a pet animal, except for emergencies or circumstances beyond the reasonable control of the owner or caretaker of the pet animal, and includes but is not limited to the following requirements:

- (1) Food of sufficient quantity and quality to allow for normal growth or maintenance of body weight;
- (2) Open or adequate access to water in sufficient quantity and quality to satisfy the animal's needs;
- (3) Access to protection from wind, rain, or sun;
- (4) An area of confinement that has adequate space necessary for the health of the animal and is kept reasonably clean and free from excess waste or other contaminants that could affect the animal's health; provided that the area of confinement in a primary pet enclosure shall:
 - (a) Provide access to shelter;
 - (b) Be constructed of safe materials to protect the pet animal from injury;
 - (c) Enable the pet animal to be clean, dry, and free from excess waste or other contaminants that could affect the pet animal's health;
 - (d) Provide the pet animal with a solid surface or resting platform that is large enough for the

pet animal to lie upon in a normal manner, or, in the case of a caged bird, a perch that is large enough for the bird to perch upon in a normal manner;

- (e) Provide sufficient space to allow the pet animal, at minimum, to do the following:
 - (i) Easily stand, sit, lie, turn around, and make all other normal body movements in a comfortable manner for the pet animal, without making physical contact with any other animal in the enclosure; and
 - (ii) Interact safely with other animals within the enclosure; and

(5) Veterinary care when needed to prevent suffering.

"Obstructs" means renders impassable without unreasonable inconvenience or hazard.

"Pet animal" means a dog, cat, domesticated rabbit, guinea pig, domesticated pig, or caged birds (passeriformes, piciformes, and psittaciformes only) so long as not bred for consumption.

"Primary pet enclosure" means any kennel, cage, or structure used to restrict only a pet animal as defined in this section to a limited area of space, and does not apply to the confinement of any animals that are raised for food, such as any poultry that is raised for meat or egg production and livestock, rabbits, or pigs that are raised specifically for meat production because these animals are not pets when raised for meat or egg production.

"Private place" means a place where one may reasonably expect to be safe from casual or hostile intrusion or surveillance, but does not include a place to which the public or a substantial group thereof has access.

"Public" means affecting or likely to affect a substantial number of persons.

"Public place" means a place to which the public or a substantial group of persons has access and includes highways, transportation facilities, schools, places of amusement or business, parks, playgrounds, prisons, and hallways, lobbies, and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence.

"Record", for the purposes of sections 711-1110.9 and 711-1111, means to videotape, film, photograph, or archive electronically or digitally.

"Torment" means fail to attempt to mitigate substantial bodily injury with respect to a person who has a duty of care to the animal.

"Torture" includes every act, omission, or neglect whereby unjustifiable physical pain, suffering, or death is caused or permitted.

Comment:

The Committee recommends amending and clarifying the offense of Disorderly Conduct by: 1) adding a subsection to section 711-1101 to create separate petty misdemeanor and violation level offenses; 2) deleting subsection 711-1101(2) and adding the definition of "unreasonable noise" to section 711-1100; and 3) creating a standalone offense of "Consenting to unreasonable noise on premises."

Currently, section 711-1101(3) combines both petty misdemeanor and violation level penalties under the same subsection. Consequently, a criminal records check may not distinguish between the two offense levels, and any attempt to generate statistics on this offense may be skewed as the two different levels of offense are inextricably combined.

In addition, section 711-1101(2) explains when noise is "unreasonable," and also presents a completely separate offense when a renter, resident, or owner-occupant of a premises knowingly or negligently consents to unreasonable noise being made [by another person] on the premises. Establishing the separate offense under a separate statute would provide greater clarity for the public and for law enforcement. Also, because both section 711-1101 and the separate statute would contain the phrase, "make unreasonable noise"--and that phrase is not used anywhere else in the Hawai'i Revised Statutes--the definition should then be added to the other defined terms under section 711-1100.

Chapter 712: Offenses Against Public Health and Morals

~~§ 712-1243 Promoting a dangerous drug in the third degree~~
Possessing a dangerous drug in the first degree. (1) ~~A person commits the offense of promoting a dangerous drug in the third degree if the person knowingly possesses any dangerous drug in any amount.~~ A person commits the offense of possessing a dangerous drug in the first degree if the person knowingly:

- (a) Possesses three to twenty-four capsules, tablets, ampules, dosage units, or syrettes, containing one or more dangerous drugs;
- (b) Possesses one or more preparations, compounds, mixtures, or substances of an aggregate weight of:
 - (i) 0.5 grams up to 3.53 grams containing methamphetamine, heroin, morphine, cocaine, or

- fentanyl or any of their respective salts, isomers, and salts of isomers; or
- (ii) 2.0 grams up to 6.99 grams containing any dangerous drug.

~~(2) Promoting a dangerous drug in the third degree~~
Possessing a dangerous drug in the first degree is a class C felony.

§ 712-1243.5 Possessing a dangerous drug in the second degree

(1) A person commits the offense of possessing a dangerous drug in the second degree if the person knowingly possesses any dangerous drug in any amount.

(2) Possessing a dangerous drug in the second degree is a misdemeanor.

(3) Whenever a court sentences a person, grants a motion for deferral, or grants a conditional discharge, it shall also require that the person completes a substance abuse assessment and treatment, if necessary.

(4) For a third or any subsequent conviction within five years of a second or subsequent conviction, the sentence shall be six months incarceration as a term and condition of probation with early release to a substance abuse treatment program or up to one year incarceration.

§ 706-623 Terms of probation. (1) When the court has sentenced a defendant to be placed on probation, the period of probation shall be as follows, unless the court enters the reason therefor on the record and sentences the defendant to a shorter period of probation:

- (a) Ten years upon conviction of a class A felony;
- (b) Five years upon conviction of a class B or class C felony under part II, V, or VI of chapter 707, chapter 709, and part I of chapter 712 and four years upon conviction of any other class B or C felony;
- (c) One year upon conviction of a misdemeanor; except that upon a conviction under section 586-4, 586-11, or 709-906, or 712-1243.5, the court may sentence the defendant to a period of probation not exceeding two years; or
- (d) Six months upon conviction of a petty misdemeanor; provided that up to one year may be imposed upon a finding of good cause; except upon a conviction under section 709-906, the court may sentence the defendant to a period of probation not exceeding one year.

The court, on application of a probation officer, on application of the defendant, or on its own motion, may discharge the defendant at any time. Prior to the court granting early

discharge, the defendant's probation officer shall be required to report to the court concerning the defendant's compliance or non-compliance with the conditions of the defendant's probation and the court shall afford the prosecuting attorney an opportunity to be heard. The terms of probation provided in this part, other than in this section, shall not apply to sentences of probation imposed under section 706-606.3.

(2) When a defendant who is sentenced to probation has previously been detained in any state or county correctional or other institution following arrest for the crime for which sentence is imposed, the period of detention following arrest shall be deducted from the term of imprisonment if the term is given as a condition of probation. The pre-sentence report shall contain a certificate showing the length of such detention of the defendant prior to sentence in any state or county correctional or other institution, and the certificate shall be annexed to the official records of the defendant's sentence.

§ 712-1255 Conditional discharge. (1) Whenever any person who has not previously been convicted of any offense under this chapter or chapter 329 or under any statute of the United States or of any state relating to a dangerous drug, harmful drug, detrimental drug, or an intoxicating compound, pleads guilty to or is found guilty of promoting a dangerous drug, harmful drug, detrimental drug, or an intoxicating compound under section 712-1243, 712-1243.5, 712-1245, 712-1246, 712-1248, 712-1249, or 712-1250, the court, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place the accused on probation deferral upon terms and conditions. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided.

(2) Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against the person.

(3) Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime.

(4) There may be only one discharge and dismissal under this section with respect to any person.

(5) After conviction, for any offense under this chapter or chapter 329, but prior to sentencing, the court shall be advised by the prosecutor whether the conviction is defendant's first or a subsequent offense. If it is not a first offense, the prosecutor shall file an information setting forth the prior convictions. The defendant shall have the opportunity in open

court to affirm or deny that the defendant is identical with the person previously convicted. If the defendant denies the identity, sentence shall be postponed for such time as to permit the trial, before a jury if the defendant has a right to trial by jury and demands a jury, on the sole issue of the defendant's identity with the person previously convicted.

Comment:

The Committee recommends changes to the treatment of criminal defendant substance abusers that possess minute quantities of illegal narcotics. Currently, possession of *any* amount of a dangerous drug such as cocaine, methamphetamine, heroin, and fentanyl, results in a Class C felony. Many of these Class C Felony cases involve possession of drug paraphernalia (such as a pipe) that contain residue or trace amounts of the illegal narcotic when a defendant is not actually ingesting the narcotic. The Committee believes that many of these defendants should be focused on treatment and rehabilitation without the weight of a felony conviction.

Defendants with cases involving trace or residue amounts of illegal narcotics occasionally seek dismissal of the charge under section 702-236 as De Minimis infractions. To preserve the Legislature's prerogative to regulate the possession and use of illegal narcotics, the Committee recommends the replacement of section 712-1243 with a new offense entitled "Possessing a dangerous drug in the first degree" and creating another new offense entitled "Possessing a dangerous drug in the second degree."

The proposed changes aim to divide possessors of illegal narcotics with a usable (and commercially viable) amount from possessors of illegal narcotics in trace or residue amounts. The Committee also recommends amendments to section 706-623 (Terms of Probation) and section 712-1255 (Conditional Discharge) to account for these new offenses and maintain statutory consistency.

Chapter 804: Bail and Bonds (Pretrial Release)

§ 804-7.1 Conditions of release on bail, recognizance, or supervised release. Upon a showing that there exists a danger that the defendant will commit a serious crime or will seek to intimidate witnesses, or will otherwise unlawfully interfere with the orderly administration of justice, the judicial officer named in section 804-5 may deny the defendant's release on bail, recognizance, or supervised release.

Upon the defendant's release on bail, recognizance, or supervised release, however, the court may enter an order:

- (1) Prohibiting the defendant from approaching or communicating with particular persons or classes of persons, except that no such order should be deemed to prohibit any lawful and ethical activity of defendant's counsel;
- (2) Prohibiting the defendant from going to certain described geographical areas or premises;
- (3) Prohibiting the defendant from possessing any dangerous weapon, engaging in certain described activities, or indulging in intoxicating liquors or certain drugs;
- (4) Requiring the defendant to report regularly to and remain under the supervision of an officer of the court;
- (5) Requiring the defendant to maintain employment, or, if unemployed, to actively seek employment, or attend an educational or vocational institution;
- (6) Requiring the defendant to comply with a specified curfew;
- (7) Requiring the defendant to seek and maintain mental health treatment or testing, including treatment for drug or alcohol dependency, or to remain in a specified institution for that purpose;
- (8) Requiring the defendant to remain in the jurisdiction of the judicial circuit in which the charges are pending unless approval is obtained from a court of competent jurisdiction to leave the jurisdiction of the court;
- (9) Requiring the defendant to submit to the use of electronic monitoring and surveillance;
- (10) Requiring the confinement of the defendant in the defendant's residence;
- (11) Requiring the defendant to satisfy any other condition reasonably necessary to ensure the appearance of the defendant as required and to ensure the safety of any other person or community; or
- (12) Imposing any combination of conditions listed above; provided that the court shall impose the least restrictive non-financial conditions required to ensure the defendant's appearance and to protect the public. Unless specifically required by another statute, to the extent the conditions of release require electronic monitoring and surveillance, the Department of Corrections and Rehabilitation shall be responsible for the cost, and the defendant shall not be charged. This does not prohibit the department from seeking reimbursement from the defendant or filing a claim/complaint for lost and/or damages to the equipment. The Department's responsibilities regarding electronic monitoring and surveillance shall be subject to legislative appropriations specific for this purpose.

The judicial officer may revoke a defendant's bail upon proof that the defendant has breached any of the conditions imposed.

Comment:

Pretrial release of a criminal defendant can include the requirement of electronic monitoring to ensure they abide by court orders such as curfew and not having contact with witnesses. However, there are costs associated with electronic monitoring and surveillance. This proposal recognizes that fees tied to pretrial conditions of release could be unfairly burdensome on defendants and ensures that defendants entitled to release will not remain incarcerated due only to their inability to pay. For example, defendants are currently charged approximately \$3.50 per day or \$105 per month for electronic monitoring. Many people do not have the financial resources to pay \$105 per month to stay out of custody for the duration of a criminal case, resulting in disparate pretrial incarceration of indigent defendants.

§ 804-7 Release after bail. The judiciary, in consultation with the department of corrections and rehabilitation and the department of the attorney general, shall establish, on or before _____, and administer a statewide program that permits the posting of monetary bail seven-days-a-week for defendants who remain in the custody of the director of corrections and rehabilitation. This program shall be made available to any defendant for whom a monetary amount of bail has been set by the police, other law enforcement agency, or the court. The judiciary may contract with a single vendor to administer the program. The vendor may charge users of the program a service fee. Upon posting of bail, the defendant shall be released from custody forthwith.

Comment:

The 2019 amendments to HRS Chap. 804 included an amendment to section 804-7 requiring the “establishment and administration of a statewide program that permits the posting of monetary bail seven-days-a-week for defendants who remain in the custody of the director of corrections and rehabilitation.” To date, such a program has not been implemented. The legislative amendment in this section allows the Legislature sets a deadline by which to establish and administer a statewide program.

VII. Issues without Recommendations

Chapter 702: General Principles of Penal Liability

Chapter 703: General Principles of Justification

Section 702-230 Intoxication

The Subcommittee discussed the Intoxication statute in section 702-230 in light of new caselaw from the Hawai'i Supreme Court. Intoxication can complicate a criminal case. The language and structure of section 702-230 can be challenging. First, the statute in subsection (5) distinguishes “self-induced intoxication” from non-self-induced and “pathological intoxication.”

Self-induced intoxication (“SID”) occurs when the defendant “knowingly introduces” intoxicating substances into the body that have a “tendency of which to cause intoxication the defendant knows or ought to know[.]” That is, unless the defendant does it “pursuant to medical advice or under circumstances that would afford a defense to a charge of a penal offense[.]” SID is not a defense according to sections 702-230(5) and 702-230(1). But evidence of SID is admissible to prove or disprove conduct or state of mind in subsection (2). It is not admissible to *disprove* state of mind. In other words, defendants cannot present evidence or argue to the trier of fact that they were so intoxicated after drinking or using recreational drugs that they could not have intentionally, knowingly, or even recklessly committed the offense.

The Hawai'i Supreme Court has refined when SID occurs and, thus, is not available as a defense. The key here is the introduction of substances. In *State v. Abion*, 148 Hawai'i 445, 457, 478 P.3d 270, 282 (2020), SID “applies only when a defendant is under the temporary influence of voluntarily ingested substances at the time of an act.” The Hawai'i Supreme Court has also held in *State v. Eager*, 140 Hawai'i 167, 174, 398 P.3d 756, 763 (2017), that criminal conduct attributed to the defendant's refusal to take prescribed medication is not SID.

In the *Abion* case, the Hawai'i Supreme Court examined the interplay between the intoxication statute and the insanity defense. The insanity defense shields defendants from guilt when—at the time the criminal conduct occurred—a “physical or mental disease, disorder, or defect” prevents them of the capacity to either appreciate the wrongfulness of their conduct or conform their conduct to the requirements of the law. But, according to section 702-203(3), intoxication “in itself,” does not “constitute a physical or mental disease, disorder or defect within the meaning of section 704-400.” The Hawai'i Supreme Court read the statutes together and confirmed that intoxication is an exception to the insanity defense. And it clarified that SID, as an exception to the insanity defense, should be read narrowly and applies only “to acts committed while a person is temporarily under the influence of

voluntarily ingested substances.” Thus, defendants can assert the insanity defense when the cause of their disease, disorder, or defect resulted from the effects of long-term substance abuse (but not from being under the influence of an intoxicant at the time of the act).

Pathological intoxication (“PI”) in subsection (5) occurs when the intoxication is “grossly excessive in degree,” the defendant “does not know the defendant is susceptible” to this excessive form of intoxication, and the defendant actually has “a physical abnormality” resulting in the intoxication. PI is an affirmative defense. There are few cases directly discussing PI. The last part of the PI defense contemplates evidence that the defendant suffered from a physical defect. And so, it seems that PI is really nothing more than a specific type of “physical . . . disease, disorder, or defect” absolving the defendant of criminal responsibility.

Finally, there is another kind of intoxication, which the statute calls “Not self-induced intoxication” (“NSID”) in section 702-230(4)(a). NSID, like PI, is an affirmative defense. There is no statutory definition of NSID. This complicates things. Because NSID is an affirmative defense, the defendant must show that there was intoxication and that it was not self-induced. That means the burden is on the defendant to show that the intoxication was not knowingly introduced, or it was introduced and but the “tendency of which to cause intoxication” was not known or was not reasonably known, or the defendant introduced the substances based on medical advice or “under circumstances that would afford a defense to a charge of penal offense.”

It appears that this statute, though difficult to read at times, makes sense and appears to meet the general public’s expectation that a person cannot get drunk or high, commit a crime, and be acquitted because of their intoxication. The Subcommittee believes that the Judiciary’s Committee on Pattern Jury Instructions is best suited to craft appropriate jury instructions when these issues are raised at trial, rather than legislative changes in the attempt to clarify the statute that encompasses a wide array of factual circumstances.

Section 702-236 De Minimis Infractions

From a separation-of-powers standpoint, section 702-236, “De minimis infractions,” is an example of healthy checks and balances. Normally, the executive branch’s “broad discretion” to prosecute defendants goes unchallenged.³ But here the Legislature empowered courts to “dismiss a prosecution” under certain circumstances.

³ See *State v. Radcliffe*, 9 Haw. App. 628, 640, 859 P.2d 925, 933 (1993).

The three circumstances where a court may dismiss a prosecution are listed in subsections (1)(a) through (c). Out of the three, the most commonly litigated is subsection (1)(b) where the defendant's conduct "[d]id not actually cause or threaten the harm or evil sought to be prevented by the law defining the offense or did so only to an extent too trivial to warrant the condemnation of conviction[.]"

There appears to be no impetus for a substantive change to these three subsections. And allowing judicial review of the prosecution's discretion under these circumstances appears to be settled. But questions have arisen as to *when* defendants should bring a de minimis challenge. It is not uncommon to raise a subsection (1)(b) challenge as a pretrial motion. But in doing so, the defense is in the awkward position of admitting or conceding that the offense occurred before being found guilty. Of course, litigants should be able to circumvent this by pointing out that even if the facts are established as the prosecution alleges, the charge should be dismissed. Another avenue for defendants is to simply rely on the finding of probable cause for the offense and then provide additional evidence to apprise the court of the "nature of the attendant circumstances" surrounding the offense. Yet another possibility is to raise the de minimis challenge after the State rests. Defendants can then move for dismissal and present evidence of the attendant circumstances.

The absence of statutory guidance gives defendants flexibility as to when the de minimis challenge may be raised. Nevertheless, there does not appear to be overuse of this statute and the Subcommittee believes amendments are unnecessary.

Section 703-304 Use of force in self-protection

In connection with HRS Chapter 703, the Subcommittee primarily centered its attention on this chapter around section 703-304, "Use of Force in Self-Protection," specifically the language of "immediately necessary." At the request of a Subcommittee member, this discussion evolved to the corresponding issue of "Stand Your Ground." A stand-your-ground law, sometimes called a "line in the sand" or "no duty to retreat" law, provides that people may use deadly force when they reasonably believe it to be necessary to defend against certain violent crimes (right of self-defense). Under such a law, people have no duty to retreat before using deadly force in self-defense, so long as they are in a place where they are lawfully present. The exact details vary by jurisdiction.

Hawai'i adopts the alternative to stand your ground: "duty to retreat." That is, even a person who is unlawfully attacked (or who is defending someone who is unlawfully attacked) may not use deadly force if it is possible to instead avoid the danger with complete safety by retreating. The political ramifications between the two doctrines are beyond the scope of this Committee.

Nonetheless, section 703-304 prescribes specific requirements regarding the duty to retreat, but not without arguable differences between ordinary self-protection and self-protection using deadly force. Sections 703-304(1) and 703-304(2) differ when the requirements of “immediately necessary” and “necessary” are applied to self-protection (without deadly force) and use of deadly force, respectively. That is, it was raised by Subcommittee members that the word “immediately” was absent from 703-304(2). In *State v. Reis*, WL635324, and *In Re DM*, 152 Haw. 469, the appellate courts discussed these same issues and raised concerns. After a review of current case law, it was determined that the language of section 703-304 is correct and the Judiciary’s Committee on Pattern Jury Instructions is working on the issue for trial judges when this issue is raised in specific cases. As such, no modification to section 703-304 is proposed.

Chapter 706: Disposition of Convicted Defendants

Chapter 853: Deferred Acceptance of Guilty and No Contest Plea

Individualized Conditions of Probation

The 706/853 Subcommittee discussed changes to section 706-624 and whether the mandatory and discretionary conditions of probation should be specifically tailored to the individual’s particular risks/needs.

Mandatory and discretionary conditions are tool kits for the court and probation officers to address the needs of probationers according to risk level. The mandatory conditions in section 706-624 are sensible and the discretionary conditions have been reasonably related and applied by the probation department and the court. Inconsistencies in the application could be addressed through training. Statutory changes are unnecessary at this time, and administrative adjustments can be addressed internally at the Judiciary.

The Subcommittee discussed the need for a collaborative process to loop the public defender into the risks/needs assessment and monitoring of compliance to avoid the accumulation of violations that lead to probation revocations and open terms of imprisonment. The identified barriers in the compliance of mandatory and discretionary conditions are the lack of treatment for individuals with mental health and/or drug dependency, and the lack of stable housing.

Early Discharge of Probation

The Subcommittee discussed codifying a proof of compliance hearing (no later than midpoint of probation term) to evaluate progress made by a defendant utilizing a checklist for possible early discharge for certain offenses,

and possible creation of a compliance calendar to manage hearings. These proof of compliance hearings could trigger early termination of probation. Part of the discussion included how victims are notified of possible early termination of probation and how to amend section 801D-4 (the “Basic bill of rights for victims and witnesses”). If adopted, a legislative funding request may be required for additional court resources. Collaboration is needed with prosecutors’ office to support early discharge when appropriate. The Subcommittee favored recommending a legislative change for midpoint reviews at plenary session.

When presented to the Committee during plenary session, this recommendation did not achieve supermajority approval. While this proposal created a statutory mechanism to trigger early termination of probation, the plenary discussion recognized that early termination of probation is already possible under the current statutory scheme. Ultimately, the costs associated with the midpoint proof of compliance hearings outweighed any benefits.

Chapter 853 Deferred Pleas

Section 853-1 specifically authorizes a court to defer the acceptance of a no contest or guilty plea “upon any of the conditions specified by section 706-624.” There are no analogous provisions in HRS Chapter 853 to those in section 706-623. The only provision in HRS Chapter 853 that addresses the length of deferral periods is found in section 853-1, which provides that the maximum duration of a deferral period for a felony cannot “exceed the maximum sentence allowable[.]”

A number of subcommittee members noted that in practice, judges tend to order durations of deferral that are equal to the duration of probation that would apply to the same offense. In addition, notwithstanding the fact that there is no express mechanism in Chapter 853 for early discharges from deferrals, in practice motions for early discharge are filed and heard. As a result, it was suggested that changes to section 706-623 would be followed in deferral cases, whether or not Chapter 853 were amended to reflect those changes.

Finally, concerns were raised about the wisdom of importing changes in Chapter 706 into Chapter 853 on a piecemeal basis.

At the conclusion of these discussions, there was a consensus against amending Chapter 853 to reflect any of the changes to section 706-623 under discussion by the Subcommittee.

Chapter 134: Firearms, Ammunition and Dangerous Weapons

“Ghost Guns”

The Subcommittee devoted great time and discussion to address the increase in gun violence. Of particular concern was the current proliferation of “ghost guns,” their prevalence in law enforcement investigations, and how they were not adequately addressed by the Penal Code. The Subcommittee reviewed statutes of other states and their treatment of ghost guns, the Gun Control Act of 1968, the National Firearms Act of 1988, the Undetectable Gun Act, legislative history of HRS Chapter 134, and current Hawai‘i caselaw on the treatment of firearms. The Survey “ghost gun” treatment in other states is included in Appendix B1

The ghost gun issue was resolved with Act 18 SLH2025 (the former House Bill 392) that not only defines a “ghost gun,” but amended section 134-8 to prohibit possession, and created the new section for imprisonment when a ghost gun is used in the commission of a felony.

Chapter 708: Offenses Against Property Rights

Theft in the First Degree

The Chapter 708 Subcommittee recommended a mandatory minimum period of 18 months incarceration when a person is convicted of Theft in the first degree involving loss of more than \$250,000, whether as a part of a ten-year indeterminate term of imprisonment or as a condition of probation.

The Subcommittee’s recommendation sought to differentiate the punishments of theft of \$20,000 (the general minimum threshold for Theft in the first degree) and theft of more than \$250,000. The rationale being that theft of the greater amount reflected greater criminality and resulted in greater harm.

Despite the recommendation of the Subcommittee, this recommendation was not approved by the Committee in plenary session. Concerns about mandatory sentencing, and limiting judicial discretion, were discussed. Examples were shared where thefts, even those involving large amounts, can be distinguished by motive, sophistication of the scheme, and actual harm to the victim(s). That a sentencing judge should be able to consider all the relevant factors and fashion an appropriate sentence for each individual case weighed heavily on the recommendation failing to achieve supermajority approval.

Organized Retail Theft

The Subcommittee investigated and discussed “Organized Retail Theft.” Incidents involving a group or groups of people committing theft in ways that overwhelm retail security measures and/or law enforcement measures have captured media attention and appear to be on the rise in Hawai‘i as well as on the continent. Further analysis and examination of the issues surrounding organized retail theft is of interest to determine if such a statute is needed, and if so, what approach will be the most effective at targeting professional thieves who prey on the commercial retail establishments in our community.

The Subcommittee surveyed many states that established statutes to combat organized retail theft. A chart of organized retail theft laws across the country is included in Appendix B2. The focus and elements of these various statutes vary greatly in approach, proof required, and penalties imposed. These differences include the requirements of the number of suspects needed to prosecute, the type of cooperation between the suspects needed to be proved, and the appropriate financial threshold for this offense. Given the lack of available data regarding organized retail thefts affecting the current community, a future group including more stakeholders from retail businesses and law enforcement might be best suited to determine what evils a potential organized retail theft statute should seek to address.

Theft Value Thresholds

This Committee, unlike the 2015 Penal Code Review Committee, was not directed by the Legislature to consider the theft thresholds. Nevertheless, the Subcommittee did raise the issue, discussed it, and was cognizant of the concerns of the business community and law enforcement regarding property crime, and the potential effects that are concomitant with increases in value thresholds.

Hawaii’s current thresholds are relatively low compared to the rest of the country. Thresholds for Theft in the Second Degree, Theft in the Third Degree, and Theft in the Fourth Degree have not changed since 2016 (pursuant to the last Penal Code Review). The \$20,000 threshold for Theft in the First Degree has not changed since 1986. The State currently has the seventh lowest felony threshold among the states and Washington D.C. (a survey of theft thresholds is included as Appendix B3). This ranking is especially low in the context of inflation in recent years and Hawaii’s high cost of goods and services. Raising value thresholds would reduce the number of felony cases and avoid labeling lower-level offenders as felons. The Subcommittee believes that these laudable goals would reduce the amount of government resources spent on felony

property crimes and increase the chances of rehabilitation for low-level offenders.

While Act 245 SLH2024 did not focus on theft value thresholds, this issue will be increasing in importance to the community, especially in light of the current and turbulent economic environment. The next Penal Code Review Committee should be directed to focus on this issue if the Legislature, on its own, does not address it prior.

Chapter 710: Offenses Against Public Administration

Section 710-1010.5 Interference with reporting an emergency or crime

The Subcommittee recommended amending section 710-1010.5 Interference with reporting an emergency or crime, from a petty misdemeanor to a misdemeanor offense. The recommendation also added the reckless state of mind to further effectuate the perceived legislative intent of the statute.

This offense was created to deter perpetrators of domestic violence who prevent victims and witnesses from contacting authorities for assistance in situations of domestic violence. Because Hawaii's body of law surrounding domestic violence—and victims of crime in general—has greatly evolved since this statute was created in 2001, to embrace a more victim-centered approach, the Subcommittee believed that a misdemeanor offense would serve as a more effective and appropriate deterrent to would-be perpetrators, and provide a more appropriate message to would-be victims and witnesses that such behavior is a high priority to the community and will not be tolerated.

When presented to the Committee in plenary session, this proposal did not obtain supermajority approval.

Chapter 804: Bail and Bonds (Pretrial Release)

Codification of factors for least restrictive conditions for pretrial release

The Subcommittee proposed the creation of a new section defining “least restrictive conditions” for pretrial release to further the intent of Act 179 SLH2019. The proposal provided more guidance by defining “least restrictive conditions,” and requiring (or alternatively suggesting) that courts specifically consider less-restrictive alternatives before ordering secured, monetary bail. These proposed amendments also required consideration of relevant factors and how they will be impacted by a bail decision. For example, the court would consider the defendant's employment and housing, and what would be necessary for the defendant to maintain stable employment and housing.

Consideration of these factors is not only important for bail decisions, but necessary to facilitate re-entry and rehabilitation, in the event a defendant is convicted. Consideration of the impact of bail on a variety of aspects of the defendant's life will ensure that bail decisions are individualized and not "mechanically confirming unaffordable amounts" of money bail.

During presentation at a plenary session, the Committee had an extensive discussion on the need for new legislation. The discussion focused on whether or not courts were already following the requirements of Act 179 SLH2019. Many factors in the proposed legislation were already actively considered by courts when making pretrial release decisions, including a defendant's ability to afford bail. Ultimately this set of proposals failed to attain approval by a supermajority of the Committee.



GOV. MSG. NO. 1350

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

July 9, 2024

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

The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second 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 July 9, 2024, the following bill was signed into law:

HB1953 HD1 SD2 CD1

RELATING TO THE PENAL CODE.
ACT 245

Sincerely,

Josh Green, M.D.
Governor, State of Hawai'i

on JUL 9 2024

HOUSE OF REPRESENTATIVES
THIRTY-SECOND LEGISLATURE, 2024
STATE OF HAWAII

H.B. NO. 1953
H.D. 1
S.D. 2
C.D. 1

A BILL FOR AN ACT

RELATING TO THE PENAL CODE.

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

1 SECTION 1. The legislature finds that the Hawaii Penal
2 Code is the fundamental document by which the State addresses
3 crime. It is imperative that such an important part of state
4 law receives full and deliberate attention from time to time to
5 ensure the Code's continued force and effectiveness.

6 Since the Hawaii Penal Code was enacted in 1972, there have
7 been four significant reviews of the Code by means of:

- 8 (1) Act 291, Session Laws of Hawaii 1983, which resulted
9 in the enactment of many of the committee on penal
10 code revision and reform of the judicial council of
11 the Hawaii supreme court's recommendations as Act 314,
12 Session Laws of Hawaii 1986;
- 13 (2) Act 284, Session Laws of Hawaii 1993, which did not
14 result in legislative action on the recommendations of
15 the committee on penal code review;
- 16 (3) Act 125, Session Laws of Hawaii 2005, which led to
17 enactment of many of the committee on penal code



1 review's recommendations as Act 230, Session Laws of
2 Hawaii 2006; and
3 (4) House Concurrent Resolution No. 155, S.D. 1, Regular
4 Session of 2015, which led to the enactment of Act
5 231, Session Laws of Hawaii 2016.

6 The legislature concludes that it is time for another
7 review. The purpose of this Act is to require the judicial
8 council to conduct another comprehensive review of the Hawaii
9 Penal Code to be completed no later than forty days prior to the
10 convening of the regular session of 2026.

11 SECTION 2. The judicial council, as established pursuant
12 to section 601-4, Hawaii Revised Statutes, through an advisory
13 committee on penal code review, shall conduct a comprehensive
14 review of the Hawaii Penal Code and recommend to the legislature
15 necessary amendments to ensure:

- 16 (1) That the Hawaii Penal Code is consistent and
17 proportional across the various types and classes of
18 offenses;
19 (2) That the Hawaii Penal Code is aligned with national
20 best practices and based upon evidence-based
21 strategies;



1 (3) That grades and punishment are appropriate and
2 proportionate to other sentences imposed for criminal
3 or civil offenses and are cost-effective in deterring
4 crime, reducing recidivism, and providing restitution
5 to victims in a manner that provides equal justice and
6 punishment regardless of socioeconomic class or
7 ethnicity;

8 (4) That the response of the criminal justice system to
9 mentally ill offenders is appropriate to the
10 situation; and

11 (5) The continued force, effectiveness, and enforcement of
12 the Hawaii Penal Code.

13 SECTION 3. (a) No later than September 1, 2024, the
14 judicial council shall appoint an advisory committee on penal
15 code review. The advisory committee shall include the following
16 members:

17 (1) Representatives of the judiciary;

18 (2) A member of the senate standing committee on
19 judiciary;

20 (3) A member of the house of representatives standing
21 committee on judiciary and Hawaiian affairs;



- 1 (4) The attorney general, or the attorney general's
- 2 designee;
- 3 (5) A representative of the office of the public defender;
- 4 (6) The administrator of the office of Hawaiian affairs,
- 5 or the administrator's designee;
- 6 (7) A representative of the department of corrections and
- 7 rehabilitation;
- 8 (8) A representative of the department of law enforcement;
- 9 (9) The governor's senior advisor for mental health and
- 10 the justice system;
- 11 (10) The prosecuting attorney of each county, or each
- 12 prosecuting attorney's designee; and
- 13 (11) A representative of the police department of each
- 14 county, at least one of which shall be in a role that
- 15 focuses on mental health.

16 (b) The following members shall be invited by the judicial
17 council to participate on the advisory committee:

- 18 (1) Representatives from citizen participation bodies,
- 19 such as neighborhood boards;
- 20 (2) Private citizens interested in criminal law and civil
- 21 liberties;



- 1 (3) Hawaii-licensed attorneys in private practice who
2 handle criminal cases;
- 3 (4) Representatives from advocacy groups for incarcerated
4 individuals;
- 5 (5) Representatives from advocacy groups for crime
6 victims;
- 7 (6) Psychologists or social workers; and
- 8 (7) Any other members the judicial council deems
9 necessary.

10 (c) The members of the advisory committee shall serve
11 without compensation but shall be reimbursed for expenses,
12 including travel expenses, necessary for the performance of
13 their duties.

14 (d) The advisory committee shall submit a report of its
15 findings and recommendations, including any proposed
16 legislation, to the legislature no later than forty days prior
17 to the convening of the regular session of 2026.

18 SECTION 4. The judicial council may appoint a reporter for
19 the review and other research and clerical staff, as may be
20 necessary, without regard to chapter 76, Hawaii Revised
21 Statutes. In selecting the reporter and research and clerical



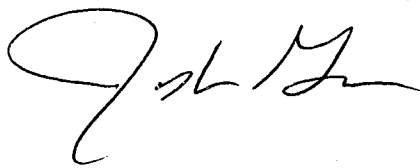
1 staff, the judicial council is urged to use, to the greatest
2 extent possible, the faculty and students of the university of
3 Hawaii at Manoa William S. Richardson school of law.

4 SECTION 5. There is appropriated out of the general
5 revenues of the State of Hawaii the sum of \$10,000 or so much
6 thereof as may be necessary for fiscal year 2024-2025 for the
7 purposes of this Act.

8 The sum appropriated shall be expended by the judiciary for
9 the purposes of this Act.

10 SECTION 6. This Act shall take effect on July 1, 2024.

APPROVED this 9th day of July , 2024



GOVERNOR OF THE STATE OF HAWAII



HB No. 1953, HD 1, SD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2024
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2024.



Scott K. Saiki
Speaker
House of Representatives

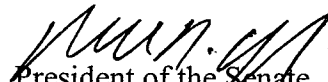


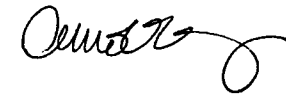
Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI‘I

Date: May 1, 2024
Honolulu, Hawai‘i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate
of the Thirty-Second Legislature of the State of Hawai‘i, Regular Session of 2024.


President of the Senate


Clerk of the Senate

**Appendix B:
Subcommittee Rosters and Work-up**

Chapter 701: Preliminary Provisions

Chapter 702: General Principles of Penal Liability

Chapter 703: General Principles of Justification

Chapter 705: Inchoate Crimes

Subcommittee Chair: Judge Wendy DeWeese

Subcommittee Members:

Hon. Todd Eddins (Judiciary)

Hon. Sonja McCullen (Judiciary)

Nelson Goo, Esq.

Adrian Dhakhwa, Esq. (Attorney General)

Benjamin Lowenthal, Esq.

Dates of Subcommittee Meetings

December 6, 2024

January 3, 2025

April 4, 2025

May 2, 2025

Reference Materials

The Subcommittee reviewed and analyzed caselaw involving issues in Chapters 701, 702, 703, and 705, including *State v. Abion*, 148 HAW. 445 (2020), *State v. Eager*, 140 Haw. 167 (2017), *State v. Radcliffe*, 9 Haw. App. 628 (1993), 155 Haw 452 (2025), and *In re DM*, 152 Haw 469 (2023). Additionally, the subcommittee reviewed the commentary and legislative history of implicated statutes.

Hawaii Pattern Jury Instructions - Criminal

Chapter 704: Penal Responsibility and Fitness to Proceed

Subcommittee Chair: Judge M. Kanani Laubach

Subcommittee Members:

Jennifer Awong, Esq. (Judiciary)
Brenda Bauer-Smith, Psy.D. (Department of Health)
Scott Bell, Esq. (Honolulu Prosecutor's Office)
Michael Champion, M.D. (Governor's Office)
David Day, Esq. (Attorney General)
Daylin-Rose Heather, Esq. (Judiciary)
Hon. Ronald Johnson (Judiciary)
Sarah Nishioka, Esq. (Public Defender)
Stanton Oshiro, Esq.
Hon. Karl Rhoads (State Senate)
Ramsey Ross, Esq., then Tracy Murakami, Esq. (Kauai Prosecutor's Office)

Dates of Subcommittee Meetings

December 13, 2024
February 10, 2025
February 28, 2025
June 26, 2025
July 3, 2024
August 21, 2025
August 21, 2025

Reference Materials

HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA), 42 U.S.C. § 1320d *et seq.*

Act 226 SLH2016

A.G. Opinion 23-01

The Subcommittee consulted with Deputy Attorney Generals for information on the operation of HIPAA, and for input by DCR, DOH Adult Mental Health Division, ACSB.

The Subcommittee also reviewed and analyzed caselaw involving issues in Chapter 704

Chapter 706: Disposition of Convicted Defendants

Chapter 853: Deferred Acceptance of Guilty and No Contest Plea

Subcommittee Chair: Judge Matthew Viola

Subcommittee Members:

Saifolio Aganon (Probation Administrator for Judiciary)
Rosemarie Albano (Victim Witness Kokua Honolulu Prosecutor's Office)
Kat Brady (Community Alliance on Prisons)
Thomas Brady, Esq. (Honolulu Prosecutor's Office)
Hayley Cheng, Esq. (Public Defender)
Hon. Brian Costa (Judiciary)
Dennis Dunn
Pamela Ferguson-Brey (Crime Victim Compensation Commission)
Tommy Johnson (Department of Corrections and Rehabilitation)
Nikos Leverenz (Hawai'i Health and Harm Reduction Center)
Hon. Paul Wong (Judiciary)

Dates of Subcommittee Meetings

December 6, 2024

January 3, 2025

April 4, 2025

May 9, 2025

Reference Materials

"2019 RECIDIVISM UPDATE" Hawaii's Interagency Council on Intermediate Sanctions, March 2021.

"EARLY TERMINATION OF SUPERVISION: NO COMPROMISE TO COMMUNITY SAFETY"
Laura Baber and James Johnson, Office of Probation and Pretrial Services,
Administrative Office of the U.S. Courts, September 2013

"JUSTICE REFORM AND CRIME VICTIMS" January 2022

"STATES CAN SHORTEN PROBATION AND PROTECT PUBLIC SAFETY" Pew Charitable Trust Report, December 2020.

VICTIM RESTITUTION MATTERS: FOUR LESSONS FROM HAWAII TO ENSURE FINANCIAL JUSTICE FOR CRIME VICTIMS, January 2021

Chapter 707: Offenses Against the Person

Chapter 709: Offenses Against Family and Against Incompetents

Chapter 134: Firearms, Ammunition and Dangerous Weapons

Subcommittee Chair: Judge Gregory Meyers

Subcommittee Members:

Aaron Wills, Esq.

Major Brandon Nakasato (HPD)

Hon. Catherine Remigio (Judiciary)

Hon. Rowena Somerville (Judiciary)

David Van Acker (Attorney General)

Dates of Subcommittee Meetings

January 10, 2025

February 21, 2025

March 3, 2025

April 17, 2025

May 16, 2025

July 7, 2025

August 21, 2025

Reference Materials

Gun Control Act of 1968 (18 U.S.C. Chapter 44)

National Firearms Act of 1988 (18 U.S.C. § 922(p))

DOES THE “GHOST” IN “GHOST GUN” NEGATE THE “GUN” PART?: THE IMPLICATIONS OF GARLAND V. VANDERSTOK UPHOLDING FIREARM CLASSIFICATION FOR GHOST GUNS, Abigail Crabtree, University of Cincinnati Law Review Vol. 93

HONOLULU HASN'T PROSECUTED A SINGLE GHOST GUN CASE SINCE 2020 BAN, Caitlin Thompson & Madeleine Valera, Honolulu Civil Beat, March 5, 2025

STRATEGY OF A GUN RIGHTS GROUP: ATTACK ONLINE, PREVAIL IN COURT, Emily R. Siegel, Lydia Wheeler and K. Sophie Will, Bloomberglaw.com, February 6, 2025

Research and survey of Ghost Gun laws in other states (attached as Appendix B1)

Act 18 SLH2025

Hawaii Pattern Jury Instructions – Criminal

ANNUAL REPORT HAWAII STATE JUDICIARY STATISTICAL SUPPLEMENT, 2023

The Subcommittee also reviewed and analyzed caselaw, both State and Federal, involving firearm issues

Chapter 708: Offenses Against Property Rights

Subcommittee Chair: Judge Clarissa Malinao

Subcommittee Members:

Captain Bode Parker (HPD)

Chad Kumagai, Esq. (Attorney General)

Richard Sing, Esq.

Kory Young, Esq. (Attorney General)

Dates of Subcommittee Meetings

December 4, 2024

January 3, 2025

February 7, 2025

March 28, 2025

April 25, 2025

Reference Materials

Research and survey of Organized Retail Theft laws in other states (attached as Appendix B2)

Research and survey of Felony Theft Thresholds in other states (attached as Appendix B3)

The Subcommittee also reviewed and analyzed case law regarding property crimes

Chapter 710: Offenses Against Public Administration

Chapter 711: Offenses Against Public Order

Subcommittee Chair: Judge Tracy Fukui

Subcommittee Members:

Jason Burks, Esq.

Jon Ikenaga, Esq. (Public Defender)

Tricia Nakamatsu, Esq. (Attorney General)

James Tabe, Esq.

Dates of Subcommittee Meetings

January 3, 2025

February 20, 2025

April 4, 2025

May 2, 2025

July 29, 2025

Reference Materials

Research and survey of First Responder Assistance laws in other states

THE POSSE COMITATUS AND THE OFFICE OF SHERIFF: ARMED CITIZENS SUMMONED TO THE AID OF LAW ENFORCEMENT, David B. Kopel, 104 J. Crim. L. & Criminology 761 (2015).

“Changes to the Law in Norman England.”

<https://www.gcsehistory.com/faq/normanlaw.html>

S.B. 192, 2019 Reg. Sess. (Cal. 2019).

Chapter 712: Offenses Against Public Health and Morals

Subcommittee Chair: Judge Trish Morikawa

Subcommittee Members:

Tracy Murakami, Esq. (Kauai Prosecutor succeeding Ramsey Ross)

Captain Jerome Pacarro (HPD)

Rick Sing, Esq.

Dates of Subcommittee Meetings

December 6, 2024

January 3, 2025

May 13, 2025

July 30, 2025

Reference Materials

Research and survey of pending Promoting a Dangerous Drug in the third degree cases (attached as Appendix B4)

Research and survey of drug possess thresholds in other states (attached as Appendix B5)

ANALYSIS OF PDD3 CHARGES DURING 2019-2024, Mojtaba Abolfazli and Adam Cohen

Chapter 804: Bail and Bonds (Pretrial Release)

Subcommittee Chair: Judge Christopher Dunn

Subcommittee Members:

Sean Aronson, Esq. (Legislature)

Jongwook “Wookie” Kim (ACLU Hawai‘i)

James Lindblad (Bail Bondsman)

Tracy Murakami, Esq. (Kauai Prosecutor succeeding Ramsey Ross, Esq.)

Matthew Nardi, Esq.

Major Bradon Ogata (HPD)

Rep. David Tarnas (Legislature)

Zachary Wingert, Esq. (Public Defender)

Hon. Kristine Yoo (Judiciary)

Kory Young, Esq. (Attorney General)

Dates of Subcommittee Meetings

December 13, 2024

January 10, 2025

February 21, 2025

April 4, 2025

May 15, 2025

June 20, 2025

Reference Materials

HAWAI‘I CRIMINAL PRETRIAL REFORM: RECOMMENDATIONS OF THE CRIMINAL PRETRIAL TASK FORCE TO THE THIRTIETH LEGISLATURE OF THE STATE OF HAWAI‘I, December 2018

CRIMINAL JUSTICE DEEP DIVE: A CLOSER LOOK AT HAWAI‘I BAIL STATUTES AND PRACTICES, Jongwook “Wookie” Kim, Samantha McNichols, January 2024

Act 179 SLH2019

HB 127 2025 Legislature

HB 675 2025 Legislature

SB725 2025 Legislature

The Subcommittee also reviewed and analyzed statutes and caselaw regarding pretrial release

GHOST GUN SURVEY

Gun Law Reg Strength	State	Statute #	Statute	What the state requires? (per Ghost Gun Regulation)
			Key search terms: “Ghost guns” OR “precursor parts” OR “unfinished part” OR “unfinished receiver” or “3-D printer” OR “3-D printing” OR “three-dimensional printer” OR “plastic undetectable guns” OR “plastic guns” OR “undetectable guns” OR “firearm” OR “untraceable firearms” OR “computer numerical control (CNC) milling machine firearm”	
1	CALIFORNIA	<u>§ 3273.50. Definitions</u>	As used in this title, the following definitions apply:.. (b) “Firearm” has the same meaning as provided in subdivisions (a) and (b) of Section 16520 of the Penal Code. (c) “Firearm accessory” means an attachment or device designed or adapted to be inserted into, affixed onto, or used in conjunction with a firearm that is designed, intended, or functions to alter or enhance the firing capabilities of a firearm, the lethality of the firearm, or a shooter’s ability to hold and use a firearm. (d) “Firearm-related product” means a firearm, ammunition, a firearm precursor part, a firearm component, firearm manufacturing machine, and a firearm accessory that meets any of the following conditions: (1) The item is sold, made, or distributed in California. (2) The item is intended to be sold or distributed in California. (3) The item is or was possessed in California and it was reasonably foreseeable that the item would be possessed in California. (e) “Firearm precursor part” has the same meaning as provided in Section 16531 of the Penal Code.... (g) “Firearm manufacturing machine” means a three-dimensional printer, as defined in Section 29185 of the Penal Code, or CNC milling machine that, as described in that section, is marketed or sold as, or reasonably designed or intended to be used to manufacture or produce a firearm. (h) “Reasonable controls” means reasonable procedures, acts, or practices that are designed, implemented, and enforced to do the following: (1) Prevent the sale or distribution of a firearm-related product to a straw purchaser, a firearm trafficker, a person prohibited from possessing a firearm under state or federal law, or a person who the firearm industry member has reasonable cause to believe is at substantial risk of using a firearm-related product to harm themselves or another or of possessing or using a firearm-related product unlawfully. (2) Prevent the loss or theft of a firearm-related product from the firearm industry member.	Serial numbers and background checks for component parts, all ghost guns must be reported to officials.
		<u>§ 29185. CNC milling machine or three-dimensional printer; prohibitions; requirements</u>	(a) No person, other than a state-licensed firearms manufacturer, shall use a computer numerical control (CNC) milling machine or three-dimensional printer to manufacture a firearm. (b) It is unlawful to sell, offer to sell, or transfer a CNC milling machine or three-dimensional printer that has the sole or primary function of manufacturing firearms to any person in this state, other than a state-licensed firearms manufacturer. (c) It is unlawful for any person in this state other than a state-licensed firearms manufacturer to possess, purchase, or receive a CNC milling machine or three-dimensional printer that has the sole or primary function of manufacturing firearms. (d) Subdivisions (b) and (c) do not apply to any of the following: (1) A person who is engaged in the business of selling manufacturing equipment to a state-licensed firearms manufacturer, and who possesses a CNC milling machine or three-dimensional printer with the intent to sell or transfer the CNC milling machine or three-dimensional printer to a state licensed firearms manufacturer. (2) A common carrier licensed under state law, or a motor carrier, air carrier or carrier affiliated with an air carrier through common controlling interest that is subject to Title 49 of the United States Code, or an authorized agent of any such carrier, when acting in the course and scope of duties incident to the receipt, processing, transportation, or delivery of property. (3) A person who, before June 30, 2022, possessed a CNC milling machine that has the sole or primary function of manufacturing firearms and who, within 90 days after that date, does one of the following: (A) Sells or transfers the machine to a federally licensed firearms manufacturer or importer. (B) Sells or transfers the machine to a person described in paragraph (1). (C) Removes the machine from this state.	
		<u>§ 30400. Prohibition of selling, offering to sell, or transfer of firearm precursor part not federally regulated; exceptions; penalties</u>	(a) Except as provided in subdivision (b) and in Section 30420, or except by operation of law, it shall be unlawful for a person to purchase, sell, offer to sell, or transfer ownership of any firearm precursor part in this state that is not a federally regulated firearm precursor part. (b) This section does not apply to either of the following: (1) The purchase of a firearm precursor part that is not a federally regulated firearm precursor part by a federally licensed firearms manufacturer or importer, or by a federal licensee authorized to serialize firearms. (2) The sale, offer to sell, or transfer of ownership of a firearm precursor part that is not a federally regulated firearm precursor part to a federally licensed firearms manufacturer or importer, or to a federal licensee authorized to serialize firearms. (c) A violation of this section is a misdemeanor punishable by imprisonment in a county jail not exceeding six months, by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment.	

GHOST GUN SURVEY

		<u>§ 3273.60. Definitions</u>	As used in this title, the following definitions apply: (a) “Digital firearm manufacturing code” means any digital instructions in the form of computer-aided design files or other code or instructions stored and displayed in electronic format as a digital model that may be used to program a CNC milling machine, a three-dimensional printer, or a similar machine, to manufacture or produce a firearm, including a completed frame or receiver or a firearm precursor part... (c) “Firearm” has the same meaning as in subdivisions (a) and (b) of Section 16520 of the Penal Code. (d) “Three-dimensional printer” means a computer-aided manufacturing device capable of producing a three-dimensional object from a three-dimensional digital model through an additive manufacturing process that involves the layering of two-dimensional cross sections formed of a resin or similar material that are fused together to form a three-dimensional object.	
		<u>§ 30401. Determination of firearm precursor part</u>	(a) The department may, upon receipt of a written request or form prescribed by the department, issue a determination to a person regarding whether an item or kit is a firearm precursor part. (b) Any request or form submitted pursuant to subdivision (a) shall be executed under the penalty of perjury with a complete and accurate description of the item or kit, the name and address of the manufacturer or importer thereof, and a sample of the item or kit for examination. (c) The sample of the item or kit shall include all accessories and attachments relevant to the firearm precursor part determination as each determination is limited to the submitted sample. The sample shall include any associated templates, jigs, molds, equipment, or tools that are made available by the seller, distributor, or manufacturer of the item or kit to the purchaser or recipient of the item or kit, and any instructions, guides, or marketing materials if they will be made available by the seller, distributor, or manufacturer with the item or kit. (d) Upon completion of the examination, the department may return the sample to the person who made the request unless a determination is made that return of the sample would be a, or would place the person in, violation of the law. Unless otherwise stated by the department, a determination made by the department pursuant to this section shall not be deemed by any person to be applicable to, or authoritative with respect to, any other sample, design, model, or configuration.	
		<u>§ 16520. “Firearm” defined</u>	(a) As used in this part, “firearm” means a device, designed to be used as a weapon, from which is expelled through a barrel, a projectile by the force of an explosion or other form of combustion. (b) As used in the following provisions, “firearm” includes the frame or receiver of the weapon, including both a completed frame or receiver, or a firearm precursor part: (1) Section 136.2. (2) Section 646.91. (3) Sections 16515 and 16517. (4) Section 16550. (5) Section 16730. (6) Section 16960. (7) Section 16990. (8) Section 17070. (9) Section 17310. (10) Sections 18100 to 18500, inclusive. (11) Section 23690. (12) Sections 23900 to 23925, inclusive. (13) Commencing on July 1, 2026, Sections 25250 to 25275, inclusive. (14) Sections 26500 to 26590, inclusive. (15) Sections 26600 to 27140, inclusive. (16) Sections 27200 to 28490, inclusive. (17) Sections 29010 to 29150, inclusive. (18) Section 29185. (19) Sections 29610 to 29750, inclusive. (20) Sections 29800 to 29905, inclusive. (21) Sections 30150 to 30165, inclusive. (22) Section 31615. (23) Sections 31700, 31720, 31730, 31740, 31750, 31760, 31770, 31780, 31790, 31800, 31810, 31820, 31830, 31840, 31850, 31860, 31870, 31880, 31890, 31900, 31910, 31920, 31930, 31940, 31950, 31960, 31970, 31980, 31990, 32000, 32010, 32020, 32030, 32040, 32050, 32060, 32070, 32080, 32090, 32100, 32110, 32120, 32130, 32140, 32150, 32160, 32170, 32180, 32190, 32200, 32210, 32220, 32230, 32240, 32250, 32260, 32270, 32280, 32290, 32300, 32310, 32320, 32330, 32340, 32350, 32360, 32370, 32380, 32390, 32400, 32410, 32420, 32430, 32440, 32450, 32460, 32470, 32480, 32490, 32500, 32510, 32520, 32530, 32540, 32550, 32560, 32570, 32580, 32590, 32600, 32610, 32620, 32630, 32640, 32650, 32660, 32670, 32680, 32690, 32700, 32710, 32720, 32730, 32740, 32750, 32760, 32770, 32780, 32790, 32800, 32810, 32820, 32830, 32840, 32850, 32860, 32870, 32880, 32890, 32900, 32910, 32920, 32930, 32940, 32950, 32960, 32970, 32980, 32990, 33000, 33010, 33020, 33030, 33040, 33050, 33060, 33070, 33080, 33090, 33100, 33110, 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GHOST GUN SURVEY

		<u>§§ 30405 to 30414.</u> <u>Repealed by</u> <u>Stats.2022, c. 76</u> <u>(A.B.1621), §§ 30 to</u> <u>33, eff. June 30, 2022</u>	HISTORICAL AND STATUTORY NOTES Section 30405, added by Stats.2019, c. 730 (A.B.879), § 6, amended by Stats.2020, c. 29 (S.B.118), § 24, related to a person prohibited from owning or possessing firearm also prohibited from owning or possessing firearm precursor part, penalties, exemptions, and burden of proof. Section 30406, added by Stats.2019, c. 730 (A.B.879), § 6, amended by Stats.2020, c. 29 (S.B.118), § 25, related to the sale or supply of firearm precursor part to person prohibited from possession, or to person who will make subsequent transfer to person prohibited from possession, and penalties. Section 30412, added by Stats.2019, c. 730 (A.B.879), § 6, amended by Stats.2020, c. 29 (S.B.118), § 26, related to the sale of firearm precursor parts through licensed firearm precursor part vendors, requirements, exceptions, and violations. Section 30414, added by Stats.2019, c. 730 (A.B.879), § 6, amended by Stats.2020, c. 29 (S.B.118), § 27, related to the transportation of firearm precursor part into the state by a resident, delivery to licensed firearm precursor part vendor, exceptions, and violations. For legislative findings and declarations, severability, cost reimbursement, urgency effective, and other uncodified provisions relating to Stats.2022, c. 76 (A.B.1621), see Historical and Statutory Notes under Family Code § 6216. West's Ann. Cal. Penal Code § 30412, CA PENAL § 30412 Current with Ch. 1 of 2023-24 2nd Ex.Sess, and all laws through Ch. 1017 of 2024 Reg.Sess.	
		<u>§ 30420. Application</u> <u>of article; exceptions</u>	This article does not apply to any of the following persons: (a) A member of the Armed Forces of the United States or the National Guard, while on duty and acting within the scope and course of employment, or any law enforcement agency or forensic laboratory. (b) A common carrier licensed under state law, or a motor carrier, air carrier or carrier affiliated with an air carrier through common controlling interest that is subject to Title 49 of the United States Code, or an authorized agent of any such carrier, when acting in the course and scope of duties incident to the receipt, processing, transportation, or delivery of property. (c) An authorized representative of a city, county, city and county, or state or federal government that receives an unserialized firearm precursor part as part of an authorized, voluntary program in which the governmental entity is buying or receiving firearms or firearm precursor parts from private individuals.	
		<u>West's Ann.Cal.Penal</u> <u>Code Pt. 6, T. 4, D. 10,</u> <u>Ch. 1.5, Art. 3, Refs &</u> <u>Annos</u>	Editors' Notes GENERAL NOTES 2025 Electronic Pocket Part Update <Article 3, added as "Firearm Precursor Parts Purchase Authorizations" by Stats.2019, c. 730 (A.B.879), § 6, eff. Jan. 1, 2020, consisting of § 30470, was repealed by Stats.2022, c. 76 (A.B.1621), § 36, eff. June 30, 2022.> West's Ann. Cal. Penal Code Pt. 6, T. 4, D. 10, Ch. 1.5, Art. 3, Refs & Annos, CA PENAL Pt. 6, T. 4, D. 10, Ch. 1.5, Art. 3, Refs & Annos Current with Ch. 1 of 2023-24 2nd Ex.Sess, and all laws through Ch. 1017 of 2024 Reg.Sess. End of Document© 2025 Thomson Reuters. No claim to original U.S. Government Works.	
2	MASSACHUSETTS	<u>M.G.L.A. 140 § 121D</u>	(a) No person shall use a 3-dimensional printer or computer numerical control milling machine to manufacture or assemble any firearm within the commonwealth without a valid license to carry firearms under section 131. (b) No person shall sell, offer to sell or transfer a 3-dimensional printer or computer numerical control milling machine that has the primary or intended function of manufacturing or assembling firearms to any person in the commonwealth. A 3-dimensional printer or computer numerical milling machine has the primary or intended function of manufacturing or assembling firearms if the printer or machine is advertised, marketed or promoted to manufacture or assemble firearms, regardless of whether the printer or machine is otherwise described or classified as having other functions or as a general-purpose printer or machine. (c) This section shall not apply to 3-dimensional printers or computer numerical control milling machines that are: (i) possessed by a forensic laboratory; (ii) being delivered to law enforcement for the sole purpose of their destruction; (iii) possessed by common carriers and their duly authorized employees and agents while performing the regular and ordinary transport of firearms as merchandise for customers licensed to permit such transport; (iv) possessed by or sold to a federally licensed manufacturer of firearms; or (v) the property of the government of the United States. (d) A violation of this section shall be punishable by imprisonment for not more than 1 year or by a fine of not more than \$5,000 per firearm per violation or both such fine and imprisonment.	Serial numbers and background checks for all firearms and component parts. All ghost guns must be reported to officials.

GHOST GUN SURVEY

3	ILLINOIS	<u>720 ILCS 5/24-5.1</u> <u>§ 24-5.1. Serialization of unfinished frames or receivers; prohibition on unserialized firearms; exceptions; penalties.</u>	“Frame or receiver” means a part of a firearm that, when the complete weapon is assembled, is visible from the exterior and provides housing or a structure designed to hold or integrate one or more fire control components, even if pins or other attachments are required to connect those components to the housing or structure. For models of firearms in which multiple parts provide such housing or structure, the part or parts that the Director of the federal Bureau of Alcohol, Tobacco, Firearms and Explosives has determined are a frame or receiver constitute the frame or receiver. For purposes of this definition, “fire control component” means a component necessary for the firearm to initiate, complete, or continue the firing sequence, including any of the following: hammer, bolt, bolt carrier, breechblock, cylinder, trigger mechanism, firing pin, striker, or slide rails... “Three-dimensional printer” means a computer or computer-drive machine capable of producing a three-dimensional object from a digital model. “Undetectable firearm” means (1) a firearm constructed entirely of non-metal substances; (2) a firearm that, after removal of all parts but the major components of the firearm, is not detectable by walk-through metal detectors calibrated and operated to detect the security exemplar; or (3) a firearm that includes a major component of a firearm, which, if subject to the types of detection devices commonly used at airports for security screening, would not generate an image that accurately depicts the shape of the component. “Undetectable firearm” does not include a firearm subject to the provisions of 18 U.S.C. 922(p)(3) through (6). “Unfinished frame or receiver” means any forging, casting, printing, extrusion, machined body, or similar article that: (1) has reached a stage in manufacture where it may readily be completed, assembled, or converted to be a functional firearm; or (2) is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed, assembled, or converted. “Unserialized” means lacking a serial number imprinted by: (1) a federal firearms manufacturer, federal firearms importer, federal firearms dealer, or other federal licensee	Serial numbers and background checks for all firearms and component parts
		<u>815 ILCS 505/2DDDD</u> <u>§ 2DDDD. Sale and marketing of firearms.</u>	“Firearm-related product” means a firearm, firearm ammunition, a firearm precursor part, a firearm component, or a firearm accessory that meets any of the following conditions: (1) the item is sold, made, or distributed in Illinois; (2) the item is intended to be sold or distributed in Illinois; or (3) the item is or was possessed in Illinois, and it was reasonably foreseeable that the item would be possessed in Illinois... “Straw purchaser” means a person who (i) knowingly purchases or attempts to purchase a firearm-related product with intent to deliver that firearm-related product to another person who is prohibited by federal or State law from possessing a firearm-related product or (ii) intentionally provides false or misleading information on a Bureau of Alcohol, Tobacco, Firearms and Explosives firearms transaction record form to purchase a firearm-related product with the intent to deliver that firearm-related product to another person... ...(b) It is an unlawful practice within the meaning of this Act for any firearm industry member, through the sale, manufacturing, importing, or marketing of a firearm-related product, to do any of the following: (1) Knowingly create, maintain, or contribute to a condition in Illinois that endangers the safety or health of the public by conduct either unlawful in itself or unreasonable under all circumstances, including failing to establish or utilize reasonable controls. Reasonable controls include reasonable procedures, safeguards, and business practices that are designed to: (A) prevent the sale or distribution of a firearm-related product to a straw purchaser, a person prohibited by law from possessing a firearm, or a person who the firearm industry member has reasonable cause to believe is at substantial risk of using a firearm-related product to harm themselves or another individual or of possessing or using a firearm-related product unlawfully; (B) prevent the loss or theft of a firearm-related product from the firearm industry member; or (C) comply with all provisions of applicable local, State, and federal law, and do not otherwise promote the unlawful manufacture, sale, possession, marketing, or use of a firearm-related product.	
4	NEW YORK	<u>§ 265.00 Definitions</u>	32. [As added by L.2021, c. 519, § 2. See, also, subd. 32 below.] “Unfinished frame or receiver” means any unserialized material that does not constitute the frame or receiver of a firearm, rifle or shotgun but that has been shaped or formed in any way for the purpose of becoming the frame or receiver of a firearm, rifle or shotgun, and which may readily be made into a functional frame or receiver through milling, drilling or other means. 32. [As added by L.2021, c. 520, § 3. See, also, subd. 32 above.] “Ghost gun” means a firearm, rifle or shotgun that does not comply with the provisions of section 265.07 of this article and is not serialized.	Serial numbers and background checks for component parts, all ghost guns must be reported to officials, no plastic undetectable guns.

GHOST GUN SURVEY

		<u>§ 265.07. Registration and serialization of firearms, rifles, shotguns, finished frames or receivers, and unfinished frames or receivers</u>	(1) For the purposes of this section, “unfinished frame or receiver” means any unserialized material that does not constitute the frame or receiver of a firearm, rifle or shotgun but that has been shaped or formed in any way for the purpose of becoming the frame or receiver of a firearm, rifle or shotgun, and which may readily be made into a functional frame or receiver through milling, drilling or other means. (2) On or before the effective date of this section, and promptly upon taking possession thereof at any time thereafter, any person licensed as a gunsmith, or required to be, or a dealer in firearms pursuant to section 400.00 of this chapter, who is in possession of an unserialized firearm, rifle, shotgun, finished frame or receiver, or unfinished frame or receiver shall: (a) engrave, cast, stamp or otherwise conspicuously place both a unique serial number and his or her name (or recognized abbreviation) on such firearm, rifle, shotgun, finished frame or receiver, or unfinished frame or receiver, in a manner that satisfies or exceeds the requirements imposed on licensed importers and manufacturers pursuant to section (i) of Section 923 of Title 18 of the United States Code and regulations issued pursuant thereto at the time of such assembly; and (b) register with the division of criminal justice services in accordance with regulations promulgated by such division any such firearm, rifle or shotgun, finished frame or receiver, or unfinished frame or receiver. Any person licensed as a gunsmith, or required to be, or a dealer in firearms pursuant to section 400.00 of this chapter who fails to comply with the provisions of this section shall be guilty of a class E felony.	
		<u>§ 265.64 Criminal sale of a frame or receiver in the 1st degree</u>	A person is guilty of criminal sale of a frame or receiver in the first degree when, knowing they are unserialized frames or receivers or unfinished frames or receivers, such person unlawfully sells, exchanges, gives or disposes of a total of ten or more unserialized frames or receivers or unfinished frames or receivers in a period of not more than one year, provided that for a period of six months after the effective date of this section, a person shall not be guilty of criminal sale of a frame or receiver in the first degree if such person: (a) voluntarily surrenders such unserialized frames or receivers or unfinished frames or receivers to any law enforcement official designated pursuant to subparagraph (f) of paragraph one of subdivision (a) of section 265.20 of this article; or (b) sells, exchanges, gives or disposes of such unserialized frames or receivers or unfinished frames or receivers to a gunsmith licensed pursuant to section 400.00 of this chapter. Criminal sale of a frame or receiver in the first degree is a class D felony.	
		<u>§ 265.63 Criminal sale of a frame or receiver in the 2nd degree</u>	A person is guilty of criminal sale of a frame or receiver in the second degree when, knowing it is an unserialized frame or receiver or an unfinished frame or receiver, such person unlawfully sells, exchanges, gives or disposes of such unserialized frame or receiver or unfinished frame or receiver, provided that for a period of six months after the effective date of this section, a person shall not be guilty of criminal sale of a frame or receiver in the second degree if such person: (a) voluntarily surrenders such unserialized frame or receiver or unfinished frame or receiver to any law enforcement official designated pursuant to subparagraph (f) of paragraph one of subdivision (a) of section 265.20 of this article; or (b) sells, exchanges, gives, or disposes of such unserialized frame or receiver or unfinished frame or receiver to a gunsmith licensed pursuant to section 400.00 of this chapter. Criminal sale of a frame or receiver in the second degree is a class E felony.	
		<u>§ 265.61. Criminal sale of a ghost gun in the 1st degree</u>	1. A person is guilty of criminal sale of a ghost gun in the first degree when, knowing or having reason to know they are ghost guns, he or she sells, exchanges, gives or disposes of ten or more ghost guns to another person or persons. 2. Notwithstanding subdivision one of this section, a person shall not be guilty of criminal sale of a ghost gun in the first degree if he or she: (a) voluntarily surrenders such ghost guns to any law enforcement official designated pursuant to subparagraph (f) of paragraph one of subdivision (a) of section 265.20 of this article; or (b) within a period of six months after the effective date of this section sells, exchanges, gives, or disposes of such ghost guns to a gunsmith licensed pursuant to section 400.00 of this chapter. Criminal sale of a ghost gun in the first degree is a class D felony.	
		<u>§ 265.60. Criminal sale of a ghost gun in the 2nd degree</u>	1. A person is guilty of criminal sale of a ghost gun in the second degree when, knowing or having reason to know it is a ghost gun, he or she sells, exchanges, gives or disposes of a ghost gun to another person. 2. Notwithstanding subdivision one of this section, a person shall not be guilty of criminal sale of a ghost gun in the second degree when such person: (a) voluntarily surrenders such ghost gun to any law enforcement official designated pursuant to subparagraph (f) of paragraph one of subdivision (a) of section 265.20 of this article; or (b) within a period of six months after the effective date of this section sells, exchanges, gives, or disposes of such ghost gun to a gunsmith licensed pursuant to section 400.00 of this chapter. Criminal sale of a ghost gun in the second degree is a class E felony.	
		<u>§ 898-b. Prohibited activities</u>	1. No gun industry member, by conduct either unlawful in itself or unreasonable under all the circumstances shall knowingly or recklessly create, maintain or contribute to a condition in New York state that endangers the safety or health of the public through the sale, manufacturing, importing or marketing of a qualified product. 2. All gun industry members who manufacture, market, import or offer for wholesale or retail sale any qualified product in New York state shall establish and utilize reasonable controls and procedures to prevent its qualified products from being possessed, used, marketed or sold unlawfully in New York state.	

GHOST GUN SURVEY

		<u>§ 265.01 Criminal possession of a weapon in the fourth degree</u>	A person is guilty of criminal possession of a weapon in the fourth degree when:... (9) [As added by L.2021, c. 520, § 4. See, also, subd. (9) above.] Such person is not licensed as a gunsmith or a dealer in firearms pursuant to section 400.00 of this chapter and, knowing it is a ghost gun, such person possesses a ghost gun, provided that a person shall not be guilty under this subdivision when he or she (a) voluntarily surrenders such ghost gun to any law enforcement official designated pursuant to subparagraph (f) of paragraph one of subdivision (a) of section 265.20 of this article; or (b) for a period of six months after the effective date of this section possesses a ghost gun prior to serialization and registration of such ghost gun pursuant to section 265.07 of this article. (10) Such person is not licensed as a gunsmith or dealer in firearms pursuant to section 400.00 of this chapter and, knowing it is an unserialized frame or receiver or unfinished frame or receiver, such person possesses an unserialized frame or receiver or unfinished frame or receiver, provided that for a period of six months after the effective date of this subdivision, a person shall not be guilty under this subdivision when such person: (a) voluntarily surrenders such unserialized frame or receiver or unfinished frame or receiver to any law enforcement official designated pursuant to subparagraph (f) of paragraph one of subdivision (a) of section 265.20 of this article; or (b) possesses such unserialized frame or receiver or unfinished frame or receiver prior to serialization of such unserialized frame or receiver or unfinished frame or receiver in accordance with the requirements imposed on licensed importers and licensed manufacturers pursuant to subsection (i) of Section 923 of Title 18 of the United States Code and regulations issued pursuant thereto, except for antique firearms as defined in subdivision fourteen of section 265.00 of this article, as added by chapter nine hundred eighty-six of the laws of nineteen hundred seventy-four, or any firearm, rifle or shotgun manufactured prior to nineteen hundred sixty-eight. Criminal possession of a weapon in the fourth degree is a class A misdemeanor.	
5	CONNECTICUT	<u>§ 29-36a. Manufacture of a firearm. Acquisition of unique serial number or other mark of identification. Exceptions. Penalty</u>	(a) No person shall complete the manufacture of a firearm without subsequently (1) obtaining a unique serial number or other mark of identification from the Department of Emergency Services and Public Protection pursuant to subsection (b) of this section, and (2) engraving upon or permanently affixing to the firearm such serial number or other mark in a manner that conforms with the requirements imposed on licensed importers and licensed manufacturers of firearms pursuant to 18 USC 923(i), as amended from time to time, and any regulation adopted thereunder. (b) Not later than thirty days after a person completes the manufacture of a firearm, such person shall notify the department of such manufacture and provide any identifying information to the department concerning the firearm and the owner of such firearm, in a manner prescribed by the Commissioner of Emergency Services and Public Protection. Upon receiving a properly submitted request for a unique serial number or other mark of identification from a person who completes manufacture of a firearm, the department shall determine if such person is prohibited from purchasing a firearm and if not, shall issue to such person a unique serial number or other mark of identification immediately and in no instance more than three business days after the department receives such request. Issuance of a unique serial number or other mark of identification pursuant to this subsection shall not be evidence that the firearm is otherwise lawfully possessed. (c) (1) On and after January 1, 2024, no person shall possess a firearm without a serial number or other mark of identification unless such person has (A) declared possession of such firearm pursuant to subdivision (2) or (3) of this subsection, or (B) applied to obtain a unique serial number or other mark of identification from the Department of Emergency Services and Public Protection pursuant to subsections (a) and (b) of this section and such person has not yet received such serial number or other mark of identification. (2) Any person who, prior to January 1, 2024, lawfully possesses a firearm without a serial number or other mark of identification manufactured prior to October 1, 2019, shall apply by January 1, 2024, or, if such person is a member of the military or naval forces of this state or of the United States and is unable to apply by January 1, 2024, because such member is or was on official duty outside of this state, shall apply within ninety days of returning to this state to the department of emergency services and public protection for a unique serial number or other mark of identification.	Serial numbers and background checks for component parts, all ghost guns must be reported to officials, no plastic undetectable guns.

GHOST GUN SURVEY

		<u>§ 53-206j. Sale, delivery or transfer of unfinished frame or lower receiver. Prohibited. Exceptions. Penalty</u>	(a) No person shall purchase or receive or sell, deliver or otherwise transfer an unfinished frame or lower receiver, except as provided in: (1) Subsections (b) and (c) of this section; or (2) subsection (d) of this section; or (3) subsection (e) of this section. (b) The procedures for the purchase or receipt or sale, delivery or other transfer of an unfinished frame or lower receiver shall be the same procedures as apply to the purchase or receipt or sale, delivery or other transfer of a pistol or revolver under subsections (b) to (e), inclusive, of section 29-33, provided such purchase or receipt or sale, delivery or other transfer of an unfinished frame or lower receiver is in accordance with the provisions of subsection (c) of this section. (c) (1) No person shall sell, deliver or otherwise transfer an unfinished frame or lower receiver pursuant to subsection (b) of this section that does not have a unique serial number or other mark of identification, obtained pursuant to: (A) The serial numbering program of the federal Bureau of Alcohol, Tobacco, Firearms and Explosives, or (B) subdivisions (2) and (3) of this subsection. (2) A person may obtain a unique serial number or other mark of identification for an unfinished frame or lower receiver by providing to the Department of Emergency Services and Public Protection any identifying information concerning the unfinished frame or lower receiver and the owner of such unfinished frame or lower receiver, in a manner prescribed by the Commissioner of Emergency Services and Public Protection. Upon receiving a properly submitted request for a unique serial number or other mark of identification for an unfinished frame or lower receiver, the Department of Emergency Services and Public Protection shall determine if such person is prohibited from purchasing a firearm, and if not, shall issue to such person a unique serial number or other mark of identification immediately and in no instance more than (A) three business days after the Department of Emergency Services and Public Protection receives such request, or (B) ten business days after the system to distribute a unique serial number or other mark of identification pursuant to section 29-36b is operational, whichever date is later.	
6	NEW JERSEY	<u>2C:39-9. Manufacture, transport, disposition and defacement of weapons and dangerous instruments and appliances</u>	i. Transporting firearms into this State for an unlawful sale or transfer. Any person who knowingly transports, ships or otherwise brings into this State any firearm for the purpose of unlawfully selling, transferring, giving, assigning or otherwise disposing of that firearm to another individual is guilty of a crime of the second degree. Any motor vehicle used by a person to transport, ship, or otherwise bring a firearm into this State for unlawful sale or transfer shall be subject to forfeiture in accordance with the provisions of N.J.S.2C:64-1 et seq.; provided however, this forfeiture provision shall not apply to innocent owners, nor shall it affect the rights of a holder of a valid lien. The temporary transfer of a firearm shall not constitute a violation of this subsection if that firearm is transferred: (1) while hunting or target shooting in accordance with the provisions of section 1 of P.L.1992, c. 74 (C.2C:58-3.1); (2) for shooting competitions sponsored by a licensed dealer, law enforcement agency, legally recognized military organization, or a rifle or pistol club which has filed a copy of its charter with the superintendent in accordance with the provisions of section 1 of P.L.1992, c. 74 (C.2C:58-3.1); or (3) for participation in a training course conducted by a certified instructor in accordance with the provisions of section 1 of P.L.1997, c. 375 (C.2C:58-3.2). The transfer of any firearm that uses air or carbon dioxide to expel a projectile; or the transfer of an antique firearm shall not constitute a violation of this subsection. i. Transporting firearms into this State for an unlawful sale or transfer. Any person who knowingly transports, ships or otherwise brings into this State any firearm for the purpose of unlawfully selling, transferring, giving, assigning or otherwise disposing of that firearm to another individual is guilty of a crime of the second degree. Any motor vehicle used by a person to transport, ship, or otherwise bring a firearm into this State for unlawful sale or transfer shall be subject to forfeiture in accordance with the provisions of N.J.S.2C:64-1 et seq.; provided however, this forfeiture provision shall not apply to innocent owners, nor shall it affect the rights of a holder of a valid lien. The temporary transfer of a firearm shall not constitute a violation of this subsection if that firearm is transferred: (1) while hunting or target shooting in accordance with the provisions of section 1 of P.L.1992, c. 74 (C.2C:58-3.1); (2) for shooting competitions sponsored by a licensed dealer, law enforcement agency, legally recognized military organization, or a rifle or pistol club which has filed a copy of its charter with the superintendent in accordance with the provisions of section 1 of P.L.1992, c. 74 (C.2C:58-3.1); or (3) for participation in a training course conducted by a certified instructor in accordance with the provisions of section 1 of P.L.1997, c. 375 (C.2C:58-3.2).	Serial numbers and background checks for component parts, all ghost guns must be reported to officials, no 3D printing of guns, no distribution of 3D printing instructions, no plastic undetectable guns.

GHOST GUN SURVEY

7	HAWAII	HRS § 134-1	As used in this part: “Firearm accessory” means an attachment or device designed or adapted to be inserted into, affixed onto, or used in conjunction with a firearm that is designed, intended, or functions to alter or enhance the firing capabilities of the firearm, the lethality of the firearm, or a shooter's ability to hold or use a firearm. “Firearm industry member” means a person, firm, corporation, company, partnership, society, joint stock company, or any other entity or association engaged in the manufacture, distribution, importation, marketing, wholesale, or retail sale of firearm-related products. “Firearm precursor part” means any forging, casting, printing, extrusion, machined body, or similar article that has reached a state in manufacture where it may readily be completed, assembled, or converted to be used as the frame or receiver of a functional firearm, or that is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed, assembled, or converted. “Firearm-related product” means a firearm, ammunition, a firearm precursor part, a firearm component, or a firearm accessory that meets any of the following conditions: (1) The item is sold, made, or distributed in the State; (2) The item is intended to be sold or distributed in the State; or (3) The item is or was possessed in the State and it was reasonably foreseeable that the item would be possessed in the State. “Reasonable controls” means reasonable procedures, acts, or practices that are designed, implemented, and enforced to do the following: (1) Prevent the sale or distribution of a firearm-related product to a straw purchaser, a firearm trafficker, a person prohibited from possessing a firearm under federal or state law, or a person who the firearm industry member has reasonable cause to believe is at substantial risk of using a firearm-related product to harm themselves or another or of possessing or using a firearm-related product unlawfully; (2) Prevent the sale of a firearm-related product to a person who is prohibited from possessing a firearm under federal or state law; or (3) Prevent the sale of a firearm-related product to a person who is prohibited from possessing a firearm under federal or state law.	Serial numbers and background checks for component parts, all ghost guns must be reported to officials, no 3D printing of guns
		HRS § 134-7	(RE ownership, possession or control prohibited for firearms or ammunition)...(j) Any person violating subsection (a) or (b) shall be guilty of a class C felony; provided that any felon violating subsection (b) shall be guilty of a class B felony. Any person violating subsection (c), (d), (e), (f), (g), or (h) shall be guilty of a misdemeanor.	
		§ 134-3. Registration, mandatory, exceptions	(RE registration, mandatory, exceptions) (a) Every resident or other person arriving in the State who brings or by any other manner causes to be brought into the State a firearm of any description, whether usable or unusable, serviceable or unserviceable, modern or antique, shall register and submit to physical inspection the firearm within five days after arrival of the person or of the firearm, whichever arrives later, with the chief of police of the county of the person's place of business or, if there is no place of business, the person's residence or, if there is neither a place of business nor residence, the person's place of sojourn... Every person registering a firearm under this subsection shall be fingerprinted and photographed by the police department of the county of registration; provided that this requirement shall be waived where fingerprints and photographs are already on file with the police department. The police department shall perform an inquiry on the person by using the International Justice and Public Safety Network, including the United States Immigration and Customs Enforcement query, the National Crime Information Center, and the National Instant Criminal Background Check System, pursuant to section 846-2.7 before any determination to register a firearm is made. Any person attempting to register a firearm, a firearm receiver, or the parts used to assemble a firearm, and who is found to be disqualified from ownership, possession, or control of firearms or ammunition under section 134-7, shall surrender or dispose of all firearms and ammunition pursuant to section 134-7.3. ...If the firearm has been assembled from separate parts and an unfinished firearm receiver, the entity that registered the firearm receiver shall be recorded in the space provided for the name of the manufacturer and importer, and the phrase “assembled from parts” shall be recorded in the space provided for model. If the firearm has been assembled from parts created using a three-dimensional printer, the entity that registered the firearm receiver shall be recorded in the space provided for the name of the manufacturer and importer, and the phrase “3-D printer” shall be recorded in the space provided for the serial number, and the registration number shall be engraved upon the receiver portion of the firearm before registration. On firearms assembled from parts created using a three-dimensional printer, the registration number shall be engraved on stainless steel, permanently embedded to the firearm receiver during fabrication or construction, and visible when the firearm is assembled. Firearms and firearm receivers with	
		HRS §134-10.2	Manufacturing, purchasing, or obtaining firearm parts to assemble a firearm having no serial number; penalty. (a) A person who is not licensed to manufacture a firearm under section 134-31, or who is not a dealer licensed by the United States Department of Justice, shall not, for the purpose of assembling a firearm, possess, purchase, produce with a three-dimensional printer, or otherwise obtain separately, or as part of a kit: (1) A firearm receiver that is not imprinted with a serial number registered with a federally licensed manufacturer; (2) A firearm receiver that has not been provided a serial number that may be registered in accordance with section 134-3(c); or (3) Any combination of parts from which a firearm having no serial number may be readily assembled; provided that the parts do not have the capacity to function as a firearm unless assembled. (b) Violation of this section is a class C felony.	
8	MARYLAND	§ 5-701. Definitions	Unfinished frame or receiver (h) “Unfinished frame or receiver” means a forged, cast, printed, extruded, or machined body or similar article that has reached a stage in manufacture where it may readily be completed, assembled, or converted to be used as the frame or receiver of a functional firearm.	Serial numbers and background checks for all firearms and component parts. All ghost guns must be reported to officials.

GHOST GUN SURVEY

		<u>§ 5-702. Application of subtitle</u>	This subtitle does not apply to: (1) a firearm that: (i) was manufactured before October 22, 1968; or (ii) is an antique firearm; (2) a sale, an offer to sell, a transfer, or a delivery of a firearm or an unfinished frame or receiver to, or possession of a firearm or unfinished frame or receiver by: (i) a federally licensed firearms dealer; (ii) a federally licensed firearms manufacturer; or (iii) a federally licensed firearms importer; or (3) a transfer or surrender of a firearm or an unfinished frame or receiver to a law enforcement agency.	
		<u>§ 5-101. Definitions</u>	Firearm (h)(1) “Firearm” means: (i) a weapon that expels, is designed to expel, or may readily be converted to expel a projectile by the action of an explosive; (ii) the frame or receiver of such a weapon; or (iii) an unfinished frame or receiver, as defined in § 5-701 of this title. (2) “Firearm” includes a starter gun.	
		<u>§ 5-703. Serial numbers required</u>	Sale or transfer (a)(1) A person may not purchase, receive, sell, offer to sell, or transfer an unfinished frame or receiver unless it is required by federal law to be, and has been, imprinted with a serial number by a federally licensed firearms manufacturer or federally licensed firearms importer in compliance with all federal laws and regulations applicable to the manufacture and import of firearms. (2) Except as provided in paragraph (1) of this subsection, a person may not sell, offer to sell, or transfer a firearm unless it is imprinted with a serial number as described under subsection (b) of this section. Possession (b)(1) This subsection does not apply to: (i) possession of a firearm unless a person knew or reasonably should have known that the firearm was not imprinted with a serial number as described under this subsection; (ii) possession of a firearm that does not comply with the marking requirements described under this subsection by a person who received the firearm through inheritance, and is not otherwise prohibited from possessing the firearm, for a period not exceeding 30 days after inheriting the firearm; or (iii) possession of an unfinished frame or receiver by a person that made or manufactured the unfinished frame or receiver, without the use of any prefabricated parts, and who is not otherwise prohibited from possessing the unfinished frame or receiver, for a period not exceeding 30 days after the person made or manufactured the unfinished frame or receiver. (2) On or after March 1, 2023, a person may not possess a firearm unless: (i) the firearm is required by federal law to be, and has been, imprinted by a federally licensed firearms manufacturer, federally licensed firearms importer, or other federal licensee authorized to provide marking services, with a serial number in compliance with all federal laws and regulations applicable to the manufacture and import of firearms; or (ii) the firearm: 1. has been imprinted by a federally licensed firearms dealer, federal firearms manufacturer, or other federal licensee authorized to provide marking services, with:	
9	WASHINGTON	<u>9.41.010. Definitions (Effective January 1, 2025)</u>	(20) “Firearm” means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. For the purposes of RCW 9.41.040, “firearm” also includes frames and receivers. “Firearm” does not include a flare gun or other pyrotechnic visual distress signaling device, or a powder-actuated tool or other device designed solely to be used for construction purposes. (21)(a) “Frame or receiver” means a part of a firearm that, when the complete firearm is assembled, is visible from the exterior and provides housing or a structure designed to hold or integrate one or more fire control components, even if pins or other attachments are required to connect the fire control components. Any such part identified with a serial number shall be presumed, absent an official determination by the bureau of alcohol, tobacco, firearms, and explosives or other reliable evidence to the contrary, to be a frame or receiver. (b) For purposes of this subsection, “fire control component” means a component necessary for the firearm to initiate, complete, or continue the firing sequence, including any of the following: Hammer, bolt, bolt carrier, breechblock, cylinder, trigger mechanism, firing pin, striker, or slide rails. (22) “Gun” has the same meaning as firearm.... (49) “Undetectable firearm” means any firearm that is not as detectable as 3.7 ounces of 17-4 PH stainless steel by walk-through metal detectors or magnetometers commonly used at airports or any firearm where the barrel, the slide or cylinder, or the frame or receiver of the firearm would not generate an image that accurately depicts the shape of the part when examined by the types of X-ray machines commonly used at airports. (50)(a) “Unfinished frame or receiver” means a frame or receiver that is partially complete, disassembled, or inoperable, that: (i) Has reached a stage in manufacture where it may readily be completed, assembled, converted, or restored to a functional state; or (ii) is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once finished or completed, including without limitation products marketed or sold to the public as an 80 percent frame or receiver or unfinished frame or receiver.	Serial numbers and background checks for component parts, no plastic undetectable guns

GHOST GUN SURVEY

	<u>9.41.327. Unfinished frames or receivers-- Exceptions--Penalties</u>	(1) After March 10, 2023, no person may knowingly or recklessly possess, transport, or receive an unfinished frame or receiver, unless: (a) The party possessing, transporting, or receiving the unfinished frame or receiver is a law enforcement agency or a federal firearms importer, federal firearms manufacturer, or federal firearms dealer; or (b) the unfinished frame or receiver has been imprinted with a serial number issued by a federal firearms importer, federal firearms manufacturer, or federal firearms dealer. (2) No person may sell, offer to sell, transfer, or purchase an unfinished frame or receiver, unless: (a) The party purchasing the unfinished frame or receiver is a federal firearms importer, federal firearms manufacturer, or federal firearms dealer; or (b) the unfinished frame or receiver has been imprinted with a serial number issued by a federal firearms importer, federal firearms manufacturer, or federal firearms dealer. (3) Subsection (1) of this section does not apply to any unfinished frame or receiver that has been imprinted by a federal firearms dealer or other federal licensee authorized to provide marking services as provided for in RCW 9.41.328. (4)(a) Any person who violates this section commits a civil infraction and shall be assessed a monetary penalty of \$500. (b) If a person previously has been found to have violated this section, then the person is guilty of a misdemeanor punishable under chapter 9A.20 RCW for each subsequent violation of this section. (c) If a person previously has been found to have violated this section two or more times, then the person is guilty of a gross misdemeanor punishable under chapter 9A.20 RCW for each subsequent violation of this section. (d) If a person violates this section by possessing, transporting, receiving, selling, offering to sell, transferring, or purchasing three or more unfinished frames or receivers at a time, then the person is guilty of a gross misdemeanor punishable under chapter 9A.20 RCW for each violation of this section. (e) A person commits a separate violation of this section for each and every unfinished frame or receiver to which this section applies.	
	<u>9.41.328. Imprinting a firearm or unfinished frame or receiver</u>	(Federal firearm) (1) A federal firearms dealer or other federal licensee authorized to provide marking services for firearms may imprint a firearm or unfinished frame or receiver with a serial number. (2) The firearm or unfinished frame or receiver shall be imprinted with the licensee's abbreviated federal firearms license number as a prefix (which is the first three and last five digits) followed by a hyphen, and then followed by a number as a suffix, e.g., "12345678-(number)." The serial number must be placed in a manner that accords with the requirements under federal law for affixing serial numbers to firearms, including the requirements that the serial number be at the minimum size and depth, and not susceptible to being readily obliterated, altered, or removed. (3) The serial number must not duplicate any serial numbers placed by the federal firearms dealer or other federal licensee on any other firearm or unfinished frame or receiver. (4) Whenever a federal firearms dealer or other federal licensee imprints a firearm or unfinished frame or receiver with a serial number, the licensee shall retain records that accord with the requirements under federal law in the case of the sale of a firearm.	
	<u>9.41.190. Unlawful firearms--Exceptions</u>	(1) Except as otherwise provided in this section, it is unlawful for any person to: (a) Manufacture, own, buy, sell, loan, furnish, transport, or have in possession or under control, any machine gun, bump-fire stock, undetectable firearm, short-barreled shotgun, or short-barreled rifle; (b) Manufacture, own, buy, sell, loan, furnish, transport, or have in possession or under control, any part designed and intended solely and exclusively for use in a machine gun, bump-fire stock, undetectable firearm, short-barreled shotgun, or short-barreled rifle, or in converting a weapon into a machine gun, short-barreled shotgun, or short-barreled rifle; (c) Assemble or repair any machine gun, bump-fire stock, undetectable firearm, short-barreled shotgun, or short-barreled rifle; or (d) Manufacture, cause to be manufactured, assemble, or cause to be assembled, an untraceable firearm with the intent to sell the untraceable firearm. (2) It is not unlawful for a person to manufacture, own, buy, sell, loan, furnish, transport, assemble, or repair, or have in possession or under control, a short-barreled rifle, or any part designed or intended solely and exclusively for use in a short-barreled rifle or in converting a weapon into a short-barreled rifle, if the person is in compliance with applicable federal law. (3) Subsection (1) of this section shall not apply to: (a) Any peace officer in the discharge of official duty or traveling to or from official duty, or to any officer or member of the armed forces of the United States or the state of Washington in the discharge of official duty or traveling to or from official duty; or (b) A person, including an employee of such person if the employee has undergone fingerprinting and a background check, who or which is exempt from or licensed under federal law, and engaged in the production, manufacture, repair, or testing of machine guns, bump-fire stocks, short-barreled shotguns, or short-barreled rifles: (i) To be used or purchased by the armed forces of the United States; (ii) To be used or purchased by federal, state, county, or municipal law enforcement agencies; or (iii) For exportation in compliance with all applicable federal laws and regulations.	

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		<u>9.41.326. Untraceable firearms--Exceptions--Penalties</u>	(1) No person may manufacture, cause to be manufactured, assemble, or cause to be assembled an untraceable firearm. (2) After March 10, 2023, no person may knowingly or recklessly possess, transport, or receive an untraceable firearm, unless the party possessing, transporting, or receiving the untraceable firearm is a law enforcement agency or a federal firearms importer, federal firearms manufacturer, or federal firearms dealer. (3) No person may sell, offer to sell, transfer, or purchase an untraceable firearm. (4) Subsections (2) and (3) of this section do not apply to any firearm that: (a) Has been rendered permanently inoperable; (b) Is an antique firearm, as defined in 18 U.S.C. Sec. 921(a)(16); (c) Was manufactured before 1968; or (d) Has been imprinted by a federal firearms dealer or other federal licensee authorized to provide marking services as provided for in RCW 9.41.328. (5)(a) Any person who violates this section commits a civil infraction and shall be assessed a monetary penalty of \$500. (b) If a person previously has been found to have violated this section, then the person is guilty of a misdemeanor punishable under chapter 9A.20 RCW for each subsequent violation of this section. (c) If a person previously has been found to have violated this section two or more times, then the person is guilty of a gross misdemeanor punishable under chapter 9A.20 RCW for each subsequent violation of this section. (d) If a person violates this section by manufacturing, causing to be manufactured, assembling, causing to be assembled, possessing, transporting, receiving, selling, offering to sell, transferring, or purchasing three or more untraceable firearms at a time, then the person is guilty of a gross misdemeanor punishable under chapter 9A.20 RCW for each violation of this section.	
		<u>7.80.120. Monetary penalties--Restitution</u>	(1) A person found to have committed a civil infraction shall be assessed a monetary penalty. (a) The maximum penalty and the default amount for a class 1 civil infraction shall be \$250, not including statutory assessments, except for an infraction of state law involving (i) potentially dangerous litter as specified in *RCW 70A.200.060(4), in which case the maximum penalty and default amount is \$500; or (ii) a person's refusal to submit to a test or tests pursuant to RCW 79A.60.040 and 79A.60.700, in which case the maximum penalty and default amount is \$1,000; or (iii) the misrepresentation of service animals under RCW 49.60.214, in which case the maximum penalty and default amount is \$500; or (iv) untraceable firearms pursuant to RCW 9.41.326 or unfinished frames or receivers pursuant to RCW 9.41.327, in which case the maximum penalty and default amount is \$500; or (v) the failure to report the loss or theft of a firearm under RCW 9.41.368, in which case the maximum penalty and default amount is \$1,000;...	
10	COLORADO	<u>§ 18-12-101. Peace officer affirmative defense--definitions</u>	(c.5) “Frame or receiver of a firearm” means a part of a firearm that, when the complete firearm is assembled, is visible from the exterior and provides housing or a structure designed to hold or integrate one or more fire control components, even if pins or other attachments are required to connect the fire control components. Any part of a firearm imprinted with a serial number is presumed to be a frame or receiver of a firearm, unless the federal bureau of alcohol, tobacco, firearms, and explosives makes an official determination otherwise or there is other reliable evidence to the contrary. (k) “Three-dimensional printer” or “3-D printer” means a computer-aided manufacturing device capable of producing a three-dimensional object from a three-dimensional digital model through an additive manufacturing process that involves the layering of two-dimensional cross sections formed of a resin or similar material that are fused together to form a three-dimensional object. (l) “Unfinished frame or receiver” means any forging, casting, printing, extrusion, machined body, or similar article that has reached a stage in manufacture when it may readily be completed, assembled, or converted to be used as the frame or receiver of a functional firearm; or that is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed, assembled, or converted. (2) It shall be an affirmative defense to any provision of this article that the act was committed by a peace officer in the lawful discharge of his duties.	Serial numbers for component parts.

GHOST GUN SURVEY

		<u>§ 39-37-103. Definitions</u> (3) "Doing business in this state" means the selling, leasing, or delivering in this state, or any activity in this state in connection with the selling, leasing, or delivering in this state, of firearms, firearms precursor parts, or ammunition by a retail sale, for use, storage, distribution, or consumption, within this state by a person who:... (a) Maintains within this state, directly or indirectly or by a subsidiary, an office, distribution facility, salesroom, warehouse, storage place, or other similar place of business, including the employment of a resident of this state who works from a home office in this state; or (b) Solicits, either by direct representatives, indirect representatives, manufacturers' agents, by distribution of catalogues or other advertising, by use of any communication media, or by use of the newspaper, radio, or television advertising media, or by any other means whatsoever, business from persons residing in this state and by reason thereof receiving orders from, or selling or leasing tangible personal property to, such persons residing in this state for use, consumption, distribution, and storage, for use or consumption in this state during the following periods:... (I) An entire calendar year if, in the previous calendar year, the person has made retail sales of firearms, firearms precursor parts, or ammunition in this state exceeding twenty thousand dollars; or (II) On and after the first day of the month after the ninetieth day after the person has made retail sales of firearms, firearms precursor parts, or ammunition in this state in the current calendar year that exceed twenty thousand dollars... (6) "Firearm" or "gun" means a firearm as defined in section 18-12-101(1)(b.7) and any instrument or device described in section 18-1-901(3)(h), 18-12-401(1)(a), or 18-12-506(2). (7) "Firearm precursor part" or "gun precursor part" means: (a) An unfinished frame or receiver as defined in section 18-12-101(1)(l); (b) A fire control component as defined in section 18-12-101(1)(c.3);	
		<u>§ 6-27-103. Definitions</u> As used in this part 1, unless the context otherwise requires: (1) "Firearm industry member" means a person, firm, corporation, or any other entity engaged in the manufacture, distribution, importation, marketing, or wholesale or retail sale of a firearm industry product. (2) "Firearm industry product" means: (a) A firearm, as defined in section 18-1-901; (b) Ammunition; (c) A completed or unfinished frame or receiver; (d) A firearm component or magazine; (e) A device marketed or sold to the public that is designed or adapted to be inserted into, affixed onto, or used in conjunction with a firearm, if the device is: (I) Reasonably designed or intended to be used to increase a firearm's rate of fire, concealability, magazine capacity, or destructive capacity; or (II) Reasonably designed or intended to increase the firearm's stability and handling when the firearm is repeatedly fired; and (f) Any machine or device that is marketed or sold to the public, or reasonably designed or intended to be used to manufacture or produce a firearm or any other firearm industry product as described in this subsection (2). (3) "Unfinished frame or receiver" means any forging, casting printing, extrusion, machined body, or similar article that has reached a stage in manufacture when it may be readily completed, assembled, or converted to be used as the frame or receiver of a functional firearm or that is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed, assembled, or converted.	

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		<u>§ 18-12-111.5. Unlawful conduct involving an unserialized firearm, frame, or receiver--exceptions--penalties--authority to serialize a firearm</u>	(1)(a) A person shall not knowingly possess or transport an unfinished frame or receiver; except that it is not an offense if the unfinished frame or receiver is required by federal law to be imprinted with a serial number and has been imprinted with a serial number by a federal firearms licensee pursuant to federal law or subsection (7) of this section. (b) This subsection (1) does not apply to a federally licensed firearm importer or federally licensed firearm manufacturer acting within the scope of the importer's or manufacturer's license. (2)(a) A person shall not knowingly sell, offer to sell, transfer, or purchase an unfinished frame or receiver; except that it is not an offense if the unfinished frame or receiver is required by federal law to be imprinted with a serial number and has been imprinted with a serial number by a federal firearms licensee pursuant to federal law or subsection (7) of this section. (b) This subsection (2) does not apply to: (I) A sale, offer to sell, transfer, or purchase if the purchaser is a federal firearms licensee; or (II) A temporary transfer to a federal firearms licensee for the purpose of having the firearm or frame or receiver of a firearm imprinted with a serial number pursuant to subsection (7) of this section. (3)(a) A person shall not knowingly possess, purchase, transport, or receive a firearm or frame or receiver of a firearm that is not imprinted with a serial number by a federal firearms licensee authorized to imprint a serial number on a firearm, frame, or receiver pursuant to federal law or subsection (7) of this section. (b) This subsection (3) does not apply if: (I) The person possessing, purchasing, transporting, or receiving the firearm or the frame or receiver of a firearm is a federally licensed firearm importer or federally licensed firearm manufacturer; or (II) The firearm involved has been rendered permanently inoperable; is a defaced firearm, as described in section 18-12-103; is an antique firearm, as defined in 18 U.S.C. sec. 921(a)(16); or was manufactured before October 22, 1968. (4)(a) A person shall not knowingly sell, offer to sell, or transfer a firearm or frame or receiver of a firearm	
11	DELAWARE	<u>§ 1463. Untraceable firearms; class E or D felony</u>	(a) A person is guilty of possessing an untraceable firearm when then person knowingly possesses an untraceable firearm. (b) A person is guilty of manufacturing an untraceable firearm when the person knowingly manufactures, assembles, causes to be manufactured or assembled, sells, or transfers an untraceable firearm. (c) A person is guilty of manufacturing or distributing a firearm using a 3-dimensional printer when the person does any 1 of the following: (1) Uses a 3-dimensional printer or similar device to manufacture or produce a firearm, firearm receiver, or major firearm component when not licensed as a manufacturer. (2) Distributes by any means, including the internet, to a person who is not licensed as a manufacturer, instructions in the form of computer-aided design files or other code or instructions stored and displayed in electronic format as a digital model that may be used to program a 3-dimensional printer to manufacture or produce a firearm, firearm receiver or major component of a firearm. (d) Possession of an untraceable firearm is a class E felony. (e) Manufacturing an untraceable firearm or manufacturing or distributing a firearm using a 3-dimensional printer is a class D felony.	Serial numbers and background checks for component parts, no plastic undetectable guns, no 3D printing of guns, no distribution of 3D printing instructions.
		<u>§ 1459A. Possession of an unfinished firearm frame or receiver with no serial number</u>	(a) No person shall knowingly transport, ship, transfer, or sell an unfinished firearm frame or receiver unless all of the following apply: (1) The person is a federally-licensed gun dealer or manufacturer. (2) The name of the manufacturer and an individual serial number are conspicuously placed on the unfinished firearm frame or receiver in accordance with the procedures for the serialization of a firearm in 18 U.S.C. § 923(i). (3) The person maintains records for the unfinished firearm frame or receiver in accordance with the requirements for maintenance of records in 18 U.S.C. § 923(g). (b) No person shall knowingly possess an unfinished firearm frame or receiver that does not have the name of the manufacturer and individual serial number conspicuously placed on it or on a major component of the firearm into which the unfinished firearm frame or receiver will be housed. (c) Subsection (b) of this section does not apply to a federally-licensed gun manufacturer during the manufacturing process of a firearm frame or receiver. (d) Possession of an unfinished firearm frame or receiver with no serial number is a class D felony.	
		<u>§ 1462. Covert or undetectable firearms; class E or D felony</u>	(a) A person is guilty of possession of a covert or undetectable firearm when the person knowingly possesses a covert or undetectable firearm. (b) A person is guilty of manufacturing a covert or undetectable firearm when the person manufactures, causes to be manufactured, transports, or sells a covert or undetectable firearm. (c) Possession of a covert or undetectable firearm is a class E felony. (d) Manufacturing a covert or undetectable firearm is a class D felony.	

GHOST GUN SURVEY

12	OREGON	<u>166.210. Definitions</u>	As used in ORS 166.250 to 166.270, 166.291 to 166.295 and 166.410 to 166.470: (17) “Undetectable firearm” means a firearm: (a) Constructed or produced, including through a three-dimensional printing process, entirely of nonmetal substances; (b) That, after removal of grips, stocks and magazines, is not as detectable as a security exemplar by a walk-through metal detector calibrated to detect the security exemplar; or (c) That includes a major component that, if subjected to inspection by the types of X-ray machines commonly used at airports, would not generate an image that accurately depicts the shape of the component. (18)(a) “Unfinished frame or receiver” means a forging, casting, printing, extrusion, machined body or similar item that: (A) Is designed to or may readily be completed, assembled or otherwise converted to function as a frame or receiver; or (B) Is marketed or sold to the public to be completed, assembled or otherwise converted to function as a frame or receiver. (b) “Unfinished frame or receiver” does not include a component designed and intended for use in an antique firearm.	Prohibits undetectable firearms, including 3D printed guns; requires all firearms, frames, and receivers to be serialized
		<u>166.267. Importation, sale, or possession of unfinished frame or receiver; requirements; violation and penalties</u>	(1)(a) A person may not knowingly import into this state, offer for sale, sell or transfer an unfinished frame or receiver unless: (A) The person is licensed as a firearm dealer under 18 U.S.C. 923; (B) The name of the manufacturer and an individual serial number is conspicuously placed on the unfinished frame or receiver in accordance with the procedures for the serialization of a firearm in 18 U.S.C. 923(i) and all regulations under the authority of 18 U.S.C. 923(i), including but not limited to 27 C.F.R. 478.92; and (C) The person maintains records relating to the unfinished frame or receiver in accordance with the procedures for record keeping related to firearms in 18 U.S.C. 923(g) and all regulations issued under the authority of 18 U.S.C. 923(g), including but not limited to 27 C.F.R. 478.121 to 478.134. (b)(A) A violation of paragraph (a) of this subsection is a Class B violation. (B) Notwithstanding subparagraph (A) of this paragraph, a violation of paragraph (a) of this subsection is a Class A misdemeanor if, at the time of the offense, the person has a prior conviction under this section or ORS 166.265 or 166.266. (C) Notwithstanding subparagraphs (A) and (B) of this paragraph, a violation of paragraph (a) of this subsection constitutes a Class B felony if, at the time of the offense, the person has two or more prior convictions under this section or ORS 166.265 or 166.266. (2)(a) A person may not knowingly possess an unfinished frame or receiver that is not serialized as provided in subsection (1)(a)(B) of this section, unless: (A) The person is a federally licensed gun manufacturer; and	
		<u>166.266. Sale or possession of firearm; imprinting of serial number required; exceptions; violations and penalties</u>	(1) A person may not knowingly possess, offer for sale, sell or transfer a firearm unless the firearm has been imprinted with a serial number by a federally licensed firearm manufacturer, importer or dealer, or a gunsmith with a federal firearms license, in accordance with federal law. (2) This section does not apply to: (a) Antique firearms; (b) Firearms manufactured prior to October 22, 1968; (c) Firearms rendered permanently inoperable; (d) The sale, offer to sell, or transfer of a firearm to, or possession of a firearm by, a person licensed as a firearm manufacturer, importer or dealer under 18 U.S.C. 923; or (e) A gunsmith taking possession of a firearm for the purpose of imprinting the firearm with a serial number in accordance with federal law. (3)(a) A violation of subsection (1) of this section constitutes a Class B violation. (b) Notwithstanding paragraph (a) of this subsection, a violation of subsection (1) of this section is a Class A misdemeanor if, at the time of the offense, the person has a prior conviction under this section or ORS 166.265 or 166.267. (c) Notwithstanding paragraphs (a) and (b) of this subsection, a violation of subsection (1) of this section is a Class B felony if, at the time of the offense, the person has two or more prior convictions under this section or ORS 166.265 or 166.267. (4) A person convicted of any offense under this section shall forfeit the firearm. (5) As used in this section, “prior conviction” includes a conviction for a violation offense.	

GHOST GUN SURVEY

13	RHODE ISLAND	<u>§ 11-47-2. Definitions</u>	When used in this chapter, the following words and phrases are construed as follows: (1) “3D printing process” means 3D printing or additive manufacturing which is a process of making three (3) dimensional solid objects from a computer file and shall include any of various processes in which material is joined or solidified under computer control to create a three (3) dimensional object, with material being added together including liquid molecules or powder grains... (6) “Firearm” includes any machine gun, pistol, rifle, air rifle, air pistol, “blank gun,” “BB gun,” or other instrument from which steel or metal projectiles are propelled, or that may readily be converted to expel a projectile, except crossbows, recurve, compound, or longbows, and except instruments propelling projectiles that are designed or normally used for a primary purpose other than as a weapon. The frame or receiver of the weapon shall be construed as a firearm under the provisions of this section... (8) “Ghost gun” means a firearm, including a frame or receiver, that lacks a unique serial number engraved or cased in metal alloy on the frame or receiver by a licensed manufacturer, maker, or importer under federal law or markings in accordance with 27 C.F.R. § 479.102. It does not include a firearm that has been rendered permanently inoperable, or a firearm that is not required to have a serial number in accordance with the federal Gun Control Act of 1968... (20) “Undetectable firearm” means any firearm that: (i) After removal of all parts, other than a major component, is not as detectable by walk-through metal detectors commonly used at airports or other public buildings; or (ii) Any major component of which, if subjected to inspection by the types of detection devices commonly used at airports or other public buildings for security screening, would not generate an image that accurately depicts the shape of the component; or (iii) Is manufactured wholly of plastic, fiberglass, or through a 3D printing process; or (iv) Upon which the frame or receiver lacks a unique serial number engraved or cased into on the frame or receiver	Serial numbers and background checks for component parts, no 3D printing of guns
17	VERMONT	<u>§ 4081. Short title</u>	This subchapter shall be known as the “Vermont Ghost Guns Act.”	Serial numbers and background checks for all firearms and component parts
		<u>§ 4083. Unlawful conduct involving unserialized firearms, frames, and receivers</u>	(a)(1) A person shall not knowingly possess an unfinished frame or receiver unless the unfinished frame or receiver has been imprinted with a serial number by a federal firearms licensee pursuant to federal law or section 4084 of this title. (2) A person shall not knowingly transfer or offer to transfer an unfinished frame or receiver unless the unfinished frame or receiver has been imprinted with a serial number by a federal firearms licensee pursuant to federal law or section 4084 of this title. (3) This subsection shall not apply to: (A) a federal firearms licensee acting within the scope of the licensee's license; (B) possession or transfer of an unfinished frame or receiver for the purpose of having it imprinted with a serial number pursuant to federal law or section 4084 of this title; or (C) an unfinished frame or receiver transferred to or possessed by a law enforcement officer for legitimate law enforcement purposes. (b)(1) A person shall not knowingly possess a firearm or frame or receiver of a firearm that is not imprinted with a serial number by a federal firearms licensee pursuant to federal law or section 4084 of this title. (2) A person shall not knowingly transfer or offer to transfer a firearm or frame or receiver of a firearm that is not imprinted with a serial number by a federal firearms licensee pursuant to federal law or section 4084 of this title. (3) This subsection shall not apply to: (A) a federal firearms licensee acting within the scope of the licensee's license; (B) possession or transfer of a firearm or frame or receiver of a firearm for the purpose of having it imprinted with a serial number pursuant to federal law or section 4084 of this title; (C) an unserialized frame or receiver transferred to or possessed by a law enforcement officer for legitimate law enforcement purposes; (D) an antique firearm as defined in subsection 4017(d) of this title;	
		<u>§ 4082. Definitions</u>	As used in this subchapter:... (6) “Frame or receiver of a firearm” means a part of a firearm that, when the complete firearm is assembled, is visible from the exterior and provides housing or a structure designed to hold or integrate one or more fire control components, even if pins or other attachments are required to connect the fire control components. Any part of a firearm imprinted with a serial number is presumed to be a frame or receiver of a firearm unless the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives makes an official determination otherwise or there is other reliable evidence to the contrary. (7) “Three-dimensional printer” means a computer-aided manufacturing device capable of producing a three-dimensional object from a three-dimensional digital model through an additive manufacturing process that involves the layering of two-dimensional cross sections formed of a resin or similar material that are fused together to form a three-dimensional object. (8) “Unfinished frame or receiver” means any forging, casting, printing, extrusion, machined body, or similar article that has reached a stage in manufacture when it may readily be completed, assembled, or converted to be used as the frame or receiver of a functional firearm or that is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed, assembled, or converted...	

GHOST GUN SURVEY

19	NEVADA	<u>202.253. Definitions</u>	As used in NRS 202.253 to 202.369, inclusive...9. “Unfinished frame or receiver” means a blank, a casting or a machined body that is intended to be turned into the frame or lower receiver of a firearm with additional machining and which has been formed or machined to the point at which most of the major machining operations have been completed to turn the blank, casting or machined body into a frame or lower receiver of a firearm even if the fire-control cavity area of the blank, casting or machined body is still completely solid and unmachined.	Serial numbers and background checks for component parts
		<u>202.363. Unlawful to possess, purchase, transport or receive unfinished frame or receiver: Exceptions; penalties</u>	1. A person shall not possess, purchase, transport or receive an unfinished frame or receiver unless: (a) The person is a firearms importer or manufacturer; or (b) The unfinished frame or receiver is required by federal law to be imprinted with a serial number issued by a firearms importer or manufacturer and the unfinished frame or receiver has been imprinted with the serial number. 2. A person who violates this section: (a) For the first offense, is guilty of a gross misdemeanor; and (b) For the second or any subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.	
		<u>202.3625. Unlawful to sell, offer to sell or transfer unfinished frame or receiver: Exceptions; penalties</u>	Deemed unconstitutional: see Sisolak v. Polymer80, Inc. 1. A person shall not sell, offer to sell or transfer an unfinished frame or receiver unless: (a) The person is: (1) A firearms importer or manufacturer; and (2) The recipient of the unfinished frame or receiver is a firearms importer or manufacturer; or (b) The unfinished frame or receiver is required by federal law to be imprinted with a serial number issued by an importer or manufacturer and the unfinished frame or receiver has been imprinted with the serial number. 2. A person who violates this section: (a) For the first offense, is guilty of a gross misdemeanor; and (b) For the second or any subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.	
		<u>202.3645. Exception to prohibition on sale of unfinished frame or receiver or firearm without serial number</u>	Nothing in the provisions of NRS 202.3625 to 202.364, inclusive, of this act shall be deemed to prohibit the sale of an unfinished frame or receiver or firearm that is not imprinted with a serial number to a firearms importer or manufacturer or a licensed dealer before January 1, 2022. As used in this section, “licensed dealer” has the meaning ascribed to it in NRS 202.2546.	

ORGANIZED RETAIL THEFT SURVEY

Jurisdiction	Organized Retail Theft Statute	Number of Persons (Including Defendant)	Minimum Threshold	Statutorily Aggregated Time Period	Intent to Resell	Tiered ORT Thresholds	Recidivist ORT Provisions	Criminalize s Receiving Property from ORT	Notes
Alabama	Ala. Code § 13A-8-3(c)	One or more	\$1,000	180 days	Yes	No	No	No	Requires a common plan or scheme the object of which is to steal or transfer the property to another person or business that buys the property with knowledge or reasonable belief that the property is stolen
Arizona	Ariz. Rev. Stat. § 13-1819	One or more	\$0	None	Depends on subsection	No	No	No	
California	Cal. Penal Code § 490.4	Depends on subsection	\$0	12 months	Depends on subsection	Yes	No	Yes	Provides specific types of evidence that may be considered to determine whether "the defendant acted in concert with another person or persons," including prior conduct
District of Columbia	D.C. Code § 22-3211.01	Two or more	\$1,000	90 days	Intent to sell or to return merchandis	No	No	No	Criminalizes acting as an organizer by recruiting, directing, or coercing individuals to commit organized retail theft, as defined.
Florida	Fla. Stat. § 812.015	Depends on subsection	\$750	120 days	Depends on subsection	No	Yes	Yes	Wide variety of prohibited conduct, such as distracting retailers and law enforcement, purchasing merchandise in different packaging, and obtaining or using 10 or more items through theft
Georgia	Ga. Code Ann. § 16-8-14.2	Two or more	\$25,000	180 days	Yes	No	No	No	
Indiana	Ind. Code § 35-43-4-2.1	Three or more	\$0	None	No	No	No	No	Criminalizes agreeing with at least two others to commit theft and performing an overt act in furtherance of the agreement, similar to conspiracy. Bars conviction both under this statute and for attempted theft or conspiracy to commit theft.
Iowa	Iowa Code § 714.2B	Two or more	\$0	None	Yes	Yes	Yes	No	Requires that the defendant is a part of a retail theft enterprise and have committed two preceeding property offenses within six months of the instant offense. Similar to Minnesota statute.
Kansas	Kan. Stat. Ann. § 21-5841	Two or more	\$5,000	12 months	No	Yes	No	Yes	Similar to New Mexico's statute
Louisiana	La. Stat. Ann. § 14:67.25	One or more	\$0	180 days	Yes	Yes	No	No	
Massachusetts	Mass. Gen. Laws 266 § 30D	Three or more	\$2,500	180 days	Yes	Yes	No	No	Enhanced penalties for the "leader" of an organized theft enterprise in addition to criminalizaing actions of the members of the enterprise
Minnesota	Minn. Stat. § 609.522	Two or more	\$0	None	Intent to sell, advertise, or return	Yes	Yes	No	Requires two preceeding property offenses within the previous six months. Similar to Iowa's statute.
Nevada	Nev. Rev. Stat. § 205.08345	One or more	\$3,500	120 days	Intent to sell or to return merchandis	Yes	No	No	
New Hampshire	N.H. Rev. Stat. Ann. § 637:10-C	Two or more	\$0	None	Yes	No	Yes	No	Criminalizes conspiring with one or more persons to engage for profit in a scheme or course of conduct of theft, as defined
New Jersey	N.J. Stat. Ann. 2C:20-11.2	Two or more	\$0	None	Yes	No	No	No	Statute only provides enhanced fines to the "leader" of an organized retail theft enterprise; statute does not address mere members of the enterprise. Criminalizes conspiring with others as an organizer, supervisor, financier or manager, to engage for profit in a scheme or course of conduct to effectuate the transfer or sale of shoplifted merchandise.
New Mexico	N.M. Stat. Ann. § 30-16-20.1	Two or more	\$2,500	1 Year	Depends on subsection	No	No	Yes	Similar to Kansas's statute

North Carolina	N.C. Gen. Stat. § 14-86.6	Depends on subsection	\$1,500	90 days	Depends on subsection	Yes	No	Yes	
Oregon	Or. Rev. Stat. § 164.098	Two or more	\$5,000	180 days	No	No	No	No	
Pennsylvania	Pa. Cons. Stat. § 3929.3	One or more	\$2,500	None	Yes	Yes	No	No	Criminalizes organizing, coordinating, controlling, supervising, financing, or managing any of the activities of an "organized retail theft enterprise," as defined
South Carolina	S.C. Code Ann. § 16-13-135	Two or more	\$2,000	90 days	Yes	Yes	Yes	Yes	
Tennessee	Tenn. Code Ann. § 39-14-113	Two or more	\$1,000	90 days	Intent to sell or to return merchandise	No	No	Yes	Enhanced penalties for those who exercise organizational, supervisory, financial, or management authority over the activity of one or more other persons in furtherance of the crime
Texas	Tx. Penal Code Ann. § 31.16	One or more	\$0	None	Yes	Yes	No	Yes	Enhanced penalties for organizers of organized retail theft and facilitators of theft
Virginia	Va. Code Ann. § 18.2-103.1	Two or more	\$5,000	90 days	Yes	No	No	No	
Washington	Wash. Rev. Code § 9A.56.350	Depends on subsection	\$750	180 days	No	Yes	No	No	Among other things, also criminalizes theft with no less than six accomplices where the person also makes or sends at least one electronic communication seeking participation in the theft

FELONY THEFT THRESHOLD SURVEY

Jurisdiction	Value Thresholds	Current Felony Threshold	Previous Felony Threshold	Last Amendment of Felony Threshold	Theft Threshold Statutes	High-Value Enhancement?	Organized Retail Theft?	Comments
Alabama	Class B Felony: Over \$2,500; Class C Felony: \$2,500 to \$1,500; Class D Felony: \$1,499 to \$500.01; Class A Misdemeanor: \$500 and under	\$1,500	N/A	2015: Ala. Code 13a-8-4.1	Ala. Code 13a-8-3 to 13a-8-5	No	Yes Ala. Code 13a-8-3(c)	
Alaska	Class B Felony: \$25,000 or more; Class C Felony: \$24,999.99 to \$750; Class A Misdemeanor: \$749.99 to \$250; Class B Misdemeanor: Less than \$250	\$750	\$1,000	2017: Alaska Stat. 11.46.130	Alaska Stat. 11.46.120 to 11.46.150	No	No	Alaska Stat. 11.46.130 and 11.46.140 include a recidivist offense looking back five years for specific values if the defendant has two or more prior convictions
Arizona	Class 2 Felony: \$25,000 or more; Class 3 Felony: \$24,999.99 to \$4,000; Class 4 Felony: \$3,999.99 to \$3,000; Class 5 Felony: \$2,999.99 to \$2,000; Class 6 Felony: \$1,999.99 to \$1,000; Class 1 Misdemeanor: Less than	\$1,000	\$250	2006: Ariz. Rev. Stat. 13-1802	Ariz. Rev. Stat. 13-1802	Yes: Ariz. Rev. Stat. 13-1802(f)	Yes Ariz. Rev. Stat. 13-1819	
Arkansas	Class B Felony: \$25,000 or more; Class C Felony: \$24,999.99 to \$5,000.01; Class D Felony: \$5,000 to \$1,000.01; Class A Misdemeanor:	\$1,000	\$500	2011: Ark. Code Ann. 5-36-103	Ark. Code Ann. 5-36-103	No	No	
California	Grand Theft: Over \$950; Petty Theft: \$950 and under	\$950	\$400	2013: Cal. Penal Code 487	Cal. Penal Code 484 to 490.4	No	Yes Cal. Penal Code 490.4	Grand Theft is a "wobbler," and can sometimes be a misdemeanor or felony, depending on aggravating factors.
Colorado	Class 2 Felony: \$1,000,000 or more; Class 3 Felony: \$999,999.99 to \$100,000; Class 4 Felony: \$99,999.99 to \$20,000; Class 5 Felony: \$19,999.99 to \$5,000; Class 6 Felony: \$4,999.99 to \$2,000; Class 1 Misdemeanor: \$1,999.99 to \$1,000; Class 2 Misdemeanor: \$999.99 to	\$2,000	\$1,000	2013: Colo. Rev. Stat. 18-4-401	Colo. Rev. Stat. 18-4-401	No	No	
Connecticut	Class B Felony: \$25,000 or more; Class C Felony: Over \$10,000; Class D Felony: Over \$2,000; Class A Misdemeanor: Over \$1,000; Class B Misdemeanor: Over \$500; Class C	\$1,000	\$500	2009: Conn. Gen. Stat. 53a-125a	Conn. Gen. Stat. 53a-122 to 53a-125b	No	No	
Delaware	Class G Felony: \$1,500 or more; Class A Misdemeanor: Less than \$1,500	\$1,500	\$1,000	2009: Del. Code Ann. tit. 11 Sec. 841	Del. Code Ann. tit. 11 Sec. 841	No	No	Del. Code Ann. tit. 11 Sec 841 contains enhancement where the victim is 62 or older, an "adult who is impaired," or a "person with a disability." The classification goes up one level if the enhancement applies.
District of Columbia	Theft 1 (Up to 10 years incarceration): \$1,000 or more; Theft 2 (Up to 180 days imprisonment): Any value	\$1,000	\$250	2009: D.C. Code 22-3212	D.C. Code 22-3212	No	Yes D.C. Code 22-3211	DC Code 22-3212 contains a recidivist clause for 2 or more prior convictions of theft, resulting in enhanced penalties.
Florida	First Degree Felony: \$100,000 or more; Second Degree Felony: \$99,999.99 to \$20,000; Third Degree Felony: \$19,999.99 to \$750; First Degree Misdemeanor: \$749.99 to	\$750	\$300	2019: Fla. Stat. 812.014	Fla. Stat. 812.014	No	Yes Fla. Stat. 812.015	Fla. Stat. 812.014 upgrades second and third Petit Thefts to felonies.
Georgia	Up to 20 Years: \$25,000 or more; Up to 10 Years: \$24,999.99 to \$5,000; Up to 5 Years: \$4,999.99 to \$1,500.01; Up to 1 Year: \$1,500 and	\$1,500	\$500	2012: Ga. Code Ann. 16-8-12	Ga. Code Ann. 16-8-12	No	Yes Ga. Code Ann. 16-8-14.2	Ga. Code Ann. 16-8-12 contains a recidivist subsection for a third or subsequent offense within 5 years.
Hawaii	Class B Felony: Over \$20,000; Class C Felony: Over \$750; Misdemeanor: Over \$250; Petty Misdemeanor: Any	\$750	\$300	2016: HRS 708-831	HRS 708-830.5 to 708-833	No	No	
Idaho	Grand Theft: Over \$1,000; Petit Theft: \$1,000 and under	\$1,000	\$300	1998: Idaho Code 18-2407	Idaho Code 18-2407	No	No	
Illinois	Class X Felony: Over \$1,000,000; Class 1 (Non-Probationable) Felony: \$1,000,000 to \$500,000.01; Class 1 Felony: \$500,000 to \$10,000.01; Class 2 Felony: \$100,000 to \$10,000.01; Class 3 Felony: \$10,000 to \$500.01; Class A Misdemeanor:	\$500	\$300	2010: Ill. Comp. Stat. 5/16-1	Ill. Comp. Stat. 5/16-1	No	No	Under Ill. Comp. Stat. 5/16-1, a second or subsequent misdemeanor theft (under \$500) offense is a Class 4 felony.
Indiana	Level 5 Felony: \$50,000 or more; Level 6 Felony: \$49,999.99 to \$750; Class A Misdemeanor: Less than \$750	\$750	Any Amount	2013: Ind. Code 35-43-4-2	Ind. Code 35-43-4-2	No	Yes Ind. Code 35-43-4-2.1	
Iowa	Class C Felony: Over \$10,000; Class D Felony: \$10,000 to \$1,500.01;	\$1,500	\$1,000	2019: Iowa Code 714.2	Iowa Code 714.2	No	Yes Iowa Code 714.2B	Iowa Code 714.2A upgrades the classification of offense if the offense

FELONY THEFT THRESHOLD SURVEY

Kansas	Level 5 Felony: \$100,000 or more; Level 7 Felony: \$999,999.99 to \$25,000; Level 9 Felony: \$24,999.99 to \$1,500; Class A Misdemeanor: Less than \$1,500	\$1,500	\$1,000	2016: Kan. Stat. Ann. 21-5801	Kan. Stat. Ann. 21-5801	No	Yes Kan. Stat. Ann. 21-5841	Kan. Stat. Ann. 21-5801 provides that theft valued at between \$1,499.99 to \$50 is a level 9 felony if the person has two previous theft convictions within the last 5 years.
Kentucky	Class B Felony: \$1,000,000 or more; Class C Felony: \$999,999.99 to	\$1,000	\$500	2021: Ky. Rev. Stat. Ann. 514.030	Ky. Rev. Stat. Ann. 514.030	Yes: Ky. Rev. Stat. Ann.	No	
Louisiana	Up to 20 Years: \$25,000 or more; Up to 10 Years: \$24,999.99 to \$5,000; Up to 5 Years: \$4,999.99 to \$1,000; Up to 6 Months: Less than \$1,000	\$1,000	\$750	2017: La. Stat. Ann. 14:67	La. Stat. Ann. 14:67	No	Yes La. Stat. Ann. 14:67.25	La. Stat. Ann. 14:67 provides that a person who commits theft and was previously convicted for theft two or more times shall be subject to up to two years imprisonment.
Maine	Class B Crime: Over \$10,000; Class C Crime: \$10,000 to \$1,000.01; Class D Crime: \$1,000 to \$500.01; Class E Crime: \$500 and under	\$1,000	???	Unknown - May be 1975 or prior	Me. Stat. 17-A Sec. 353	No	No	Me. Stat. 17-A Sec. 353 provides that a person who commits theft with two prior theft convictions is guilty of a felony.
Maryland	Up to 20 years: Over \$25,000; Up to 10 Years: \$999,999.99 to \$25,000; Up to 5 Years: \$24,999.99 to \$1,500; Up to 1 Year: \$1,499.99 to \$100; Up to	\$1,500	\$1,000	2016: Md. Code Ann., Crim. Law 7-104	Md. Code Ann. Crim Law 7-104	No	No	
Massachusetts	Up to 5 Years: Over \$1,200; Up to 1 Year: \$1,200 and under	\$1,200	\$250	2018: Mass. Gen. Laws 266 Sec. 30	Mass. Gen. Laws 266 Sec. 30	No	Yes Mass. Gen. Laws 266 Sec. 30D	Mass. Gen. Laws Chapter 266 includes multiple age-related enhancements and a recidivist enhancement for a second or subsequent larceny against persons 65 or older.
Michigan	Up to 10 Years: \$20,000 or more; Up to 5 Years: \$19,999.99 to \$1,000; Up to 1 Year: \$999.99 to \$200; Up to 93 Days: Less than \$200	\$1,000	???	Unknown - Prior to 1998	Mich. Comp. Laws 750.356	No	No	Mich. Comp. Laws 750.356 escalates a second, third, or subsequent offense in punishment, depending on the instant offense.
Minnesota	Up to 20 Years: Over \$35,000; Up to 10 Years: Over \$5,000; Up to 5 Years: \$5,000 to \$1,000.01; Up to 364 Days: \$1,000 to \$500.01; Up to 90 Days: \$500 or less	\$1,000	\$500	2007: Minn. Stat. 609.52	Minn. Stat. 609.52	No	Yes Minn. Stat. 609.522	Pursuant to Minn. Stat. 609.52, misdemeanor theft for goods or services valued between \$1,000 and \$500 becomes felony theft if the person has one prior theft conviction.
Mississippi	Up to 20 Years: \$25,000 or more; Up to 10 Years: \$24,999.99 to \$5,000; Up to 5 Years: \$4,999.99 to \$1,000; Up to 6 Months: Less than \$1,000	\$1,000	\$500	2014: Miss. Code Ann. 97-17-43	Miss. Code Ann. 97-17-43 and 97-17-41	No	No	
Missouri	Class C Felony: \$25,000 or more; Class D Felony: \$750 or more; Class A Misdemeanor: \$749.99 to \$150; Class D Misdemeanor: Under \$150	\$750	\$500	2014: Mo. Laws 570.030	Mo. Laws 570.030	No	No	
Montana	Up to 10 Years: Over \$5,000; Up to 3 Years: \$5,000 to \$1,500; Up to \$500 Fine: Under \$1,500	\$1,500	\$1,000	2009: Mont. Code Ann. 45-6-301	Mont. Code Ann. 45-6-301	No	No	Under Mont. Code Ann. 45-6-301, misdemeanors may have different subclassifications depending on the amount taken and the defendant's prior convictions.
Nebraska	Class IIA Felony: \$5,000 or more; Class IV Felony: \$4,999.99 to \$1,500; Class I Misdemeanor: \$1,499.99 to \$500.01; Class II Misdemeanor: \$500 or less	\$1,500	\$500	2015: Neb. Rev. Stat. 28-518	Neb. Rev. Stat. 28-518	No	No	Neb. Rev. Stat. 28-518 provides sentencing enhancements for a second or subsequent theft conviction with a 10 year look-back period.
Nevada	Category B Felony: \$25,000 or more; Category C Felony: \$24,999.99 to \$5,000; Category D Felony: \$4,999.99 to \$1,200; Misdemeanor: Less than	\$1,200	\$650	2019: Nev. Rev. Stat. 205.0835	Nev. Rev. Stat. 205.0835	Yes: Nev. Rev. Stat. 205.0835	Yes Nev. Rev. Stat. 205.08345	
New Hampshire	Class A Felony: Over \$1,500; Class B	\$1,000	\$500	2010: N.H. Rev. Stat.	N.H. Rev. Stat. Ann.	No	Yes	
New Jersey	Crime of the Second Degree: \$75,000 or more; Crime of the Third Degree: \$74,999.99 to \$500; Crim of the Fourth Degree \$500 to \$200; Disorderly Persons Offense: Less than	\$200	???	Unknown - Prior to 1993	N.J. Stat. Ann. 2C:20-2	No	Yes N.J. Stat. Ann. 2C:20-11.2	
New Mexico	Second Degree Felony: Over \$20,000; Third Degree Felony: \$20,000 to	\$500	\$250	2006: N.M. Stat. Ann. 30-16-1	N.M. Stat. Ann. 30-16-1	No	Yes N.M. Stat. Ann. 30-16-	
New York	Class B Felony: Over \$1,000,000; Class C Felony: over \$50,000; Class D Felony: Over \$3,000; Class E Felony: Over \$1,000; Petit Larceny: Any value	\$1,000	???	Unknown - Prior to 1987	N.Y. Penal Law 155.25 to 155.42	No	No	
North Carolina	Class H Felony: Over \$1,000; Class 1 Misdemeanor: \$1,000 and under	\$1,000	\$400	1991: N.C. Gen. Stat. 14-72	N.C. Gen Stat. 14-72	No	Yes N.C. Gen. Stat. 14-86.6	N.C. Gen. Stat. 14-72 escalates larceny to a felony where the defendant has four prior larceny offenses.

FELONY THEFT THRESHOLD SURVEY

North Dakota	Class A Felony: Over \$50,000; Class B Felony: \$50,000 to \$10,000.01; Class C Felony: Over \$1,000; Class A Misdemeanor: \$1,000 to \$500.01; Class B Misdemeanor: \$500 and	\$1,000	\$500	2013: N.D. Cent. Code 12.1-23-05	N.D. Cent. Code 12.1-23-05	No	No	N.D. Cent Code 12.1-23-05 provides escalating penalties for shoplifting for 1) a second or third conviction, or 2) a fourth conviction
Ohio	Felony of the First Degree: \$1,500,000 or more; Felony of the Second Degree \$1,499,999.99 to \$75,000; Felony of the Third Degree: \$150,000 to \$74,999.99; Felony of the Fourth Degree: \$149,999.99 to \$7,500; Felony of the Fifth Degree: \$7,499.99 to \$1,000; Misdemeanor	\$1,000	\$500	2011: Ohio Rev. Code Ann. 2913.02	Ohio Rev. Code Ann. 2913.02	No	No	Ohio Rev. Code Ann. 2913.02 provides escalating penalties for theft from protected persons.
Oklahoma	Up to 5 Years: \$1,000 or more; Up to 1 Year: Less than \$1,000	\$1,000	\$500	2016: Okla. Stat. Ann. tit. 21 Sec. 1705	Okla Stat. Ann. tit. Sec. 1705	No	No	
Oregon	Class B Felony: \$10,000 or more; Class C Felony: \$1,000 or more; Class A Misdemeanor \$999.99 to \$100; Class C Misdemeanor: Less than \$100	\$1,000	\$750	2009: Or. Rev. Stat. 164.045	Or. Rev. Stat. 164.057 to 164.043	No	Yes Or. Rev. Stat. 164.098	
Pennsylvania	Felony of the First Degree: \$500,000 or more; Felony of the Second Degree: \$499,999.99 to \$100,000; Felony of the Third Degree: Over \$2,000; Misdemeanor of the First Degree: \$2,000 to \$200; Misdemeanor of the Second Degree \$199.99 to \$50; Misdemeanor of the	\$2,000	???	Unknown - Prior to 1990	Pa. Const. Stat. 3903	No	Yes Pa. Const. Stat. 3929.3	
Rhode Island	Up to 10 Years: Over \$10,000; Up to 6 Years: \$9,999.99 to \$5,000.01; Up to 3 Years: \$4,999.99 to \$1,500.01; Up to 1 Year: \$1,500 and under	\$1,500	\$500	2012: R.I. Gen. Laws 11-41-5	R.I. Gen. Laws 11-41-5	No	No	R.I. Gen. Laws 11-41-24 provides penalties for habitual larceny offenders.
South Carolina	Up to 10 Years: \$10,000 or more; Up to 5 Years: \$9,999.99 to \$2,000.01; Misdemeanor: Under \$2,000	\$2,000	\$1,000	2010: S.C. Code Ann. 16-13-30	S.C. Code Ann. 16-13-30	No	Yes S.C. Code Ann. 16-13-135	
South Dakota	Class 2 Felony: Over \$500,000; Class 3 Felony: \$500,000 to \$100,000.01; Class 4 Felony: \$100,000 to \$5,000.01; Class 5 Felony: \$5,000 to \$2,500.01; Class 6 Felony: \$2,500 to \$1,000.01; Class 1 Misdemeanor: \$1,000 to \$400; Class 2	\$1,000	\$500	2005: S.D. Codified Laws 22-30A-17	S.D. Codified Laws 22-30A-17	No	No	
Tennessee	Class A Felony: \$250,000 or more; Class B Felony: \$249,999.99 to \$60,000; Class C Felony: \$59,999.99 to \$10,000; Class D Felony: \$9,999.99 to \$2,500; Class E Felony: \$2,499.99 to \$1,000; Class A Misdemeanor:	\$1,000	\$500	2016: Tenn. Code Ann. 39-14-105	Tenn. Code Ann. 39-14-105	No	Yes Tenn. Code Ann. 39-14-113	
Texas	Felony of the First Degree: \$300,000 or more; Felony of the Second Degree: \$299,999.99 to \$150,000; Felony of the Third Degree: \$149,999.99 to \$30,000; State Jail Felony: \$29,999.99 to \$2,500; Class A Misdemeanor: \$2,499.99 to \$750; Class B Misdemeanor: \$749.99 to	\$2,500	\$1,500	2015: Tex. Penal Code Ann. 31.03	Tex. Penal Code Ann. 31.03	No	Yes Tex. Penal Code Ann. 31.16	Tex. Penal Code Ann. 31.03 escalates penalties one classification if the victim is in a protected class.
Utah	Second Degree Felony: \$5,000 or more; Third Degree Felony: \$4,999.99 to \$1,500; Class A Misdemeanor: \$1,499.99 to \$500; Class B Misdemeanor: Less than \$500	\$1,500	???	Unknown - Utah Code Ann. 76-6-404 appears to have reclassified grades of theft. The only prior amendment to the statute was in 1973.	Utah Code Ann. 76-6-404	No	No	Utah Code Ann. 76-6-404 escalates penalties for persons with previous theft convictions looking back 10 years. Utah Code Ann. 76-6-410.5 codifies Theft of a Rental Vehicle.
Vermont	Up to 10 Years: Over \$900; Up to 1 Year: \$900 or less	\$900	\$500	2006: Vt. Stat. Ann. tit. 13 Sec. 2502	Vt. Stat. Ann. tit. 13 Sec. 2501 and 2502	No	No	
Virginia	Between 20 Years and 1 Year: \$1,000 or more; Class 1 Misdemeanor: Less than \$1,000	\$1,000	\$500	2020: Va. Code Ann. 18.2-95	Va. Code Ann. 18.2-95 and 18.2-96	No	Yes Va. Code Ann. 18.2-103.1	
Washington	Class B Felony: Over \$5,000; Class C Felony: \$5,000 to \$750.01; Gross Misdemeanor: Less than \$750	\$750	\$250	2009: Wash. Rev. Code 9A.56.050	Wash. Rev. Code 9A.56.030 to 9A.56.050	No	Yes Wash. Rev. Code 9A.56.350	
West Virginia	Up to 10 Years: \$1,000 or more; Up to 1 Year: Less than \$1,000	\$1,000	N/A	1994: W. Va. Code 61-3-13	W. Va. Code 61-3-13	No	No	
Wisconsin	Class F Felony: Over \$100,000; Class G Felony: \$100,000 to \$10,000.01;	\$2,500	???	Unknown - Legislative history for Wis. Stat.	Wis. Stat. 943.20	No	No	
Wyoming	Up to 10 Years: \$1,000 or more; Upt to 6 Months: Less than \$1,000	\$1,000	\$500	2004: Wyo. Stat. Ann. 6-3-402	Wyo. Stat. Ann. 6-3-402	No	No	Wyo. Stat. Ann. 6-3-402 provides escalating penalties for a fifth or subsequent offense looking back 10 years.
Territories								

FELONY THEFT THRESHOLD SURVEY

Guam	Felony of the Second Degree: Over \$1,500; Felony of the Third Degree: \$1,499.99 to \$500.01; Misdemeanor: Over \$50; Petty Misdemeanor: \$50 or	\$500	N/A	Unknown - 1978 or prior	9 Guam Code Ann. 43.20	No	No	
Puerto Rico	Third Degree Felony: Over \$1,000; Fourth Degree Felony: \$999.99 to \$500.01; Misdemeanor: Under \$500	\$500	N/A	Unknown - Either 2004 or 2011	P.R. Laws Ann. tit. 33 Sec.	No	No	

Survey of Pending Possession Charges

Circuit	DRUG	AMOUNT
1ST CIRCUIT (WONG) only included stats if single or highest charge	Cocaine	1.0474 grams
	Cocaine	1.5398 grams
	Cocaine	.3184 grams
	Meth	1.1388 grams
	Meth	.0226 grams
	Meth	.4208 grams
1st CIRCUIT (SOMERVILLE)	Meth	.0723 grams
	Cocaine & Meth	.0106 grams & .2444 grams
	*Cocaine	.499 grams
	Fentanyl	< 1 milliliter
	*Meth	.0036 grams
	Meth	1.1732 grams
	*Meth	.100 ounce
	Meth	.1521 grams
	Meth	.0036 grams
	Meth	.0036 grams
	Meth	.0036 grams
	Meth	.001 gram
	Cocaine	.0036 grams
	*Meth	.4209 grams
		.3561 grams (pipe) & .319 grams
	Meth	(baggie)
	Meth	.6295 grams
	Meth	.0036 grams
	Cocaine	.001 ounce
	Meth	.0036 grams
	*Meth	.0036 grams
1ST CIRCUIT (KAWASHIMA)	Cocaine	0.230 grams
	Meth	unknown
	Meth	0.5132 grams
	Heroin	0.01 grams
	*Amph/Meth	0.001 gram
	Amph/Meth	1.000 grams
	Amph/Meth	0.001 gram
	*Meth	0.3086 grams
	*Meth	0.103 grams
	*Meth	0.021 grams
	*Amph/Meth	0.010 grams
	Cocaine	0.010 grams
	*Meth	0.6339 grams
	Meth	1 gram? 1x1 inch bag
	Amph/Meth	0.010 ounces
	*Meth	unknown

Survey of Pending Possession Charges

	Meth	0.6811 grams
	*Amph/Meth	0.100 grams
	*Amph/Meth	1 gram
	*Amph/Meth	1 gram
	*Amph/Meth	.01 grams
1ST CIRCUIT (MALINAO)	Meth	0.3844 grams
(some cases had other charges	Meth	0.1694 grams
but that info not given)	Meth	0.0287 grams
	Meth	0.0533 grams
	Fentanyl (coD)	0.1647 grams
	Fentanyl (coD)	0.2628 grams
	Cocaine	0.6069 grams
	Cocaine	0.7 grams
	Meth	0.041 grams
	Heroin	0.066 grams
	Cocaine	0.0880 grams
	Cocaine	0.0455 grams
	Meth	0.1320 grams
	Fentanyl	0.3890 grams
1ST CIRCUIT (MORIKAWA)	*unknown	indictment
	*Meth	0.0249 grams
	Meth	1.5 grams
	Meth	0.4056 grams
	*Meth	indictment
	Heroin	< 1 ml
	*Meth	0.5589 grams
	Meth	0.1568 grams
	Meth	0.1078 grams
1ST CIRCUIT (REMEGIO)	Meth	0.001 (estimated)
	Meth	0.0036 - 0.2585 grams
	Meth	0.0036 grams
	Meth	0.0036 grams
	Meth	0.0036 grams
	Cocaine	0.0036 grams
	Meth	0.0036 grams
	Meth	0.010 (estimated)
	Meth	0.010 grams (estimated)
	Meth	0.010 grams (estimated)
	Meth	0.010 grams (estimated)
	Meth	0.010 grams (estimated)
	Meth	0.010 grams (estimated)
	Meth	0.010 grams (estimated)
	Meth	0.020 grams (estimated)

Survey of Pending Possession Charges

	Meth	0.0319 grams
	Meth	0.0356 grams
	Meth	0.052 grams
	Meth	0.0962 grams
	Meth	0.100 grams (estimated)
	Meth	0.316 grams
	Meth	0.3866 grams
	Meth	0.500 grams (estimated)
	Meth	0.6579 grams
	Meth	0.8121 grams
	Meth	1.000 (estimated)
	Meth	1.000 grams (estimated)
	Meth	1.000 grams (estimated)
	Count 1: Meth	Count 1: 0.010 grams (estimated)
	Count 2: Cocaine	Count 2: 0.010 grams (estimated)
	Meth	Not enough to estimate
2ND CIRCUIT (KAWANO)	*Meth	.25 grams
	*Meth	1.38 grams
	Meth	.03 grams
	Meth	1.5 grams
	*Meth	1.18 grams
3RD CIRCUIT (KUBOTA)	**2023 stats	Hilo new cases 156, Kona new cases 95
	**2024 stats	Hilo new cases 147, Kona new cases 73
3RD CIRCUIT (DEWEESE)	no cases go to trial	amend bail, get SAA, do treatment, NPQ
		plead out/amend to prom intox comp
		charged via indictment or prelim - so hard to get current stats
	most common	meth & cocaine with meth the most
	amount	1.5 g most charged but majority of cases under 1 g
5TH CIRCUIT	**per R.Ross	Prosecutor's office= if can't see drug, then do not send the drug for testing & do not charge = residue is not charged

SURVEY OF NARCOTICS POSSESSION LAWS

State	Law	Definition	Severity	Notes
Alaska	Alaska Stat. §§ 11.71.050(a)(4): Misconduct involving a controlled substance in the Fifth Degree	"a person commits the crime of misconduct involving a controlled substance in the fourth degree if the person...under circumstances not proscribed under AS 11.71.030(a)(3), 11.71.040(a)(3), or 11.71.040(a)(4) possesses any amount of a schedule IA, IIA, IIIA, IVA, or VA controlled substance."	Class A misdemeanor: D may be sentenced to a definite term of imprisonment of not more than one year	Adopted Federal Control Substance Act. Punishes possession based on Schedule. Amount does not matter. There are enhancements for possession of controlled substance within 500 ft of a school ground or youth recreation center. - Meth, Cocaine = Schedule IIA Drug; Fentanyl, Heroin = Schedule IA
California	California Health and Safety Code, Division 10 Uniform Controlled Substances Act 11000 - 11651 Chapter 6, Article 1, Section 11377	(a) Except as authorized by law and as otherwise provided in subdivision (b) or Section 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, every person who possesses any controlled substance which is (1) classified in Schedule III, IV, or V, and which is not a narcotic drug, (2) specified in subdivision (d) of Section 11054, except paragraphs (13), (14), (15), and (20) of subdivision (d), (3) specified in paragraph (11) of subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of subdivision (f) of Section 11054, or (5) specified in subdivision (d), (e), or (f) of Section 11055, unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed to practice in this state, shall be punished by imprisonment in a county jail for a period of not more than one year, except that such person may instead be punished pursuant to subdivision (h) of Section 1170 of the Penal Code if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph	Misdemeanor (up to 1 year imprisonment and/or \$1,000 fine). Can be increased to felony if D has multiple convictions.	Adopted Federal Controlled Substances Act. Punishes based on schedule and criminal history Repeat offenders = felony unless D completes a drug assessment program. Methamphetamine = Schedule II controlled substance under California law but falls under HSC Ch. 2, Sec. 11055(d). Accordingly, possession of methamphetamine is punished under Sec. 11377(a)(5). 11055(d) = Stimulants (including methamphetamine)
Colorado	Colorado Revised Statutes Section 18-18-405	(1) Except as authorized by part 1 or 3 of article 280 of title 12, part 2 of article 80 of title 27, section 18-1-711, section 18-18-428(1)(b), or part 2 or 3 of this article 18, it is unlawful for a person knowingly to possess a controlled substance.	Possession of a Schedule I or II substance in 4+ grams = level 4 drug felony Min: 6 months imprisonment Max: one year imprisonment Fines: \$1,000 - \$100,000 See CRS 18-1.3-401.5 Possession of any quantity of schedule III, IV, or V substance = level 1 drug misdemeanor Up to 180 days imprisonment	Adopted Federal Control Substance Act. Punishes possession based on Schedule + Amount. Increased penalty for large amounts and repeat offenders. - 4 grams or more of any Schedule I or Schedule II substance is a Class 4 felony (CRS § 18-18-403.5(2)(a)) - Under 4 grams of any Schedule I or Schedule II substance is a misdemeanor, but fourth and subsequent offenses are Class 4 felonies (CRS § 18-18-403.5(2)(c))
Connecticut	Connecticut General Statutes Section 21a-279 (2019)	(a)(1) Any person who possesses or has under such person's control any quantity of any controlled substance, except less than one-half ounce of a cannabis-type substance and except as authorized in this chapter, shall be guilty of a class A misdemeanor.	Class A Misdemeanor: Up to one year imprisonment + fine up to \$2,000 See CGS Section 53a-36a	Adopted Federal Control Substances Act. Punishes possession based on schedule. Amount does not matter unless cannabis Enhanced sentencing for possession near schools or child care centers. Contains treatment provision: (c) "To the extent that it is possible, medical treatment rather than criminal sanctions shall be afforded individuals who breathe, inhale, sniff or drink the volatile substances described in subdivision (49) of section 21a-240."
Georgia	Georgia Code, Title 16, Ch. 13, Article 2, Section 16-13-30(a)	Except as authorized by this article, it is unlawful for any person to purchase, possess, or have under his control any controlled substance.	Possession of a Schedule I or II Substance + less than one gram = Felony (1-3 years imprisonment). Possession of a Schedule I or II Substance + more than one gram but less than four = Felony (1-8 years imprisonment). Possession of a Schedule I or II Substance + between four and 28 grams = Felony (1-15 years imprisonment). See Georgia Code, Section 16-13-30(c)	Adopted Controlled Substances Act. Punishes possession depending on Schedule and weight. Enhancements for repeat offenders.
Louisiana	Louisiana Revised Statutes Section 40:967	It is unlawful for any person knowingly or intentionally to possess a controlled dangerous substance as classified in Schedule II unless such substance was obtained directly or pursuant to a valid prescription or order from a practitioner, as provided in R.S. 40:978 while acting in the course of his professional practice, or except as otherwise authorized by this Part.	(1) An aggregate weight of less than two grams, shall be imprisoned, with or without hard labor, for not more than two years and, in addition, may be sentenced to pay a fine of not more than five thousand dollars. (2) An aggregate weight of two grams or more but less than twenty-eight grams shall be imprisoned, with or without hard labor, for not less than one year nor more than five years and, in addition, may be sentenced to pay a fine of not more than five thousand dollars.	Punishes possession based on Schedule + amount. Meth = schedule II.

Maryland	Maryland Statutes Criminal Law, Title 5, Subtitle 6, Part I, Section 5-601	Except as otherwise provided in this title, a person may not...possess or administer to another a controlled dangerous substance...	Misdemeanor. - First conviction = up to one year imprisonment and/or up to \$5,000 fine - Second or third conviction = up to 18 months imprisonment and/or up to \$5,000 fine - Fourth or subsequent conviction = up to 2 years and/or up to \$5,000 fine	Adopted Controlled Substances Act. Punishes possession based on Schedule. Amount does not matter unless it is in large enough quantity to infer intent to distribute. Exceptions for cannabis.
Massachusetts	Massachusetts General Laws Part I, Title XV, Chapter 94C, Section 34	No person knowingly or intentionally shall possess a controlled substance unless such substance was obtained directly, or pursuant to a valid prescription or order, from a practitioner while acting in the course of his professional practice, or except as otherwise authorized by the provisions of this chapter.	Pentalty for possession = Up to one year in jail and/or up to \$1,000 fine (unless heroin) Possession of heroin for first offense = imprisonment up to 2 years and/or \$2,000 fine Possession of heroin for second and subsequent offense = imprisonment from 2.5-5 years and/or \$5,000 fine	Modified Controlled Substances Act. Punishes based on type. Amount does not matter unless large enough to infer intent to distribute. Amount possessed need only be "some perceptible amount." (See Massachusetts Jury Instruction 7.820) Methamphetamine = Class B controlled substance; Fentanyl = Class A controlled substance
Minnesota	Minnesota Statutes Ch. 152, Section 152.021 - 152.025	A person is guilty of controlled substance crime in the fifth degree and upon conviction may be sentenced as provided in subdivision 4 if: (1) the person unlawfully possesses one or more mixtures containing a controlled substance classified in Schedule I, II, III, or IV, except cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products or a residual amount of one or more mixtures of controlled substances contained in drug paraphernalia	If first offense and no prior convictions, possession of Schedule II controlled substance of less than 0.25 grams or one dosage unit = gross misdemeanor (up to one year in prison and/or \$3,000 fine) Any other convictions for possession of Schedule II (including repeat convictions) = felony (up to five years or \$10,000)	Adopted Controlled Substances Act. Punishes possession based on Schedule and amount. Split into degrees depending on the type of drug and amount. Enhancements for drug offenses that involve firearms or occur near schools. Lowest degree (Fifth Degree) is simple possession in any amount. If first offense and no prior convictions, possession of Schedule II controlled substance of less than 0.25 grams or one dosage unit = gross misdemeanor (up to one year in prison and/or \$3,000 fine)
Mississippi	Mississippi Code Title 41, Section 41-29-139(c)	Except as otherwise provided under subsection (i) of this section for actions that are lawful under the Mississippi Medical Cannabis Act and in compliance with rules and regulations adopted thereunder, it is unlawful for any person knowingly or intentionally to possess any controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this article.	Schedule I-II controlled substances: (A) If less than one-tenth (0.1) gram or two (2) dosage units, the violation is a misdemeanor and punishable by imprisonment for not more than one (1) year or a fine of not more than One Thousand Dollars (\$1,000.00), or both. (B) If one-tenth (0.1) gram or more or two (2) or more dosage units, but less than two (2) grams or ten (10) dosage units, by imprisonment for not more than three (3) years or a fine of not more than Fifty Thousand Dollars (\$50,000.00), or both. Schedule III-V Controlled substances: (A) If less than fifty (50) grams or less than one hundred (100) dosage units, the offense is a misdemeanor and punishable by not more than one (1) year or a fine of not more than One Thousand Dollars (\$1,000.00), or both. (B) If fifty (50) or more grams or one hundred (100) or more dosage units, but less than one hundred fifty (150) grams or five hundred (500) dosage units, by imprisonment for not less than one (1) year nor more than four (4) years or a fine of not more than Ten Thousand Dollars (\$10,000.00), or both.	Adopted Controlled Substances Act. Punishes possession based on Schedule and amount. Schedule 1 = Fentanyl carbamate, fentanyl-related substances, fluoroisobutyl fentanyl, fluoro ortho-fluorofentanyl, furanyl fentanyl; Schedule 2 = methamphetamine, fentanyl, carfentanil
Nebraska	Nebraska Revised Statutes, Ch. 28, Section 28-416(3)	A person knowingly or intentionally possessing a controlled substance, except marijuana or any substance containing a quantifiable amount of the substances, chemicals, or compounds described, defined, or delineated in subdivision (c)(27) of Schedule I of section 28-405, unless such substance was obtained directly or pursuant to a medical order issued by a practitioner authorized to prescribe while acting in the course of his or her professional practice, or except as otherwise authorized by the act, shall be guilty of a Class IV felony. A person shall not be in violation of this subsection if section 28-472 or 28-1701 applies.	Class IV Felony: Up to two years in prison and/or \$10,000 fine	Adopted Controlled Substances Act. Punishes possession based on schedule and amount. Exceptions are for persons who assist in getting medical attention for person suffering drug overdose or person who was witness/victim of SA (drugged).
New Mexico	New Mexico Statutes, Ch. 30, Article 31, Section 30-31-23	It is unlawful for a person intentionally to possess a controlled substance unless the substance was obtained pursuant to a valid prescription or order of a practitioner while acting in the course of professional practice or except as otherwise authorized by the Controlled Substances Act. It is unlawful for a person intentionally to possess a controlled substance analog.	Possession of any amount of Schedule I-IV controlled substance (or their analogs) = misdemeanor (less than one year imprisonment and/or \$500-1,000 fine) Possession of phencyclidine, methamphetamine, flunitrazepam, or its isomers or salts = Fourth Degree Felony (up to 18 months in prison and up to \$5,000 fine).	Adopted Controlled Substances Act. Punishes possession based on schedule. Amount does not matter. Enhancements for possession near school zones. Possession of cannabinoids is punished by amount.
North Dakota	North Dakota Century Code Title 19, § 19-03.1-23.	It is unlawful for any person to willfully, as defined in section 12.1-02-02, possess a controlled substance or a controlled substance analog unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice, or except as otherwise authorized by this chapter, but any person who violates section 12-46-24 or 12-47-21 may not be prosecuted under this subsection.	A person who violates this subsection regarding possession of five or fewer capsules, pills, or tablets of a schedule II, III, IV, or V controlled substance or controlled substance analog is guilty of a class A misdemeanor. First offense = class A misdemeanor (up to one year in prison and/or \$3,000 fine) Subsequent offenses = Class C Felony (up to 5 years in prison and/or \$10,000 fine)	Adopted Controlled Substances Act. Punishes possession based on Schedule and amount. Even if convicted of felony, "Upon successful completion of a drug court program, mental health court program, or veterans treatment docket, a person who has been convicted of a felony under this section and sentenced to drug court, mental health court, or veterans treatment docket is deemed to have been convicted of a misdemeanor." (§ 19-03.1-23(12))

Ohio	Ohio Revised Code, Title 29, Ch. 2925, Section 2925.11	No person shall knowingly obtain, possess, or use a controlled substance or a controlled substance analog.	(1) If the drug involved in the violation is a compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, hashish, and any controlled substance analog, whoever violates division (A) of this section is guilty of aggravated possession of drugs. The penalty for the offense shall be determined as follows: (a) Except as otherwise provided in division (C)(1)(b), (c), (d), or (e) of this section, aggravated possession of drugs is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.	Adopted Controlled Substances Act. Punishes possession based on schedule. Amount does not matter unless marijuana. Increased penalty for repeat convictions. Option to seal after 12 months and expunge after 10 years (see ORC Section 2953.32(B)(1)(a)(ii)) Felony in the fifth degree = definite term of six, seven, eight, nine, ten, eleven, or twelve months (see ORC Sec. 2929.14(A)(5))
*Oklahoma	63 OK Stat § 2-402v2 (2023)	It shall be unlawful for any person knowingly or intentionally to possess a controlled dangerous substance unless such substance was obtained directly, or pursuant to a valid prescription or order from a practitioner, while acting in the course of his or her professional practice, or except as otherwise authorized by Section 2-101 et seq. of this title.	Any person who violates this section is guilty of a misdemeanor punishable by confinement for not more than one (1) year and by a fine not exceeding One Thousand Dollars (\$1,000.00). Any person who violates this section a second time within ten (10) years, upon conviction, shall be guilty of a misdemeanor. The court may, with the consent of the defendant, order the defendant to complete a substance abuse assessment and evaluation and to complete a diversion program for up to one (1) year following the date of conviction in lieu of other punishments. At the discretion of the court, the diversion program may include drug testing as a requirement. If the defendant refuses or fails to complete the assessment and evaluation or diversion program, the court may impose punishment as provided for in paragraph 1 of this subsection. The provisions of this paragraph shall not apply to violations related to the possession of marijuana.	Adopted Controlled Substances Act. Punishes possession based on schedule. Amount does not matter. Any person who violates this section a fourth time within ten (10) years shall, upon conviction, be guilty of a felony punishable by a fine not exceeding Five Thousand Dollars (\$5,000.00), imprisonment in the custody of the Department of Corrections for not less than one (1) year nor more than five (5) years, or by both such fine and imprisonment. b. Upon a verdict or plea of guilty or upon a plea of nolo contendere, but before a judgment of guilt of a violation of this paragraph, the court may, without entering a judgment of guilt and with the consent of the defendant, defer further proceedings upon the specific conditions prescribed by the court not to exceed a three-year period. The court may, with the consent of the defendant, order the defendant to complete a substance abuse assessment and evaluation and to complete a diversion program for up to three (3) years. c. Upon successful completion of the court-ordered substance abuse assessment and evaluation and diversion program within the time prescribed, the felony charge shall be changed to a misdemeanor. If the defendant refuses or fails to complete the assessment and evaluation
*Oregon	Oregon Revised Statutes, Vol. 14, Ch. 475, Section 475.894(1); 475.884	475.894 - Unlawful possession of methamphetamine - It is unlawful for any person knowingly or intentionally to possess methamphetamine unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of professional practice, or except as otherwise authorized by ORS 475.005 (Definitions for ORS 475.005 to 475.285 and 475.752 to 475.980) to 475.285 (Short title) and 475.752 (Prohibited acts generally) to 475.980 (Affirmative defense to ORS 475.969, 475.971, 475.975 (1) and 475.976 **475.884 - Unlawful possession of cocaine **475.854 - Unlawful possession of heroin	Unlawful possession of methamphetamine is a Class A misdemeanor if the person possesses two grams or more of a mixture or substance containing a detectable amount of methamphetamine. **Class C felony if commercial drug offense or substantial quantity For purposes of this paragraph, the following amounts constitute substantial quantities of the following controlled substances: (A) Five grams or more of a mixture or substance containing a detectable amount of heroin; (B) Five grams or more or 25 or more user units of a mixture or substance containing a detectable amount of fentanyl, or any substituted derivative of fentanyl as defined by the rules of the State Board of Pharmacy; (C) Ten grams or more of a mixture or substance containing a detectable amount of cocaine; (D) Ten grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers or salts of its isomers;	Adopted Controlled Substances Act. Punishes possession based on schedule and amount. Oregon appears to be focused more on treatment and rehabilitation, noting that punishing drug possession increases the burden on public defenders and judicial systems. Oregon Ballot measure 110. (has been repealed in 2024 so now misd) - First passed in 2020. Made possession of methamphetamine or fentanyl punishable by up to a \$100 ticket, which could be voided if the user got a needs assessment. The treatment portions of Measure 110 are still in effect with HB 4002 *Note: Ch. 70, HB 4002 went into effect April 1, 2024. It is not reflected in the ORS. The statute repealed the Class E violation and made possession of meth + schedule II drugs a misdemeanor. https://www.opb.org/article/2024/09/01/oregon-starts-drug-possession-recriminalization/#:~:text=The%20roll%2Dback%20of%20Ballot%20Measure%20110%20went%20into%20effect%20Sept.&text=15%2C%202023.&text=Oregon%20has%20ended%20its%20experiment,again%20considered%20a%20misdemeanor%20crime.
South Carolina	South Carolina Title 44, Ch. 53, Art. I, Section 44-53-370(c)	(c) It shall be unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to a valid prescription or order of, a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this article.	(d)(1) [possession of] a controlled substance classified in Schedule I (B) and (C) which is a narcotic drug or lysergic acid diethylamide (LSD) and in Schedule II which is a narcotic drug is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than two years or fined not more than five thousand dollars, or both. (d)(2) [possession of] (2) any other controlled substance classified in Schedules I through V is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than six months or fined not more than one thousand dollars, or both **Cocaine - (d)(3) [possession of] cocaine is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than three years or fined not more than five thousand dollars, or both. 2nd - 5years &/or \$7500 fine, 3+ 10 years &/or \$12,500 fine. **Fentanyl - (d)(4) [possession of] more than two grains of fentanyl or fentanyl-related substance is guilty of a felony and, upon conviction, must be imprisoned not more than five years or fined not more than five thousand dollars, or both. 2nd - 5 years &/or \$5000, 3+ = 15 years &/or \$10,000	Adopted Controlled Substances Act. Punishes possession based on schedule. Amount does not matter. Increasing penalty for repeat offenses.

Tennessee	Tennessee Code, Section 39-17-418	It is an offense for a person to knowingly possess or casually exchange a controlled substance, unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of professional practice.	Class A misdemeanor: (Up to 11 months imprisonment and/or up to \$2,500 fine) - mandatory minimum jail of 30 days	Adopted Controlled Substances Act. Punishes possession based on schedule. Amount does not matter. Statute has built in protections requiring court to strongly consider sentencing D to a drug treatment program instead of prison + gives D credit for time served if D completes a drug treatment program instead. Enhancements for repeat convictions.
Texas	Texas Health and Safety Code, Title 6, Subtitle C, Ch. 481, Subchapter A, Section 481.115	a person commits an offense if the person knowingly or intentionally possesses a controlled substance listed in Penalty Group 1 or 1-B, unless the person obtained the substance directly from or under a valid prescription or order of a practitioner acting in the course of professional practice.	(b) An offense under Subsection (a) is a state jail felony if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, less than one gram. (up to two years imprisonment and/or fine of up to \$10,000). (c) An offense under Subsection (a) is a felony of the third degree if the amount of the controlled substance possessed is, by aggregate weight, including adulterants or dilutants, one gram or more but less than four grams. (2-10 years imprisonment and/or fine of up to \$10,000)	Adopted Controlled Substances Act. Punishes possession based on drug Penalty Group and amount possessed. Methamphetamine, cocaine, and heroin = penalty group 1
Utah	Utah Code, Title 58, Ch. 37, Section 8, 58-37-8(2)(a)(i)	(a) It is unlawful: (i) for a person knowingly and intentionally to possess or use a controlled substance analog or a controlled substance, unless it was obtained under a valid prescription or order, directly from a practitioner while acting in the course of the person's professional practice, or as otherwise authorized by this chapter;	[Possession of] a substance classified in Schedule I or II, or a controlled substance analog, is guilty of a class A misdemeanor on a first or second conviction, and is guilty of a third degree felony if third or subsequent conviction and if each prior offense was committed within seven years before the date of the offense upon which the current conviction is based. (See Section 8, 58-37-8(2)(b)(ii))	Adopted Controlled Substances Act. Punishes possession based on schedule.
Vermont	Vermont Statutes, Title 18, Ch. 84, Subchapter 001, Section 4205 Section 4234: Methamphetamine Section 4231: Cocaine	It shall be unlawful for any person to manufacture, possess, have under his or her control, sell, prescribe, administer, dispense, or compound any regulated drug, except as authorized in this chapter.	(1) A person knowingly and unlawfully possessing methamphetamine shall be imprisoned not more than one year or fined not more than \$2,000.00, or both. (2) Meth (2.5+ grams) = up to 5 years imprisonment and/or \$100,000 fine. (3) Meth (25+ grams) = up to 10 years imprisonment and/or \$250,000 fine. (1) A person knowingly and unlawfully possessing cocaine shall be imprisoned not more than one year or fined not more than \$2,000.00, or both. (2) Cocaine (2.5+ grams) = up to 5 years and/or \$100,000 fine. (3) Cocaine (1 ounce+) = up to 10 years and/or \$250,000 fine.	Adopted Controlled Substances Act. Punishes possession by drug type and amount possessed. Does not follow federal schedules, but has different statute for each type. 2017 Report on drug possession: https://legislature.vermont.gov/assets/Legislative-Reports/Act-61-Sec.-6-Report-Dec.-15-2017.pdf
Washington	RCW, Title 69, Ch. 69.50, Section 69.50.4013	(1) Except as otherwise authorized by this chapter, it is unlawful for any person to: (a) Knowingly possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice	Gross misdemeanor (up to 180 days imprisonment and/or \$1,000 fine) Prior convictions = up to 364 days imprisonment	Adopted Controlled Substances Act. Punishes possession by schedule. Amount does not matter.
West Virginia	West Virginia Code, Ch. 60A, Art. 4, Section 60A-4-401(c)	It is unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by this act.	Misdemeanor (90 days - 6 months and/or fined up to \$1,000 fine)	Adopted Controlled Substances Act. Punishes possession by schedule. Amount does not matter.



Office of the Administrative Director of the Courts – THE JUDICIARY • STATE OF HAWAII
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Brandon M. Kimura
ADMINISTRATIVE DIRECTOR

Daylin-Rose H. Heather
DEPUTY ADMINISTRATIVE DIRECTOR

December 17, 2025

Via electronic submission

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

The Honorable Nadine K. Nakamura
Speaker of the House of Representatives
State Capitol, Room 431
Honolulu, HI 96813

Dear President Kouchi and Speaker Nakamura:

Pursuant to Section 601-2, Hawai'i Revised Statutes (HRS), the Judiciary is transmitting a copy of the *Report on Fiscal Year 2025 Repair and Maintenance in Judiciary-Owned Facilities*.

In accordance with Section 93-16, Hawai'i 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: https://www.courts.state.hi.us/news_and_reports/reports/reports.

Should you have any questions regarding this report, please feel free to contact Karen Takahashi of the Judiciary's Legislative Affairs and Special Projects Division at (808) 539-4896, or via e-mail at Karen.T.Takahashi@courts.hawaii.gov.

Sincerely,

Brandon M Kimura

Brandon M. Kimura
Administrative Director of the Courts

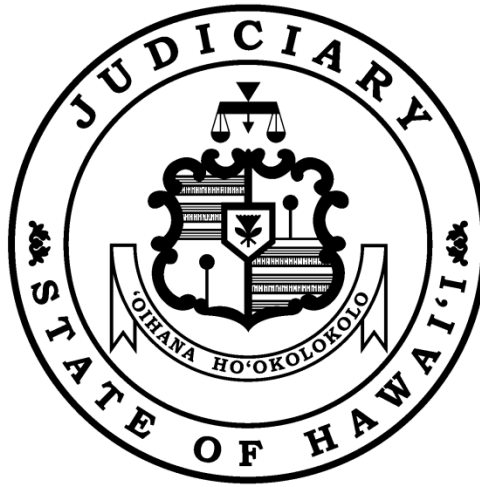
Attachment

c: Legislative Reference Bureau Library

**REPORT TO THE THIRTY-THIRD LEGISLATURE
2026 REGULAR SESSION**

Report on FY 2025 Repair and Maintenance in Judiciary-Owned Facilities

Pursuant to HRS § 601-2



**Prepared by:
The Judiciary, State of Hawai'i**

December 2025

**REPORT TO THE THIRTY-THIRD LEGISLATURE
2026 REGULAR SESSION**

Report on FY 2025 Repair and Maintenance in Judiciary-Owned Facilities

Pursuant to HRS § 601-2

The following report is respectfully submitted in accordance with HRS § 601-2, requiring annual routine repair and maintenance reports for Judiciary-owned buildings, facilities, and other improvements that substantially comply with Chapter 37, Part VII.

The report appears in the form of spreadsheets representing the statewide courts and administrative offices of the Hawai'i State Judiciary.

FY 24 and FY 25 ROUTINE REPAIR AND MAINTENANCE REPORT
THE JUDICIARY - COURTS OF APPEALS

						Budgeted FY 24		Actual FY 24		Variance FY 24				Budgeted FY 25		Actual FY 25		Variance FY 25				Comments
Prog ID/Org	Island	State Owned Bldg/Facility/Other	Cost Element (A, B, C)	Type of Facility	MOF	FTE	Amount	FTE	Amount	FTE	Amount	% FTE	% Amount	FTE	Amount	FTE	Amount	FTE	Amount	% FTE	% Amount	
JUD 010	Oahu	Ali'iolani Hale	B Other Current Exp	X	A		0		0	0.00	0	0.00%	0.00%		0		0	0.00	0		0.00%	No Facilities Staff Assigned this Org; Serviced by First Circuit Personnel
JUD 010	Oahu	Ali'iolani Hale	C Equipment	X	A		0		0	0.00	0	0.00%	0.00%		0		0	0.00	0		0.00%	
JUD 010	Oahu	Kapuaiwa Building	B Other Current Exp	O	A		0		0	0.00	0	0.00%	0.00%		0		0	0.00	0		0.00%	No Facilities Staff Assigned this Org; Serviced by First Circuit Personnel
JUD 010	Oahu	Kapuaiwa Building	C Equipment	O	A		0		0	0.00	0	0.00%	0.00%		0		0	0.00	0		0.00%	

Type of Facility Key O = Office E = Educational Facility M = Medical Facility X = Other	TOTAL:		0.00		0	0.00		0	0.00		0	0.00		0	0.00		0	0.00		0	0.00		0
	By MOF																						
	General	A	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0
	Special	B	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0
	General Obligation Bonds	C	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0
	Reimbursable GO Bonds	D	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0
	Revenue Bonds	E	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0
	Federal Funds	N	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0
	Other Federal Funds	P	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0
	Private	R	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0
		County	S	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
		Trust	T	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
		Inter-departmental Transfer	U	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
		Revolving	W	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
		Other	X	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0

FY 24 and FY 25 ROUTINE REPAIR AND MAINTENANCE REPORT
THE JUDICIARY - FIRST CIRCUIT

						Budgeted FY 24		Actual FY 24		Variance FY 24				Budgeted FY 25		Actual FY 25		Variance FY 25				Comments
Prog ID/Org	Island	State Owned Bldg/Facility/Other	Cost Element (A, B, C)	Type of Facility	MOF	FTE	Amount	FTE	Amount	FTE	Amount	% FTE	% Amount	FTE	Amount	FTE	Amount	FTE	Amount	% FTE	% Amount	
JUD 010	Oahu	Kaahumanu Hale	A-PERSONAL SVC	X	A	75.00	3,624,636	75.00	3,761,659	0.00	137,023	0.00%	3.78%	75.00	3,598,440	75.00	3,722,795	0.00	124,355	0.00%	3.46%	First Circuit's Circuit Court fiscal office pays for Facilities' management personal services which covers the following buildings: Kaahumanu Hale; Kauikeaouli Hale; Abner Paki Hale;Ronald Moon Jud Complex; Juvenile Detention Facility and Aliiolani Bldg. Actual amounts include overtime.
JUD 010	Oahu	Kaahumanu Hale	B-OTHER CURRENT EXP	X	A	0.00	1,512,202	0.00	2,339,940	0.00	827,738	0.00%	54.74%	0.00	1,653,390	0.00	1,553,217	0.00	-100,173	0.00%	-6.06%	There are some building service agreements for which the First Circuit's Circuit Court fiscal office pays for that covers all Judiciary properties on Oahu, including Supreme Court and Kapuaiwa buildings. These all encompassing contracts include air conditioning maintenance, and contracted janitorial and landscaping services. These types of contracts make it difficult to allocate specific amounts from the total contract amount to specific buildings.
JUD 010	Oahu	Kauikeaouli Hale	B-OTHER CURRENT EXP	X	A	0.00	208,492	0.00	195,208	0.00	-13,284	0.00%	-6.37%	0.00	208,492	0.00	1,932,399	0.00	1,723,907	0.00%	826.85%	District Court's Fiscal office pays and budgets for Kauikeaouli Hale; Ewa-Pearl City, Abner Paki Hale & Wahiawa buildings. FY25 actual included the following for Building Structures R&M (object code 5805): \$750,832 structural retrofit, \$216,419 cellblock coating, and \$400,391 carpet replacement. FY25 actual also included Other R&M (object code 5820) of \$297,370 for cellblock detention facilities upgrades and \$173,073 for disposal of asbestos.
JUD 010	Oahu	Abner Paki Hale	B-OTHER CURRENT EXP	X	A	0.00	0	0.00	2,070	0.00	2,070	0.00%	0.00%	0.00	0	0.00	5,335	0.00	5,335	0.00%	0.00%	See comments on Kauikeaouli Hale
JUD 010	Oahu	Ewa-Pearl City Court	B-OTHER CURRENT EXP	X	A	0.00	0	0.00	1,116	0.00	1,116	0.00%	0.00%	0.00	0	0.00	16,201	0.00	16,201	0.00%	0.00%	See comments on Kauikeaouli Hale
JUD 010	Oahu	Ronald T.Y. Moon Judiciary Complex	B-OTHER CURRENT EXP	X	A	0.00	805,911	0.00	5,321,123	0.00	4,515,212	0.00%	560.26%	0.00	805,911	0.00	722,953	0.00	-82,958	0.00%	-10.29%	Family Court's Fiscal office pays and budgets for Ronald Moon Jud Complex; Juvenile detention Facility; Hale Maluhia and Home Hilinai buildings.

Type of Facility Key
O = Office
E = Educational Facility
M = Medical Facility
X = Other

TOTAL:		75.00	6,151,241	75.00	11,621,116	0.00	5,469,875	75.00	6,266,233	75.00	7,952,899	0.00	1,686,666
By MOF													
General	A	75.00	6,151,241	75.00	11,621,116	0.00	5,469,875	75.00	6,266,233	75.00	7,952,899	0.00	1,686,666
Special	B	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
General Obligation Bonds	C	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
Reimbursable GO Bonds	D	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
Revenue Bonds	E	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
Federal Funds	N	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
Other Federal Funds	P	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
Private	R	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
County	S	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
Trust	T	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
Inter-departmental Transfer	U	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
Revolving	W	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
Other	X	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0

FY 24 and FY 25 ROUTINE REPAIR AND MAINTENANCE REPORT
THE JUDICIARY - SECOND CIRCUIT

						Budgeted FY 24		Actual FY 24		Variance FY 24				Budgeted FY 25		Actual FY 25		Variance FY 25				Comments
Prog ID/Org	Island	State Owned Bldg/Facility/Other	Cost Element (A, B, C)	Type of Facility	MOF	FTE	Amount	FTE	Amount	FTE	Amount	% FTE	% Amount	FTE	Amount	FTE	Amount	FTE	Amount	% FTE	% Amount	
JUD 320	Maui	Hoapili Hale	A Personal Svcs	X	A	7.00	377,988	7.00	377,239	0.00	-749	0.00%	-0.20%	7.00	396,888	7.00	395,717	0.00	-1,171	0.00%	-0.30%	Also performs work at Lahaina DC
JUD 320	Maui	Hoapili Hale	B Other Current Exp	X	A	0.00	371,933	0.00	366,408	0.00	-5,525	0.00%	-1.49%	0.00	359,734	0.00	569,239	0.00	209,505	0.00%	58.24%	
JUD 320	Maui	Hoapili Hale	C Equipment	X	A	0.00	0	0.00	9,701	0.00	9,701	0.00%	0.00%	0.00	0	0.00	1,150	0.00	1,150	0.00%	0.00%	
JUD 320	Maui	Lahaina District Court	A Personal Svcs	X	A	0.50	24,120	0.50	24,066	0.00	-54	0.00%	-0.22%	0.50	25,320	0.50	25,270	0.00	-50	0.00%	-0.20%	
JUD 320	Maui	Lahaina District Court	B Other Current Exp	X	A	0.00	46,531	0.00	8,482	0.00	-38,049	0.00%	-81.77%	0.00	49,532	0.00	33,479	0.00	-16,053	0.00%	-32.41%	
JUD 320	Maui	Lahaina District Court	C Equipment	X	A	0.00	0	0.00	0	0.00	0	0.00%	0.00%	0.00	0	0.00	377	0.00	377	0.00%	0.00%	

		TOTAL:		7.50	820,572	7.50	785,896	0.00	-34,676		7.50	831,474	7.50	1,025,232	0.00	193,758
Type of Facility Key		By MOF														
O = Office	General	A		7.50	820,572	7.50	785,896	0.00	-34,676		7.50	831,474	7.50	1,025,232	0.00	193,758
	Special	B		0.00	0	0.00	0	0.00	0		0.00	0	0.00	0	0.00	0
E = Educational Facility	General Obligation Bonds	C		0.00	0	0.00	0	0.00	0		0.00	0	0.00	0	0.00	0
	Reimbursable GO Bonds	D		0.00	0	0.00	0	0.00	0		0.00	0	0.00	0	0.00	0
M = Medical Facility	Revenue Bonds	E		0.00	0	0.00	0	0.00	0		0.00	0	0.00	0	0.00	0
	Federal Funds	N		0.00	0	0.00	0	0.00	0		0.00	0	0.00	0	0.00	0
X = Other	Other Federal Funds	P		0.00	0	0.00	0	0.00	0		0.00	0	0.00	0	0.00	0
	Private	R		0.00	0	0.00	0	0.00	0		0.00	0	0.00	0	0.00	0
	County	S		0.00	0	0.00	0	0.00	0		0.00	0	0.00	0	0.00	0
	Trust	T		0.00	0	0.00	0	0.00	0		0.00	0	0.00	0	0.00	0
	Inter-departmental Transfer	U		0.00	0	0.00	0	0.00	0		0.00	0	0.00	0	0.00	0
	Revolving	W		0.00	0	0.00	0	0.00	0		0.00	0	0.00	0	0.00	0
	Other	X		0.00	0	0.00	0	0.00	0		0.00	0	0.00	0	0.00	0

FY 24 and FY 25 ROUTINE REPAIR AND MAINTENANCE REPORT
THE JUDICIARY - THIRD CIRCUIT

						Budgeted FY 24		Actual FY 24		Variance FY 24				Budgeted FY 25		Actual FY 25		Variance FY 25				Comments
Prog ID/Org	Island	State Owned Bldg/Facility/Other	Cost Element (A, B, C)	Type of Facility	MOF	FTE	Amount	FTE	Amount	FTE	Amount	% FTE	% Amount	FTE	Amount	FTE	Amount	FTE	Amount	% FTE	% Amount	
JUD330/009	Hawaii	Hilo Judiciary Complex	A Personal Svcs	X	A	12.00	595,918	12.00	572,876	0.00	-23,042	0.00%	-3.87%	12.00	605,900	12.00	593,018	0.00	-12,882	0.00%	-2.13%	OT and vacation not included
JUD330/009	Hawaii	Hilo Judiciary Complex	B Other Current Exp	X	A	0.00	300,058	0.00	247,325	0.00	-52,733	0.00%	-17.57%		169,737		159,081	0.00	-10,656	0.00%	-6.28%	Obj symbol 5802 thru 5806 Includes FY25 POs not paid as of 09/30/2025: \$285.97
JUD330/009	Hawaii	Hilo Judiciary Complex	C Equipment	X	A	0.00	0.00	0.00	0	0.00	0	0.00%	0.00%		1,250		1,290	0.00	40	0.00%	3.20%	Obj symbol series: 7700
JUD330/009	Hawaii	Kona Keahuolu Courthouse	A Personal Svcs	X	A	10.00	517,546	10.00	528,058	0.00	10,512	0.00%	2.03%	10.00	492,768	10.00	502,450	0.00	9,682	0.00%	1.96%	OT and vacation not included
JUD330/009	Hawaii	Kona Keahuolu Courthouse	B Other Current Exp	X	A	0.00	433,807	0.00	408,992	0.00	-24,815	0.00%	-5.72%		552,030		509,406	0.00	-42,624	0.00%	-7.72%	Obj symbol 5802 thru 5806 Includes FY25 POs not paid as of 09/30/2025: \$74,839.03 Includes \$2,189.37 payment for SK Courthouse mold testing/report
JUD330/009	Hawaii	Kona Keahuolu Courthouse	C Equipment	X	A	0.00	0.00	0.00	0	0.00	0	0.00%	0.00%		1,250		101,159	0.00	99,909	0.00%	7992.73%	Obj symbol series: 7700 \$736.42: Lawn Mower \$14,620.54: Galaxy System Server \$2,596.26: Drain Snake \$83,205.95: Security Cameras

Type of Facility Key
O = Office
E = Educational Facility

M = Medical Facility

X = Other

TOTAL:		22.00	1,847,329	22.00	1,757,251	0.00	-90,078	22.00	1,822,935	22.00	1,866,404	0.00	43,469
By MOF													
General	A	22.00	1,847,329	22.00	1,757,251	0.00	-90,078	22.00	1,822,935	22.00	1,866,404	0.00	43,469
	Special	B	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0
	General Obligation Bonds	C	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0
	Reimbursable GO Bonds	D	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0
	Revenue Bonds	E	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0
Federal Funds	N	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
	Other Federal Funds	P	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0
	Private	R	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0
	County	S	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0
	Trust	T	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0
Inter-departmental	Transfer	U	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0
	Revolving	W	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0
	Other	X	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0

FY 24 and FY 25 ROUTINE REPAIR AND MAINTENANCE REPORT FOR NON-DAGS MANAGED STATE-OWNED BUILDINGS
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES - JUDICIARY - HAWAII DISTRICT OFFICE
IN RESPONSE TO ACT 233/SLH 2016, FINANCE MEMORANDUM NO. 25-19 DATED OCTOBER 9, 2025

						Budgeted FY 24		Actual FY 24		Variance FY 24				Budgeted FY 25		Actual FY 25		Variance FY 25				Comments
Prog ID/Org	Island	State Owned Bldg/Facility/Other	Cost Element (A, B, C)	Type of Facility	MOF	FTE	Amount	FTE	Amount	FTE	Amount	% FTE	% Amount	FTE	Amount	FTE	Amount	FTE	Amount	% FTE	% Amount	
AGS/233	Hawaii	HONOKAA DISTRICT COURT	Payroll (A)	X	A			0.00	0							0.02	251					
AGS/233	Hawaii	WAIMEA DISTRICT COURT	A	X	A			0.00	0							0.04	1,354					
								0.03	0	0.03						0.06	1,605	0.06	1,605			
AGS/231 & 233	Hawaii	HONOKAA DISTRICT COURT	Other Current Exp (B)	X	A				0								146		146			
AGS/231 & 233	Hawaii	WAIMEA DISTRICT COURT	B	X	A				0								841					
									0								987		987			

Type of Facility Key
O = Office
E = Educational Facility
M = Medical Facility
X = Other

TOTAL:		0.00	0	0.03	0	0.03	0	0.00	0	0.00	0	0.06	2,592	0.06	2,592
By MOF															
General	A	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.06	2,592	0.00	146
Special	B	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
General Obligation Bonds	C	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
Reimbursable GO Bonds	D	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
Revenue Bonds	E	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
Federal Funds	N	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
Other Federal Funds	P	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
Private	R	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
County	S	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
Trust	T	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
Inter-departmental Transfer	U	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
Revolving	W	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
Other	X	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0

FY 24 and FY 25 ROUTINE REPAIR AND MAINTENANCE REPORT
THE JUDICIARY - FIFTH CIRCUIT

						Budgeted FY 24		Actual FY 24		Variance FY 24				Budgeted FY 25		Actual FY 25		Variance FY 25				Comments
Prog ID/Org	Island	State Owned Bldg/Facility/Other	Cost Element (A, B, C)	Type of Facility	MOF	FTE	Amount	FTE	Amount	FTE	Amount	% FTE	% Amount	FTE	Amount	FTE	Amount	FTE	Amount	% FTE	% Amount	
JUD 010	KAUAI	PU'UHONUA KAULIKE	A-PERSONAL SVC	X	A	10.00	506,788	10.00	487,739	0.00	-19,049	0.00%	-3.76%	10.00	534,968	10.00	524,306	0.00	-10,662	0.00%	-1.99%	(1) Facilities Manager, (1) Building Maintenance, (2) Groundskeepers, (1) Janitor III & (5) Janitor II
JUD 010	KAUAI	PU'UHONUA KAULIKE	B-OTHER CURRENT EXP	X	A		144,000		129,946	0.00	-14,054	0.00%	-9.76%		258,000		80,688	0.00	-177,312	0.00%	-68.73%	A/C R&M
JUD 010	KAUAI	PU'UHONUA KAULIKE	B-OTHER CURRENT EXP	X	A		37,524		40,531	0.00	3,007	0.00%	8.01%		40,800		43,774	0.00	2,974	0.00%	7.29%	Elevator R&M
JUD 010	KAUAI	PU'UHONUA KAULIKE	B-OTHER CURRENT EXP	X	A		10,000		223,765	0.00	213,765	0.00%	2137.65%		8,404		105,247	0.00	96,843	0.00%	1152.34%	Alarm/Security R&M
JUD 010	KAUAI	PU'UHONUA KAULIKE	B-OTHER CURRENT EXP	X	A		0		0	0.00	0	0.00%	0.00%				4,687	0.00	4,687	0.00%	0.00%	Bldg R&M
JUD 010	KAUAI	PU'UHONUA KAULIKE	B-OTHER CURRENT EXP	X	A		13,500		15,698	0.00	2,198	0.00%	16.28%		19,200		75,658	0.00	56,458	0.00%	294.05%	OBJ #5820 Other R&M

		TOTAL:		10.00	711,812	10.00	897,679	0.00	185,867			10.00	861,372	10.00	834,359	0.00	-27,013
Type of Facility Key		By MOF															
O = Office		General	A	10.00	711,812	10.00	897,679	0.00	185,867			10.00	861,372	10.00	834,359	0.00	-27,013
E = Educational Facility		Special	B	0.00	0	0.00	0	0.00	0			0.00	0	0.00	0	0.00	0
M = Medical Facility		General Obligation Bonds	C	0.00	0	0.00	0	0.00	0			0.00	0	0.00	0	0.00	0
X = Other		Reimbursable GO Bonds	D	0.00	0	0.00	0	0.00	0			0.00	0	0.00	0	0.00	0
		Revenue Bonds	E	0.00	0	0.00	0	0.00	0			0.00	0	0.00	0	0.00	0
		Federal Funds	N	0.00	0	0.00	0	0.00	0			0.00	0	0.00	0	0.00	0
		Other Federal Funds	P	0.00	0	0.00	0	0.00	0			0.00	0	0.00	0	0.00	0
		Private	R	0.00	0	0.00	0	0.00	0			0.00	0	0.00	0	0.00	0
		County	S	0.00	0	0.00	0	0.00	0			0.00	0	0.00	0	0.00	0
		Trust	T	0.00	0	0.00	0	0.00	0			0.00	0	0.00	0	0.00	0
		Inter-departmental															
		Transfer	U	0.00	0	0.00	0	0.00	0			0.00	0	0.00	0	0.00	0
		Revolving	W	0.00	0	0.00	0	0.00	0			0.00	0	0.00	0	0.00	0
		Other	X	0.00	0	0.00	0	0.00	0			0.00	0	0.00	0	0.00	0

FY 24 and FY 25 ROUTINE REPAIR AND MAINTENANCE REPORT
THE JUDICIARY - ADMINISTRATION

						Budgeted FY 24		Actual FY 24		Variance FY 24				Budgeted FY 25		Actual FY 25		Variance FY 25				Comments
Prog ID/Org	Island	State Owned Bldg/Facility/Other	Cost Element (A, B, C)	Type of Facility	MOF	FTE	Amount	FTE	Amount	FTE	Amount	% FTE	% Amount	FTE	Amount	FTE	Amount	FTE	Amount	% FTE	% Amount	
JUD 601			A-PERSONAL SVC	X	A					0.00	0	0.00%	0.00%					0.00	0	0.00%	0.00%	
JUD 601		Ali'iolani Hale	B-OTHER CURRENT EXP	X	A		95,118		135,789	0.00	40,671	0.00%	42.76%		283,279		82,410	0.00	-200,869	0.00%	-70.91%	
JUD 601		Kapuaiwa Building	B-OTHER CURRENT EXP	X	A		84,435		20,780	0.00	-63,655	0.00%	-75.39%		192,617		42,427	0.00	-150,190	0.00%	-77.97%	
JUD 601		Kauikeaouli Hale	B-OTHER CURRENT EXP	X	A		105,681		681	0.00	-105,000	0.00%	-99.36%		0		50,673	0.00	50,673	0.00%	0.00%	
JUD 601			B-OTHER CURRENT EXP	X	A					0.00	0	0.00%	0.00%					0.00	0	0.00%	0.00%	
JUD 601			B-OTHER CURRENT EXP	X	A					0.00	0	0.00%	0.00%					0.00	0	0.00%	0.00%	

Type of Facility Key
O = Office
E = Educational Facility

M = Medical Facility

X = Other

TOTAL:		0.00	285,234	0.00	157,250	0.00	-127,984	0.00	475,895	0.00	175,509	0.00	-300,386
By MOF													
General	A	0.00	285,234	0.00	157,250	0.00	-127,984	0.00	475,895	0.00	175,509	0.00	-300,386
Special	B	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
General Obligation Bonds	C	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
Reimbursable GO Bonds	D	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
Revenue Bonds	E	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
Federal Funds	N	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
Other Federal Funds	P	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
Private	R	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
County	S	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
Trust	T	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
Inter-departmental Transfer	U	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
Revolving	W	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0
Other	X	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0



Office of the Administrative Director of the Courts – THE JUDICIARY • STATE OF HAWAII
417 SOUTH KING STREET • ALI'IOLANI HALE • HONOLULU, HAWAII 96813 • TELEPHONE (808) 539-4900 • FAX (808) 539-4855

Brandon M. Kimura
ADMINISTRATIVE DIRECTOR

Daylin-Rose H. Heather
DEPUTY ADMINISTRATIVE DIRECTOR

November 13, 2025

Via electronic submission

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

The Honorable Nadine K. Nakamura
Speaker of the House of Representatives
State Capitol, Room 431
Honolulu, HI 96813

Dear President Kouchi and Speaker Nakamura:

Pursuant to Section 601-3.6, Hawai'i Revised Statutes, the Judiciary is transmitting a copy of the *Report on the Spouse and Child Abuse Special Account*.

In accordance with Section 93-16, Hawai'i 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: https://www.courts.state.hi.us/news_and_reports/reports/reports.

Should you have any questions regarding this report, please feel free to contact Karen Takahashi of the Judiciary's Legislative Affairs and Special Projects Division at (808) 539-4896, or via e-mail at Karen.T.Takahashi@courts.hawaii.gov.

Sincerely,

Brandon Kimura

Brandon M. Kimura
Administrative Director of the Courts

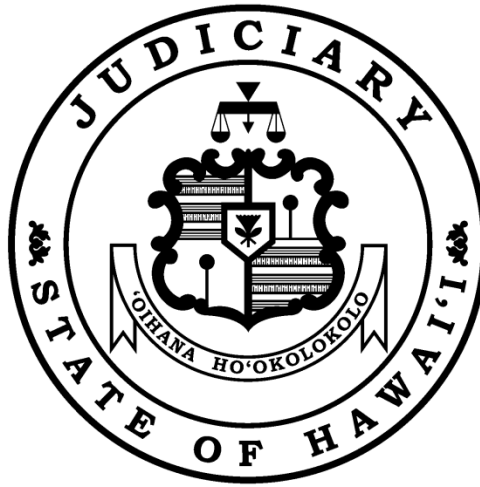
Attachment

c: Legislative Reference Bureau Library

**REPORT TO THE THIRTY-THIRD LEGISLATURE
2026 REGULAR SESSION**

Report on the Spouse and Child Abuse Special Account

Pursuant to HRS § 601-3.6



Prepared by:

The Judiciary, State of Hawai'i

November 2025

**REPORT TO THE THIRTY-THIRD LEGISLATURE
2026 REGULAR SESSION**

Report on the Spouse and Child Abuse Special Account

Pursuant to HRS § 601-3.6

This report is respectfully prepared pursuant to Act 232, Session Laws of Hawai'i 1994, HRS § 601-3.6, which requests an annual report on the Spouse and Child Abuse Special Account.

In 1994, the Spouse and Child Abuse Special Account, placed in the Judiciary, was created by the Legislature, State of Hawai'i, for the purpose of developing and/or expanding new and existing programs. The scope of the Judiciary's Special Account may include, but is not limited to, grants or purchases of services and staff programs which support or provide domestic violence or child abuse intervention or prevention, as authorized by law.

The Judiciary's Special Account is financed through a portion of the monies collected by the Department of Health from the issuance of birth, death, and marriage certificates. In addition, any fines collected pursuant to Hawai'i Revised Statutes Chapter 586-11 (Violation for an Order of Protection) and contributions from state tax refunds are deposited into the Judiciary's Special Account.

Programs and Activities Funded Through the Spouse and Child Abuse Special Fund

Monies from the Judiciary's Special Account continue to provide funding for a broad range of programs, projects, and activities statewide, which address interventions in domestic violence and the prevention of child abuse and neglect. The process of determining which services, programs, and activities receive funding involve internal planning and collaboration within the Judiciary, as well as coordination with private and public stakeholders in the community.

The following programs, projects and activities were funded by the Judiciary's Special Account in Fiscal Year 2025:

1. Purchase of Service Programs

The following nonprofit organizations named below received funding to provide or supplement their contracted services with the Judiciary:

- Child and Family Service/Developing Options to Violence (O'ahu) The Developing Options to Violence program provided specialized domestic violence intervention services which included:
 - Group/individual counseling services for adult survivors of domestic violence;
 - Counseling services for children and youth who have been a victim or witness to family violence;
 - Domestic violence intervention services for juveniles who have been adjudicated by the Family Court for the charge of abuse of family or household member or a related charge, such as intimate partner violence;
 - Domestic violence intervention services for adults who perpetrate domestic violence.

- Domestic Violence Action Center (O'ahu)
 The following advocacy services for victims of domestic violence were provided by the Domestic Violence Action Center:
 - Advocacy and support services for victims filing temporary restraining order;
 - Court outreach at Family Court in Kapolei and Circuit Court in Honolulu;
 - Civil legal services;
 - Hotline services (information and referrals);
 - Case management.

- Parents and Children Together/Family Peace Center (O'ahu) Funding was provided to the Family Peace Center on O'ahu for essential domestic violence services. The specific services provided included:
 - Victim advocacy and support groups;
 - Counseling and/or case management for adult survivors/victims;
 - Counseling for children and youth who have been a victim or witness to family violence;
 - Domestic violence intervention services for juveniles who have been adjudicated by the Family Court for the charge of abuse of family or household member or a related charge, such as intimate partner violence;
 - Efforts also involved outreach to engage family members of the juveniles in services;
 - Domestic violence intervention services for adults who perpetrate domestic violence.

- Parents and Children Together/Family Visitation Center (O'ahu)
 Supervised child visitation and safe exchange services were provided to court referred families on the island of O'ahu. The majority of referrals involved temporary restraining orders and orders of protection, however, other referrals involved divorce, child custody and paternity cases. The Family Court of the First Circuit relies on the Family Visitation Center (FVC) services to provide safe supervised visits and exchanges when there is a concern of domestic violence. The FVC provides its services through a lens that specifically considers domestic violence, safety for victims and their children, and accountability for those who have

committed domestic violence. The center itself has been modified to provide safety and security for all involved. PACT is the only provider of this type of service on the island of O'ahu.

2. Federal Grant Projects:

Matching funds from the Judiciary's Special Account were used for the federally funded Judiciary grant projects listed below:

➤ State Access and Visitation Program Grant

This formula grant is awarded to the Judiciary annually by the U.S. Department of Health and Human Services, Administration for Children and Families, to provide supervised child visitation and exchange services in a safe setting. The Federal grant funds and matching funds from the Special Account were used to provide these services on the islands of O'ahu and Hawai'i. Priority was given to those cases involving domestic violence, or other high conflict situations. The federal grant was awarded in the amount of \$100,000 and required a 10% match in funds, \$11,111 in matching funds from the Special Account were allocated to these services. Parents and Children Together/Family Visitation Center on O'ahu received a purchase of service contract to supplement their services.

➤ STOP Violence Against Women Act Grant, 23-WF-09 / "Sustaining a Multi-Pronged Approach to Domestic Violence"

This grant ended on May 31, 2025.

- Funds supported Judicial Education that included the Family Court Symposium. From September 4-6, 2024, Family Court Judges and Administration from every circuit convened at Kapolei Courthouse for the annual Family Court Symposium. The second and third days of the Symposium covered domestic violence topics including a session on The Danger Assessment: Implications for Family Court Judges; Mental Health and Substance Use Coercion in the Context of Intimate Partner Violence; and Domestic Violence Impacts in Custody Matters and Appropriate Interventions. The Family Court Symposium is an important opportunity to provide Family Court Judges and Administrators relevant information regarding domestic violence trends and topics in order to better prepare them for situations they will encounter on the bench. The funds from the STOP grant covered travel expenses for judges and administrators as well as speaker fees and travel costs for the speakers.
- Funds also supported the 2024 DV 101 Webinar series. The webinar series ran in October and into the first week of November. There were three sessions for the DV 101 including, "Dynamics of Domestic Violence," "People Who Use Violence Against Intimate Partners," and "Childhood Development and Domestic Violence." The series allows broad reach throughout the state to allow greater access to trainings on domestic violence related topics.
- Funds supported training and listening sessions for Domestic Violence Intervention Programs in order to support and implement the updated DVI program standards for the state. The half day training was entitled, "Meeting the Complex Needs of Domestic Violence Intervention Participants and Enhancing Programming for Women Who Use Force".

3. Trainings, Meetings, Other Expenses

- Maintenance of an electronic database containing assessment scores of those on probation for domestic violence related offenses.

Special Fund Assessment (Act 34, SLH 1964)

The Special Fund Assessment fee for FY 2025 was \$19,845.

Summary

The Judiciary's Spouse and Child Abuse Special Account continues to enable the Judiciary to develop, implement, and maintain a proactive stance in achieving the mission of §HRS 601-3.6, to support and provide spouse or child abuse intervention or prevention in the state of Hawai'i. One of the major strengths in the establishment of the Special Account has been the discretion given to the Judiciary, which has encouraged and allowed funding for a comprehensive range of services and activities, which would not have been possible otherwise. As a result, services for victims of domestic violence as well as children exposed to it have been sustained as well as appropriate and effective intervention services for persons who perpetrate domestic violence.

The funds also allow for routine statewide training for judges and other Judiciary staff, on a wide range of important and intersecting issues relating to domestic violence and child abuse. Additionally, the ability to include other public and private domestic violence agencies in trainings increases collaboration, leading to improved coordination to close gaps and create safer communities where families thrive.

The Judiciary remains committed to the responsible use of monies from the Special Account to promote the safety and well-being of domestic violence and child abuse and neglect victims and family members, to increase accountability of persons who perpetrate domestic violence, and to taking a strong and committed stance on these important issues.

**SPOUSE & CHILD ABUSE SPECIAL FUND
FOR THE FISCAL YEAR 2024-2025**

REVENUE CODES	HRS SECTION		FY2025
		FY BEGINNING CASH BALANCE	288,056
0222	\$572-5	MARRIAGE LICENSES	80,514
0735	\$235-105.5	TAXES COLLECTED UNDER ACT228, SLH2004	29,717
1101	\$338-14.5	FEES, CERTIFIED COPIES OF HEALTH STATISTICS RECORDS	286,757
1567	\$580-10, 586-4	VIOLATION OF TEMPORARY RESTRAINING ORDER/PROTECTIVE ORDER (ACT 172/98 & 200/99)	0
		SUB-TOTAL	396,988
0288		INVESTMENT POOL EARNINGS (ACT 119/98)	10,761
1364		REFUND/REIMBURSEMENT PRIOR PERIOD EXPENSES	
		TOTAL REVENUES	407,749
2021		IMPOSED CONTRIBUTIONS	
2023		PER DIEM JUDGES	
3203		PRINTED FORMS	
3209		OTHER STATIONERY/OFC SUPP	
3301		FOOD SUPPLIES	
3502		SUBSCRIPTIONS	
4201		TRANSPORTATION, INTRA-STATE - EMPLOYEES	632
4301		SUBSISTENCE ALLOWANCE, INTRA-STATE - EMPLOYEES	2,377
4302		SUBSISTENCE ALLOWANCE, INTRA-STATE - OTHERS	
4401		TRANS, OUT OF STATE - EMPLOYEES	
4402		TRANS, OUT OF STATE - OTHERS	
4501		SUBSISTENCE ALLOWANCE, OUT OF STATE - EMPLOYEES	
4502		SUBSISTENCE ALLOWANCE, OUT OF STATE - OTHERS	
4601		HIRE OF PASSENGER CARS - EMPLOYEES	288
4602		HIRE OF PASSENGER CARS - OTHERS	
4801		OTHER TRAVEL	66
5503		OTHER RENTAL OF LAND, BLDG	
5805		BUILDINGS AND STRUCTURES (REPAIR AND MAINTENANCE)	
6609		PURCHASE OF SERVICES CONTRACTS	323,611
7198		OTHER SERVICES ON FEE BASIS	15,360
7204		SPECIAL FUND ASSESSMENT (ACT 34, SLH 1964)	19,845
7205		TRAINING COSTS & REGISTRATION FEES	1,800
7300		INTEREST ON DELINQUENT PAYMENTS	
		TOTAL EXPENSES	363,979
		FY ENDING CASH BALANCE	331,826



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Brandon M. Kimura
ADMINISTRATIVE DIRECTOR

Daylin-Rose H. Heather
DEPUTY ADMINISTRATIVE DIRECTOR

November 6, 2025

Via electronic submission

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

The Honorable Nadine K. Nakamura
Speaker of the House of Representatives
State Capitol, Room 431
Honolulu, HI 96813

Dear President Kouchi and Speaker Nakamura:

Pursuant to Section 601-21, Hawai'i Revised Statutes, the Judiciary is transmitting a copy of the *Report on the Statewide Substance Abuse Treatment Monitoring Program*.

In accordance with Section 93-16, Hawai'i 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: https://www.courts.state.hi.us/news_and_reports/reports/reports.

Should you have any questions regarding this report, please feel free to contact Karen Takahashi of the Judiciary's Legislative Affairs and Special Projects Division at (808) 539-4896, or via e-mail at Karen.T.Takahashi@courts.hawaii.gov.

Sincerely,

Brandon M Kimura

Brandon M. Kimura
Administrative Director of the Courts

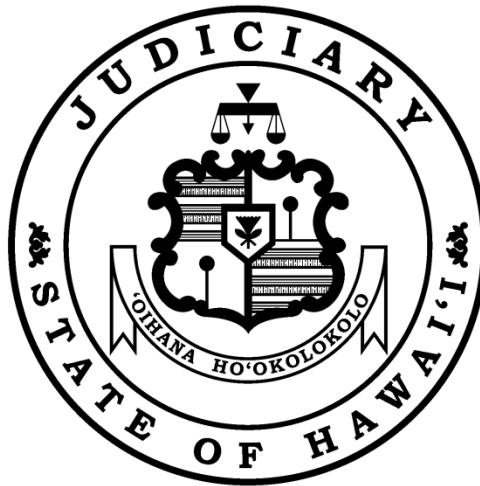
Attachment

c: Legislative Reference Bureau Library

**REPORT TO THE THIRTY-THIRD LEGISLATURE
2026 REGULAR SESSION**

**ACT 40, SESSION LAWS OF HAWAII 2004
HRS § 601-21**

Report on the Statewide Substance Abuse Treatment Monitoring Program



Prepared by:

The Judiciary, State of Hawai'i

November 2025

**REPORT TO THE THIRTY-THIRD LEGISLATURE
2026 REGULAR SESSION**

Report on the Statewide Substance Abuse Treatment Monitoring Program

**Pursuant to ACT 40, Session Laws of Hawai'i 2004
HRS § 601-21**

HRS § 601-21 requires the Judiciary to: (a) collect data in accordance with HRS§ 321-192.5 from any circuit court, adult probation division, and any provider of substance abuse treatment that provides substance abuse treatment to persons served through public funds administered by the Judiciary; and (b) include in the contract with any treatment provider all criteria established by the Department of Health pursuant to HRS § 321-192.5 to determine whether the treatment provider is achieving success in treating individuals with substance abuse.

The Judiciary's efforts to comply with the above-referenced statute are outlined below.

- The Judiciary continues to include language in its Requests for Proposals and existing contracts with substance-abuse treatment providers to hold programs accountable for complying with the Department of Health (DOH) criteria to determine success in treating individuals with substance abuse.
- The Judiciary receives available data taken from the Alcohol and Drug Abuse Division (ADAD) Web Infrastructure for Treatment Services (WITS) information system. The reports from WITS are attached.
- The data provided by ADAD is based on information provided by the treatment providers. Some of the information may not match with what is contained from Caseload Explorer (CE), the Judiciary statewide Adult Client Services Branch (ACSB) case management information system for probation, as there may be inconsistency in the way data is entered and interpreted.

The following FY25 probation data is provided by ACSB's case management information system for probation.

- 306 unduplicated adults entered 309 programs with 341 admits in FY25. The higher number of admits reflects clients being admitted to treatment more than once during the year.
- 5,630 offenders were active in treatment during the same year.
- Of the 5,630 offenders, 4,430 were males, 1,186 were females and 14 were unspecified.

- Treatment services include assessments, motivational enhancement, outpatient, intensive outpatient, day treatment, individual counseling, and residential care, with continuing care following the core treatment program. Special needs, including those for pregnant and parenting women and individuals with co- occurring (mental health and substance abuse) disorders have been addressed by treatment programs.
- Through the efforts of the Interagency Council on Intermediate Sanctions (ICIS), programs have been evaluated using the Correctional Program Checklist (CPC) to determine how much programs align with the application of best practices in working with offenders. Most programs have integrated these practices into their curriculum with the offenders to address their criminal thoughts and behaviors.
- The CPC assessment team continues to be active in supporting the vendors as they implement these practices by providing opportunities for greater interaction between programs and the criminal justice system through training. Probation officers are consistently transmitting Level of Services Inventory-Revised (LSI-R) data which provide vendors with the risk (to recidivate) classification of referred offenders to address dosage and treatment placement.
- Clients from the neighbor islands need to travel to O'ahu or Maui for residential level placements, reflecting the need for higher levels of substance abuse treatment on all islands. There are no residential treatment programs on Hawai'i Island, Kaua'i, Lana'i, and Moloka'i.

Neighbor Island Referrals for Residential Treatment				
	Big Island 3 rd CC	Kaua'i 5 th CC	Maui 2 nd CC	Subtotal
Treatment Providers Referred To:				
O'AHU				
Habilitat	17	5	5	27
Hina Mauka	20	11	1	32
Ho'omau Ke Ola	5	2		7
HOPE Inc.	2	0		2
Poailani	5	1	5	11
Salvation Army ARC	7	1	1	9
Salvation Army ATS	19	4	3	26
Salvation Army FTS (Women's Way)		1		1
Sand Island Treatment Ctr	18	1	1	20
Total Referred to O'ahu	93	26	16	135
MAUI				
Aloha House	13	1	50	
Total Referred to Maul	13	1	50	64
TOTAL NI Referrals				199

Table 1.1 Number of Judiciary Referrals by Island

This report counts the number of referrals made by the Judiciary to providers. Services for these referrals may not have been paid for by the Judiciary. Counts are unduplicated within a provider agency and in the Total column and rows.

Fiscal Year	Age Group	Provider Agency	Island (# of Clients)						
			Lana'i	Hawai'i	Kaua'i	Maui	Moloka'i	O'ahu	Total
2025	Adult	Action with Aloha, LLC						4	4
		Alcoholic Rehabilitation Services of Hawai'i, Inc						1,020	1,020
		Aloha House, Inc.				252			252
		Big Island Substance Abuse Council	7	542					549
		Bobby Benson Center						39	39
		Bridge House, Inc		79					79
		CARE Hawai'i, Inc.		197	61	87		429	774
		Child and Family Service			3				3
		Department of Prosecuting Atty	3						3
		Dynamic Healing Center	161						161
		Ho'omau Ke Ola						129	129
		Ka Hale Pomaika'i					22		22
		Kline-Welsh Behavioral Foundation						133	133
		Kokua Support Services						189	189
		Makana O Ke Akua Inc.						1	1
		Malama Na Makua A Keiki				12			12
		Maui Youth and Family Services, Inc.				2			2
		North Shore Mental Health						36	36
		Po'ailani, Inc						48	48
		Salvation Army-ATS						334	334
		Salvation Army-FTS						24	24
		The Queen's Medical Center						72	72
		Waianae Coast Comprehensive Health Center						113	113
		Women In Need			43			148	191
		AGE GROUP TOTAL	171	818	107	353	22	2,719	4,190

Fiscal Year	Age Group	Provider Agency	Island (# of Clients)						
			Lana'i	Hawai'i	Kaua'i	Maui	Moloka'i	O'ahu	Total
	Children	Alcoholic Rehabilitation Services of Hawaii, Inc						12	12
		Big Island Substance Abuse Council		2					2
		Bobby Benson Center						1	1
		Salvation Army-FTS						2	2
		Young Men's Christian Association of Honolulu			2				2
		AGE GROUP TOTAL		2	2			15	19
	FISCAL YEAR TOTAL		171	820	109	353	22	2,734	4,209

Table 1.2 Number of Judiciary Referred Clients Admitted by Island, Agency, and Gender

This report counts all clients that the providers have indicated were referred to them by the Judiciary and admitted into a treatment regime. Service rendered to Judiciary referred clients may not have been paid for by the Judiciary.

Fiscal Year	Island	Age Group	Provider Agency	Client Gender (# of Clients)			
				Female	Male	Unknown	Total
2025		Adult	Big Island Substance Abuse Council		7		7
			Department of the Prosecuting Atty	2	1		3
			Dynamic Healing Center	47	114		161
			AGE GROUP TOTAL	49	122		171
			ISLAND TOTAL	49	122		171
	Hawai'i	Adult	Big Island Substance Abuse Council	151	391		542
			Bridge House, Inc	16	63		79
			CARE Hawaii, Inc.	36	161		197
			AGE GROUP TOTAL	203	615		818
		Children	Big Island Substance Abuse Council		2		2
			AGE GROUP TOTAL		2		2
			ISLAND TOTAL	203	617		820
	Kaua'i	Adult	CARE Hawai'i, Inc.	19	42		61
			Child and Family Service	3			3
			Women In Need	10	33		43
			AGE GROUP TOTAL	32	75		107
		Children	Young Men' Christian Association of Honolulu		2		2
			AGE GROUP TOTAL		2		2
			ISLAND TOTAL	32	77		109
	Maui	Adult	Aloha House, Inc.	58	194		252
			CARE Hawaii, Inc.	20	67		87
			Malama Na Makua A Keiki	12			12
			Maui Youth and Family Services, Inc		2		2
			AGE GROUP TOTAL	90	263		353

	Moloka'i	ISLAND TOTAL		90	263		353
		Adult	Ka Hale Pomaika'i	8	14		22
			AGE GROUP TOTAL	8	14		22
		ISLAND TOTAL		8	14		22
	O'ahu	Adult	Action with Aloha, LLC		4		4
			Alcohol and Drug Abuse Division	5	31		36
			Alcoholic Rehabilitation Services of Hawaii, Inc	238	782		1,020
			Bobby Benson Center	7	32		39
			CARE Hawaii, Inc.	88	340	1	429
			Ho'omau Ke Ola		129		129
			Kline-Welsh Behavioral Foundation	37	96		133
			Kokua Support Services	24	165		189
			Makana O Ke Akua Inc.		1		1
			North Shore Mental Health	8	28		36
			Po'ailani, Inc		48		48
			Salvation Army-ATS	26	308		334
			Salvation Army-FTS	24			24
			The Queen's Medical Center	8	64		72
			Waianae Coast Comprehensive Health Center	25	88		113
			Women In Need	53	95		148
			AGE GROUP TOTAL	543	2,211	1	2,755
		Children	Alcoholic Rehabilitation Services of Hawaii, Inc	4	8		12
			Bobby Benson Center	1			1
			Salvation Army-FTS	2			2
			AGE GROUP TOTAL	7	8		15
			ISLAND TOTAL	550	2,219	1	2,770
		FISCAL YEAR TOTAL		932	3,312	1	4,245

Table 1.3 Number of Clients Admitted by Gender and Agency

					Number of Admissions				
Fiscal Year	Island	Gender	Age Group	Provider	Adult Probation	Hawai'i Drug Court	Mothers and Children	Total	
2025	O‘ahu	Female	Adult	Hina Mauka	6	-	-	6	
				Kline-Welsh Behavioral Foundation	8	1	-	9	
				Kokua Support Services	6	-	-	6	
				Salvation Army-FTS	-	-	4	4	
				The Queen’s Medical Center	2	-	-	2	
				Waianae Coast Comprehensive Health Center	7	-	-	7	
				AGE GROUP TOTAL	29	1	4	34	
			GENDER TOTAL		29	1	4	34	
			Male	Adult	Hina Mauka	39	-	-	39
		Kline-Welsh Behavioral Foundation			10	2	-	12	
		Kokua Support Services			63	-	-	63	
		Salvation Army-ATS			15	3	-	18	
		The Queen’s Medical Center			5	-	-	5	
		Waianae Coast Comprehensive Health Center			26	-	-	26	
		AGE GROUP TOTAL			158	5	-	163	
		Children		Kokua Support Services	1	-	-	1	
				AGE GROUP TOTAL	1	-	-	1	
		GENDER TOTAL		159	5	-	164		
		ISLAND TOTAL				188	6	4	198
		FISCAL YEAR TOTAL				188	6	4	198

Table 2.1 Number of Clients Admitted by Agency and Court Type

Fiscal Year	Island	Age Group	Provider	Number of Admissions			
				Adult Probation	Hawai'i Drug Court	Mothers and Children	Total
2025	O'ahu	Adult	Hina Mauka	45	0	0	45
			Kline-Welsh Behavioral Foundation	18	3	0	21
			Kokua Support Services	69	0	0	69
			Salvation Army-ATS	15	3	0	18
			Salvation Army-FTS	0	0	4	4
			The Queen's Medical Center	7	0	0	7
			Waianae Coast Comprehensive Health Center	33	0	0	33
			AGE GROUP TOTAL	187	6	4	197
		Children	Kokua Support Services	1	0	0	1
			AGE GROUP TOTAL	1	0	0	1
		ISLAND TOTAL		188	6	4	198
		FISCAL YEAR TOTAL		188	6	4	198

Table 2.2 Number of Clients Admitted by Island, Agency & Gender

Fiscal Year	Geo	Age Group	Provider	Number of Admissions		
				Female	Male	Total
2025	O'ahu	Adult	Hina Mauka	6	39	45
			Kline-Welsh Behavioral Foundation	8	12	20
			Kokua Support Services	6	63	69
			Salvation Army-ATS	-	18	18
			Salvation Army-FTS	4	-	4
			The Queen's Medical Center	2	5	7
			Waianae Coast Comprehensive Health Center	7	26	33
			AGE GROUP TOTAL	33	163	196
		Children	Kokua Support Services	-	1	1
			AGE GROUP TOTAL	-	1	1
		ISLAND TOTAL		33	164	197
		FISCAL YEAR TOTAL		33	164	197

Table 3.1 Number of Clients Admitted by Island, Agency and Race

This report counts clients who have had one or more program enrollments during the fiscal year. If a client has multiple program enrollments during the fiscal year, they are counted only once.

				Number of Clients										
Fiscal Year	Island	Age Group	Provider	American Indian	Asian	Black	Hawaiian/Part Hawaiian	Mixed - Not Hawaiian	Other	Pacific Islander	Unknown	White	Total	
2025	O‘ahu	Adult	Hina Mauka	-	5	2	20	2	1	7	1	7	45	
			Kline-Welsh Behavioral Foundation	-	3	1	10	2	-	2	-	2	20	
			Kokua Support Services	-	12	1	30	7	1	12	-	6	69	
			Salvation Army -ATS	1	2	-	6	5	1	1	-	2	18	
			Salvation Army - FTS	-	-	-	3	-	-	1	-	-	4	
			The Queen’s Medical Center	-	3	1	2	1	-	-	-	-	7	
			Waianae Coast Comprehensive Health Center	-	5	-	13	1	-	10	1	3	33	
			AGE GROUP TOTAL	1	30	5	84	18	3	33	2	20	196	
		Children	Kokua Support Services	-	-	-	-	-	1	-	-	-	1	
			AGE GROUP TOTAL	-	-	-	-	-	1	-	-	-	1	
		ISLAND TOTAL			1	30	5	84	18	4	33	2	20	197
		FISCAL YEAR TOTAL			1	30	5	84	18	4	33	2	20	197

Table 3.2 Number of Clients Admitted by Island, Ethnicity, Agency, and Court Type

Fiscal Year	Island	Ethnicity	Age Group	Provider	Number of Admissions			
					Adult Probation	Hawai'i Drug Court	Mothers and Children	Total
2025	O'ahu	American Indian	Adult	Salvation Army-ATS	1	-	-	1
				AGE GROUP TOTAL	1	-	-	1
				ETHNICITY TOTAL	1	-	-	1
		Black/African American	Adult	Hina Mauka	2	-	-	2
				Kline-Welsh Behavioral Health Foundation	1	-	-	1
				Kokua Support Services	1	-	-	1
				The Queen's Medical Center	1	-	-	1
				AGE GROUP TOTAL	5	-	-	5
				ETHNICITY TOTAL	5	-	-	5
		Cambodian Chinese Filipino Japanese Korean Okinawan Other Asian Vietnamese	Adult	Hina Mauka	2	-	-	2
				AGE GROUP TOTAL	2	-	-	2
				ETHNICITY TOTAL	2	-	-	2
		Caucasian	Adult	Hina Mauka	5	-	-	5
				Kline-Welsh Behavioral Health Foundation	2	-	-	2
				Kokua Support Services	6	-	-	6
				Salvation Army-ATS	1	-	-	1
				Waianae Coast Comprehensive Health Center	2	-	-	2
				AGE GROUP TOTAL	16	-	-	16
				ETHNICITY TOTAL	16	-	-	16
		Caucasian Portuguese	Adult	Hina Mauka	1	-	-	1
				Waianae Coast Comprehensive Health Center	1	-	-	1
				AGE GROUP TOTAL	2	-	-	2
				ETHNICITY TOTAL	2	-	-	2

		Chamorro Chuukese Fijian Guamanian Kosraen Marshallese Micronesian Other Pacific Islander Palauan Pohnpian Saipanese Samoan Tahitian Tongan Yapese	Adult	Hina Mauka	2	-	-	2
				AGE GROUP TOTAL	2	-	-	2
			ETHNICITY TOTAL		2	-	-	2
		Chamorro Chuukese Palauan	Adult	Kokua Support Services	1	-	-	1
				AGE GROUP TOTAL	1	-	-	1
			ETHNICITY TOTAL		1	-	-	1
		Chinese	Adult	Kokua Support Services	1	-	-	1
				AGE GROUP TOTAL	1	-	-	1
			ETHNICITY TOTAL		1	-	-	1
		Chinese Korean	Adult	Salvation Army - ATS	1	-	-	1
				AGE GROUP TOTAL	1	-	-	1
			ETHNICITY TOTAL		1	-	-	1
		Chuukese	Adult	Hina Mauka	2	-	-	2
				Kokua Support Services	6	-	-	6
				Salvation Army - FTS	-	-	1	1
				Waianae Coast Comprehensive Health Center	1	-	-	1
				AGE GROUP TOTAL	9	-	1	10
			ETHNICITY TOTAL		9	-	1	10
		Filipino	Adult	Kokua Support Services	4	-	-	4
				Salvation Army - ATS	1	-	-	1
				Waianae Coast Comprehensive Health Center	2	-	-	2
				AGE GROUP TOTAL	7	-	-	7
			ETHNICITY TOTAL		7	-	-	7
		Filipino Japanese	Adult	Hina Mauka	1	-	-	1
				Kline-Welsh Behavioral Health Foundation	-	1	-	1

				Waianae Coast Comprehensive Health Center	1	-	-	1
				AGE GROUP TOTAL	2	1	-	3
				ETHNICITY TOTAL	2	1	-	3
		Hawaiian/Part Hawaiian	Adult	Hina Mauka	20	-	-	20
				Kline-Welsh Behavioral Health Foundation	9	2	-	11
				Kokua Support Services	30	-	-	30
				Salvation Army-ATS	6	-	-	6
				Salvation Army-FTS	-	-	3	3
				The Queen's Medical Center	2	-	-	2
				Waianae Coast Comprehensive Health Center	13	-	-	13
				AGE GROUP TOTAL	80	2	3	85
				ETHNICITY TOTAL	80	2	3	85
		Japanese	Adult	Hina Mauka	1	-	-	1
				Kline-Welsh Behavioral Health Foundation	2	-	-	2
				Kokua Support Services	4	-	-	4
				The Queen's Medical Center	2	-	-	2
				AGE GROUP TOTAL	9	-	-	9
				ETHNICITY TOTAL	9	-	-	9
		Japanese Korean	Adult	Waianae Coast Comprehensive Health Center	1	-	-	1
				AGE GROUP TOTAL	1	-	-	1
				ETHNICITY TOTAL	1	-	-	1
		Korean	Adult	Kokua Support Services	3	-	-	3
				AGE GROUP TOTAL	3	-	-	3
				ETHNICITY TOTAL	3	-	-	3
		Kosrean	Adult	Kokua Support Services	1	-	-	1
				AGE GROUP TOTAL	1	-	-	1
				ETHNICITY TOTAL	1	-	-	1
		Marshalllese	Adult	Kokua Support Services	1	-	-	1
				AGE GROUP TOTAL	1	-	-	1
				ETHNICITY TOTAL	1	-	-	1

		Micronesian	Adult	Hina Mauka	1	-	-	1
				Kokua Support Services	1	-	-	1
				Waianae Coast Comprehensive Health Center	1	-	-	1
				AGE GROUP TOTAL	3	-	-	3
			ETHNICITY TOTAL		3	-	--	3
		Mixed – Not Hawaiian	Adult	Hina Mauka	2	-	-	2
				Kline-Welsh Behavioral Health Foundation	2	-	-	2
				Kokua Support Services	7	-	-	7
				Salvation Army-ATS	2	3	-	5
				The Queen's Medical Center	1	-	-	1
				Waianae Coast Comprehensive Health Center	1	-	-	1
				AGE GROUP TOTAL	15	3	-	18
			ETHNICITY TOTAL		15	3	-	18
		Other	Adult	Hina Mauka	1	-	-	1
				Kokua Support Services	1	-	-	1
				Salvation Army-ATS	1	-	-	1
				AGE GROUP TOTAL	3	-	-	3
			Children	Kokua Support Services	1	-	-	1
				AGE GROUP TOTAL	1	-	-	1
			ETHNICITY TOTAL		4	-	-	4
		Other Asian	Adult	Hina Mauka	1	-	-	1
				Waianae Coast Comprehensive Health Center	1	-	-	1
				AGE GROUP TOTAL	2	-	-	2
			ETHNICITY TOTAL		2	-	-	2
		Saipanese	Adult	Kokua Support Services	1	-	-	1
				AGE GROUP TOTAL	1	-	-	1
			ETHNICITY TOTAL		1	-	-	1
		Samoan	Adult	Hina Mauka	1	-	-	1
				Kline-Welsh Behavioral Health Foundation	1	-	-	1
				Kokua Support Services	1	-	-	1
				Salvation Army-ATS	1	-	-	1

				Waianae Coast Comprehensive Health Center	8	-	-	8
				AGE GROUP TOTAL	12	-	-	12
				ETHNICITY TOTAL	12	-	-	12
		Samoan Tongan	Adult	Kline-Welsh Behavioral Health Foundation	1	-	-	1
				AGE GROUP TOTAL	1	-	-	1
				ETHNICITY TOTAL	1	-	-	1
		Tongan	Adult	Hina Mauka	1	-	-	1
				AGE GROUP TOTAL	1	-	-	1
				ETHNICITY TOTAL	1	-	-	1
		Unknown	Adult	Hina Mauka	2	-	-	2
				Salvation Army-ATS	1	-	-	1
				The Queen's Medical Center	1	-	-	1
				Waianae Coast Comprehensive Health Center	1	-	-	1
				AGE GROUP TOTAL	5	-	-	5
				ETHNICITY TOTAL	5	-	-	5
				ISLAND TOTAL	188	6	4	198
				FISCAL YEAR TOTAL	188	6	4	198

Table 4 Number of Clients Admitted by Island, Employment Status, Agency and Court Type

Fiscal Year	Island	Age Group	Employment Status	Provider Agency	Number of Admissions			
					Adult Probation	Hawai'i Drug Court	Mothers and Children	Total
2025	O'ahu	Adult	Disabled	Waianae Coast Comprehensive Health Center	1	-	-	1
				EMPLOYMENT STATUS TOTAL	1	-	-	1
			Full-Time	Hina Mauka	3	-	-	3
				Kokua Support Services	4	-	-	4
				Salvation Army-FTS	2	1	-	3
				The Queen's Medical Center	1	-	-	1
				Waianae Coast Comprehensive Health Center	2	-	-	2
				EMPLOYMENT STATUS TOTAL	12	1	-	13
			Inmate	Hina Mauka	17	-	-	17
				Kline-Welsh Behavioral Health Foundation	9	2	-	11
				Salvation Army-FTS	6	2	2	10
				EMPLOYMENT STATUS TOTAL	32	4	2	38
			Not in Labor Force	Hina Mauka	17	-	-	17
				Salvation Army-FTS	6	-	2	8
				The Queen's Medical Center	2	-	-	2
				Waianae Coast Comprehensive Health Center	14	-	-	14
				EMPLOYMENT STATUS TOTAL	39	-	2	41
			Part-Time	Hina Mauka	1	-	-	1
				Kokua Support Services	2	-	-	2
				Salvation Army-FTS	2	-	-	2
				The Queen's Medical Center	1	-	-	1

				Waianae Coast Comprehensive Health Center	3	-	-	3
				EMPLOYMENT STATUS TOTAL	9	-	-	9
			Retired	Hina Mauka	1	-	-	1
				EMPLOYMENT STATUS TOTAL	1	-	-	1
			Unemployed	Hina Mauka	7		-	7
				Kline-Welsh Behavioral Health Foundation	8	-	-	8
				Kokua Support Services	6	-	-	6
				The Queen’s Medical Center	3	-	-	3
				Waianae Coast Comprehensive Health Center	6	-	-	6
				EMPLOYMENT STATUS TOTAL	30	-	-	30
			Unknown	Hina Mauka	3	-	-	3
				Kline-Welsh Behavioral Health Foundation	1	1	-	2
				Kokua Support Services	60	-	-	60
				Salvation Army-FTS	1	-	-	1
				Waianae Coast Comprehensive Health Center	7	-	-	7
				EMPLOYMENT STATUS TOTAL	72	1	-	73
			AGE GROUP TOTAL				196	6
	Children	Unknown	Kokua Support Services	1	-	-	1	
			EMPLOYMENT STATUS TOTAL	1	-	-	1	
			AGE GROUP TOTAL	1	-	-	1	
	ISLAND TOTAL				197	6	4	207
	FISCAL YEAR TOTAL				197	6	4	207

Table 5 Number of Clients Admitted by Island, Primary Substance, Agency, and Court Type

Fiscal Year	Island	Age Group	Primary Substance	Provider Agency	Number of Admissions			
					Adult Probation	Hawai'i Drug Court	Mothers and Children	Total
662025	O'ahu	Adult	Alcohol	Hina Mauka	3	-	-	3
				Kline-Welsh Behavioral Health Foundation	2	-	-	2
				Kokua Support Services	5	-	-	5
				Salvation Army-ATS	3	-	-	3
				Waianae Coast Comprehensive Health Center	3	-	-	3
				PRIMARY SUBSTANCE TOTAL	16	-	-	16
			Cocaine/Crack	Kokua Support Services	1	-	-	1
				PRIMARY SUBSTANCE TOTAL	1	-	-	1
			Heroin	Hina Mauka	4	-	-	4
				Kline-Welsh Behavioral Health Foundation	2	-	-	2
				Salvation Army-ATS	2	-	-	2
				The Queen's Medical Center	1	-	-	1
				PRIMARY SUBSTANCE TOTAL	9	-	-	9
			Marijuana/Hashish/THC	Hina Mauka	4	-	-	4
				Kline-Welsh Behavioral Health Foundation	1	-	-	1
				Kokua Support Services	1	-	-	1
				Waianae Coast Comprehensive Health Center	2	-	-	2
				PRIMARY SUBSTANCE TOTAL	8	-	-	8
			Methamphetamine	Hina Mauka	33	-	-	33
				Kline-Welsh Behavioral Health Foundation	12	3	-	15
				Kokua Support Services	5	-	-	5
				Salvation Army - ATS	7	3	-	10
				Salvation Army - FTS	-	-	4	4

				The Queen's Medical Center	6	-	-	6			
				Waianae Coast Comprehensive Health Center	23	-	-	23			
				PRIMARY SUBSTANCE TOTAL	86	6	4	96			
				None	Hina Mauka	3	-	-	3		
					Kokua Support Services	60	-	-	60		
					Salvation Army-ATS	1	-	-	1		
					Waianae Coast Comprehensive Health Center	5	-	-	5		
					PRIMARY SUBSTANCE TOTAL	69	-	-	69		
				Other Opiates and Synthetics	Hina Mauka	1	-	-	1		
					Kline-Welsh Behavioral Health Foundation	1	-	-	1		
					Salvation Army-ATS	3	-	-	3		
					PRIMARY SUBSTANCE TOTAL	5	-	-	5		
				AGE GROUP TOTAL				194	6	4	204
				Children	None	Kokua Support Services	1	-	-	1	
						PRIMARY SUBSTANCE TOTAL	1	-	-	1	
					AGE GROUP TOTAL				1	-	-
				ISLAND TOTAL				195	6	4	205
				FISCAL YEAR TOTAL				195	6	4	205

Table 6.1 Number of Client Admissions by Island, Agency, and Level of Care

				Number of Admissions								
Fiscal Year	Island	Age Group	Provider Agency	Assessment Only	Residential	Day Treatment	Intensive Outpatient	Outpatient	Continuing Care	CX	PT	Total
2025	O'ahu	Adult	Hina Mauka	-	14	27	5	2	-	3	-	51
			Kline-Welsh Behavioral Health Foundation	-	20	-	-	-	-	-	-	20
			Kokua Support Services	-	-	-	7	8	4	-	56	75
			Salvation Army - ATS	-	15	3	2	3	1	-	-	24
			Salvation Army - FTS	-	4	-	-	-	-	-	-	4
			The Queen's Medical Center	-	-	-	6	1	-	-	-	7
			Waianae Coast Comprehensive Health Center	5	-	-	19	10	-	-	-	34
			AGE GROUP TOTAL	5	53	30	39	24	5	3	56	215
		Children	Kokua Support Services	-	-	-	-	-	-	-	1	1
			AGE GROUP TOTAL	-	-	-	-	-	-	-	1	1
			ISLAND TOTAL	5	53	30	39	24	5	3	57	216
FISCAL YEAR TOTAL				5	53	30	39	24	5	3	57	216

Table 6.2 Number of Clients Served by Island, Agency, and Level of Care

This report counts the number of clients whose service was paid by the Judiciary in the fiscal year. If a client has multiple Judiciary paid services, the client is counted only once. Services can be for program enrollments in prior years.

				Level of Care (# of Clients Served)									
Fiscal Year	Island	Age Group	Provider Agency	Assessment Only	Residential	Day Treatment	Intensive Outpatient	Outpatient	Continuing Care	CX	PT	Total	
2025	O'ahu	Adult	Hina Mauka	-	14	27	6	2	-	3	-	52	
			Kline-Welsh Behavioral Health Foundation	-	25	-	-	-	-	-	-	25	
			Kokua Support Services	-	-	-	8	9	4	-	56	77	
			Salvation Army -ATS	-	18	3	2	3	1	-	-	27	
			Salvation Army -FTS	-	4	-	-	-	-	-	-	4	
			The Queen's Medical Center	-	-	-	7	1	-	-	-	8	
			Waianae Coast Comprehensive Health Center	5	-	-	31	11	-	-	-	47	
			AGE GROUP TOTAL	5	61	30	54	26	5	3	56	240	
		Children	Kokua Support Services	-	-	-	-	-	-	-	1	1	
			AGE GROUP TOTAL	-	-	-	-	-	-	-	1	1	
		ISLAND TOTAL			5	61	30	54	26	5	3	57	241
		FISCAL YEAR TOTAL			5	61	30	54	26	5	3	57	241

Table 6.3 Number of Clients Served by Island, Agency, and Court Type

				Services Paid By (# of Clients Served)			
Fiscal Year	Island	Age Group	Provider Agency	Adult Probation	Hawai'i Drug Court	Mothers and Children	Total
2025	O‘ahu	Adult	Hina Mauka	46	-	-	46
			Kline-Welsh Behavioral Health Foundation	22	4	-	26
			Kokua Support Services	69	-	-	69
			Salvation Army - ATS	17	4	-	21
			Salvation Army - FTS	-	-	4	4
			The Queen’s Medical Center	7	-	-	7
			Waianae Coast Comprehensive Health Center	36	-	-	36
			AGE GROUP TOTAL	197	8	4	209
		Children	Kokua Support Services	1	-	-	1
			AGE GROUP TOTAL	1	-	-	1
			ISLAND TOTAL		198	8	4
FISCAL YEAR TOTAL			198	8	4	210	

Table 7.1 Number of Discharges by Island, Agency and Level of Care

				Level of Care (# of Discharges)									
Fiscal Year	Island	Age Group	Provider Agency	Assessment Only	Residential	Day Treatment	Intensive Outpatient	Outpatient	Continuing Care	CX	PT	Total	
2025	O'ahu	Adult	Hina Mauka	-	14	27	6	2	-	1	-	50	
			Kline-Welsh Behavioral Health Foundation	-	21	-	-	-	-	-	-	21	
			Kokua Support Services	-	-	-	8	8	3	-	47	66	
			Salvation Army -ATS	-	17	3	2	3	1	-	-	26	
			Salvation Army -FTS	-	4	-	-	-	-	-	-	4	
			The Queen's Medical Center	-	-	-	4	1	-	-	-	5	
			Waianae Coast Comprehensive Health Center	2	-	-	20	5	-	-	-	27	
			Women In Need	-	-	-	4	-	-	-	-	4	
			AGE GROUP TOTAL	2	56	30	44	19	4	1	47	203	
		Children	Kokua Support Services	-	-	-	-	-	-	-	1	1	
			AGE GROUP TOTAL	-	-	-	-	-	-	1	1		
			ISLAND TOTAL			2	56	30	44	19	4	1	48
		FISCAL YEAR TOTAL				2	56	30	44	19	4	1	48

Table 7.2 Number of Discharges by Island, Agency and Discharge Type

Discharges are only applicable when clients complete treatment services (e.g., residential, day treatment, intensive outpatient, outpatient, etc.). Clients with Assessment ONLY services are not counted in this report.

Fiscal Year	Island	Age Group	Provider Agency	Discharge Type (# of Discharges)	
				Client Left Before Completing Treatment	Total
2025	O'ahu	Adult	Women In Need	4	4
			AGE GROUP TOTAL	4	4
		ISLAND TOTAL		4	4
		FISCAL YEAR TOTAL		4	4

Table 8 Number of 6-Month Follow-Up Due by Island, Agency and Fiscal Year

		Fiscal Year (# of Clients)													
Island	Provider Agency	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
O'ahu	Action with Aloha, LLC	-	-	-	-	2	15	47	64	57	28	6	1	-	-
	CARE Hawai'i, Inc.	-	2	18	65	78	29	48	36	36	13	6	-	-	-
	Hina Mauka	2	42	54	70	111	145	122	156	89	14	-	-	-	-
	Ho'omau Ke Ola	-	8	20	13	28	27	27	24	29	4	-	-	-	-
	Kline-Welsh Behavioral Health Foundation	-	-	-	-	6	26	15	18	17	35	13	52	52	18
	Kokua Support Services	-	-	-	-	-	-	1	2	3	6	-	-	-	-
	Salvation Army-ATS	1	24	31	34	53	65	52	35	27	5	1	-	-	1
	Salvation Army-FTS	2	14	10	23	22	42	19	16	9	6	2	-	-	-
	The Queen's Medical Center	-	10	15	16	19	13	6	-	1	-	-	-	-	-
	Waianae Coast Comprehensive Health Center	1	1	5	19	25	18	18	23	42	14	2	1	-	-
	Women In Need	-	-	-	-	1	-	2	8	2	2	1	-	1	4
ISLAND TOTAL		6	101	153	240	345	380	357	382	312	127	31	54	53	23
REPORT TOTAL		6	101	153	240	345	380	357	382	312	127	31	54	53	23



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Brandon M. Kimura
ADMINISTRATIVE DIRECTOR

Daylin-Rose H. Heather
DEPUTY ADMINISTRATIVE DIRECTOR

December 19, 2025

Via electronic submission

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

The Honorable Nadine K. Nakamura
Speaker of the House of Representatives
State Capitol, Room 431
Honolulu, HI 96813

Dear President Kouchi and Speaker Nakamura:

Pursuant to House Concurrent Resolution No. 160, S.D.1, Session Laws of Hawaii 2024, the Judiciary is transmitting a copy of the *Report of the Women's Corrections Implementation Commission to Reduce the Number of Women Incarcerated at the Women's Community Correctional Center by Twenty-Five Percent by 2029*.

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: https://www.courts.state.hi.us/news_and_reports/reports/reports.

Should you have any questions regarding this report, please feel free to contact Karen Takahashi of the Judiciary's Legislative Affairs and Special Projects Division at (808) 539-4896, or via e-mail at Karen.T.Takahashi@courts.hawaii.gov.

Sincerely,

Brandon Kimura

Brandon M. Kimura
Administrative Director of the Courts

Attachment

c: Legislative Reference Bureau Library

Report of the

**Women's Corrections Implementation Commission
to Reduce the Number of Women Incarcerated
at the Women's Community Correctional Center
by Twenty-Five Percent by 2029**

**Submitted to the
Thirty-Third Legislature, Regular Session of 2026**

Pursuant to House Concurrent Resolution No. 160, S.D. 1 (2024)

**Prepared by:
The Women's Corrections Implementation Commission**

December 2025

The Women's Corrections Implementation Commission ("WCIC" or "Commission") was established by the Hawai'i State Legislature in May of 2022 and signed into law by Governor David Ige as Act 244 on July 6, 2022. The WCIC was enacted to:

- collaborate with the Judiciary and county prosecutors, develop and implement an evidence-based, gender-responsive plan to divert non-violent women offenders, especially those with minor children, from the criminal justice system;
- ensure that the recommendations made in the Final Report of the House Concurrent Resolution 85 (2016) Task Force on Prison Reform to the Legislature during the Regular Session of 2019 are implemented;
- review existing local resources and programs focused on women in the justice system for their effectiveness and capacity for expansion; and
- consider model programs that include residential, in-person and community-based rehabilitation programs, supportive and subsidized housing, restorative justice, and educational programs.

Act 244 directed that the Commission be made up of the following women members:

- the Chief Justice, or the Chief Justice's designee;
- the Director of Public Safety, or the director's designee;
- a social worker who assists in the rehabilitation and attainment of housing for female inmates, who shall be appointed by the Director of Public Safety;
- the Public Defender or the Public Defender's designee;
- the Prosecuting Attorney of the County of Hawai'i, Honolulu, Maui, or Kaua'i, or the Prosecuting Attorney's designee;
- the leader of a private foundation that assists women in rehabilitation after release from prison, or the leader's designee;
- a former prison inmate appointed by the Director of Public Safety; and
- a community-based advocate appointed by the Director of Public Safety.

The Commission began its work in the summer of 2022. The members of the Commission met monthly, primarily via video conferencing. The inaugural members of each category were designated as follows:

- Designee of Chief Justice – Trish K. Morikawa;
- Designee of the Director of Public Safety – Shari Kimoto;
- Social Work – Candace P. Beale;
- Designee of the Public Defender – Hayley Cheng;

- Designees of the Prosecuting Attorney Offices -
Honolulu – Cheryl Inouye;
Hawai'i – Ha'aheo Kaho'ohalahala;
Maui – Shelly Miyashiro;
Kaua'i – Rebecca Vogt Like;
- Private Foundation Leader – Toni Bissen;
- Former Prison Inmate – Daphne Ho'okano;
- Community-Based Advocate – Linda Rich.

From 2022 to the end of 2023, the Commission focused primarily on fact finding and information gathering regarding incarcerated women at the Women's Community Correctional Center ("WCCC"). This work involved participating in a Sequential Intercept Model Mapping Workshop focused on women in the criminal justice system, convened by the Pū 'ā Foundation; touring the WCCC facility in April 2023; and conducting four kūkā kūkā (talk story) sessions with focus groups of women inmates at WCCC. Our preliminary findings identified a number of areas for improvement, including programming and services at WCCC and policies and procedures of the Hawai'i Paroling Authority.

In 2024, the WCIC continued meeting and shifted its focus to continue fact finding and information gathering regarding women on probation. Women who are unable to complete probation face five, 10 or 20 year prison sentences if their probation is revoked. The meetings in 2024 involved having conversations with the probation administrators of the four judicial circuits, former probation officers from different circuits, current First Circuit female probationers, and finally speaking with the Deputy Court Administrator of the First Circuit.

On May 1, 2024, House Concurrent Resolution No. 160, S.D. 1 was adopted, and it added requirements to the Commission. Those requirements include:

1. developing a strategy and making recommendations to reduce the number of women incarcerated at the WCCC by 25 percent by 2029;
2. working with additional departments and organizations, beyond the current members of the WCIC, including the Department of Human Services, Department of Health, Department of Education, Hawai'i Paroling Authority, and each county police department in developing the strategy and recommendations.

In January of 2025, letters were sent to the directors of the Department of Human Services and the Department of Health, the Superintendent of the Department of Education, the Chairperson of the Hawai'i Paroling Authority, and the Chiefs of Police for all four Counties, inviting them to join in the WCIC meetings pursuant to House

Resolution 160. Based on the responses, additional individuals were added to the WCIC discussions. There were also a few staffing changes to the WCIC, and the membership as of 2025 appears as follows with the changes in bold:

- Designee of Chief Justice – Trish K. Morikawa
- Designee of the Director of Public Safety – **Sanna Munoz**,
- Social Work – Candace P. Beale
- Designee of the Public Defender – **Alison Carkin**
- Designees by the Prosecuting Attorney Offices:
 - Honolulu – Cheryl Inouye
 - Hawai'i – Ha'aheo Kaho'ohalahala
 - Maui – Shelly Miyashiro
 - Kaua'i – Rebecca Vogt Like
- Private Foundation Leader – Toni Bissen
- Former Prison Inmate – Daphne Ho'okano
- Community-Based Advocate – Linda Rich
- **Honolulu Police Department – Major Brandon Yamamoto**
- **Hawaii Paroling Authority – Gene Demello and Corey Reincke**

At the onset, the WCIC identified three distinct groups of “justice-involved women.” Those three groups were identified as: women in prison, women in jail, and women on probation. Over the past years, the WCIC has gathered information on the women in prison and the women on probation. In 2025, the WCIC shifted its focus to examine women in jail. In 2025, the WCIC met with members of the Hawai'i Substance Abuse Coalition and the Opioid Settlement Project. Additionally, the Wardens of WCCC, MCCC, and employees of those facilities have met with the WCIC to share their perspectives and highlight the needs of the women in their custody. Further conversations with employees of the other jail facilities are being planned along with potential site visits to each of the jail facilities. Once the WCIC has completed gathering relevant information on this final group, the Commission will share its findings with the additional stakeholders that did not participate in the meetings and solicit their input as the WCIC begins to develop a strategy and recommendations as requested pursuant to ACT 44 and House Resolution 160.



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DEPUTY ADMINISTRATIVE DIRECTOR

December 2, 2025

Via electronic submission

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

The Honorable Nadine K. Nakamura
Speaker of the House of Representatives
State Capitol, Room 431
Honolulu, HI 96813

Dear President Kouchi and Speaker Nakamura:

Pursuant to Act 228, Session Laws of Hawai'i 2025, the Judiciary is transmitting a copy of the *Report on the Women's Court Pilot Program, Circuit Court of the Third Circuit – Kona Division*.

In accordance with Section 93-16, Hawai'i 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: https://www.courts.state.hi.us/news_and_reports/reports/reports.

Should you have any questions regarding this report, please feel free to contact Karen Takahashi of the Judiciary's Legislative Affairs and Special Projects Division at (808) 539-4896, or via e-mail at Karen.T.Takahashi@courts.hawaii.gov.

Sincerely,

Brandon Kimura

Brandon M. Kimura
Administrative Director of the Courts

Attachment

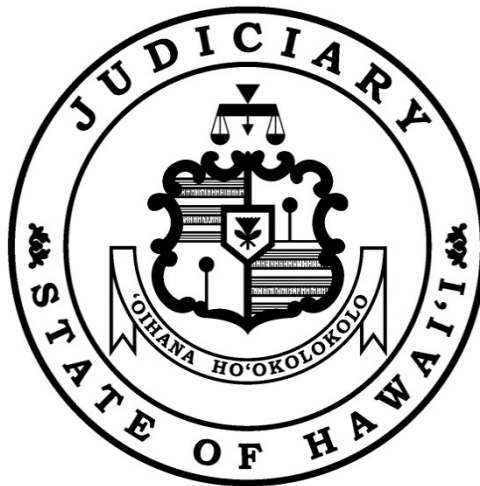
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**REPORT TO THE THIRTY-THIRD LEGISLATURE
2026 REGULAR SESSION**

ON

ACT 228, Session Laws of Hawai'i 2025

**Report on the Women's Court Pilot Program
Circuit Court of the Third Circuit – Kona Division**



Prepared by:

The Judiciary, State of Hawai'i

December 2025

**REPORT TO THE THIRTY-THIRD LEGISLATURE
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ON

ACT 228, Session Laws of Hawai'i 2025

**Report on the Women's Court Pilot Program
Circuit Court of the Third Circuit – Kona Division**

The Women's Court Pilot Program in the Circuit Court of the Third Circuit – Kona Division (Nā Hulu Wehi or Kona Women's Court) was established by the Hawai'i State Legislature in May of 2025 and signed into law by Governor Josh Green as Act 228 on June 26, 2025. Nā Hulu Wehi is a two-year pilot program intended to acknowledge the distinct pathways that lead women into the criminal justice system and address their individual needs through:

- trauma-informed and evidence-based practices;
- gender-responsive programming;
- collaboration with stakeholders; and
- services to women in the court system with the goal of diverting participants from incarceration, supporting their success in the community, and reducing recidivism.

Background

The Judiciary's First Circuit Women's Court on O'ahu demonstrated that gender-responsive, trauma-informed interventions reduce recidivism and strengthen families. Act 228, SLH 2025 authorized expanding that model statewide, beginning with Kona. The Act emphasizes evidence-based, trauma-informed, and culturally grounded practices that improve outcomes while maintaining fiscal accountability.

The name Nā Hulu Wehi means "the adorned feathers" or "precious adornments." In Hawaiian culture, feathers represent dignity, honor, and sacred value, symbolizing each woman's inherent worth and her journey of healing and renewal.

Guided by cultural practitioner Lorna Lim, Nā Hulu Wehi integrates Hawaiian values and traditional practices into the court process, ensuring that healing is both evidence-based and culturally grounded. While participants are introduced to Hawaiian culture, customs, and values, they are also encouraged to explore and connect with their own cultural backgrounds and personal beliefs. The focus is not on adopting a specific culture, but on using shared values, such as gratitude, humility, and community connection, as pathways toward recovery, accountability, and personal growth.

Nā Hulu Wehi builds on the First Circuit Women's Court by expanding trauma-responsive, gender-specific, and culturally grounded services to West Hawai'i. The pilot program enhances the existing Kona Adult Drug Court by embedding specialized services that

address the distinct pathways of justice-involved women. It is not a separate court, but, rather, an enhancement within the current framework for women at high risk for recidivism and who have high treatment needs.

Research from AllRise, SAMHSA, and other experts confirm that justice-involved women are more likely than men to have experienced trauma, abuse, or violence, factors that often lead to substance use and criminal behavior. By integrating trauma-informed care, peer mentoring, Moral Reconnection Therapy (MRT), safe housing, and cultural healing, Nā Hulu Wehi promotes accountability, recovery, and community safety. These services delivered through Big Island community providers strengthen local capacity and expand available resources.

Core program components:

- a women's mental health professional for trauma-informed clinical care;
- behavioral health beds providing safe, stable housing during treatment;
- a cultural practitioner to strengthen cultural identity, healing, and community connection;
- Moral Reconnection Therapy (MRT) to improve decision-making and accountability;
- a drug court peer specialist offering lived-experience mentoring;
- Women's Court Advisory Committee ensuring services remain responsive to participants and community needs;
- with the commencement of the Nā Hulu Wehi Program, the Kona Drug Court calendar has been restructured to reflect gender-responsive best practice—men now appear first, followed by a dedicated women's session—creating a safer, more open and trauma-sensitive environment, which benefits men and women alike.

Major Milestones (July–November 2025)

July 2025 – Program Pre-Implementation: Finalized scope of work and procurement processes.

August 2025 – Statewide Trauma Training: Hosted with national experts from SAMHSA and AllRise, equipping Hawai'i teams in trauma-responsive court practices.

September 22, 2025 – Orientation and Blessing: Launched Nā Hulu Wehi and solidified community partnerships. The orientation and blessing ceremony brought Judiciary leaders, treatment providers, community partners, and legislators together to launch the program and affirm that collaboration, is key to successful implementation.

September 2025 – Public Outreach: Radio and newspaper interviews highlighted the program's mission and encouraged community support.

October 1, 2025 – Full Service Activation: All contracts began for clinical, peer, cultural, MRT, and evaluation services.

Participant Profile and Early Engagement

As of November 1, after one month of implementation, 16 participants had been enrolled so far (15 women from Drug Court and one non-Drug Court woman).

- **Mental Health Services:** Individual therapy and a weekly women's group began in October, addressing trauma recovery, self-esteem, and parenting.
- **MRT:** Early sessions show high attendance and motivation.
- **Peer Specialist:** A certified Kona Drug Court graduate now serves as Peer Specialist, meeting weekly with participants and supporting both women and men.
- **Cultural Practitioner:** Weekly sessions have been planned to strengthen identity and universal cultural connection, with future family involvement planned.
- **Advisory Committee:** Meets regularly to review data and advise on service adjustments.

Fiscal Overview – Quarter 1 (FY 2026)

Only a partial amount of funds were expended during the first quarter “establishment phase,” as all funds will be committed only after full contract execution and service readiness. The resulting first-quarter savings will be strategically invested in expansion of the existing drug court program, as described below:

Preliminary Expenditure Plan for Savings

Excess funds from the first quarter are being strategically invested to strengthen services, enhance program quality, and support community engagement, as follows:

- expand behavioral health provider and MRT contracts;
- extend program evaluator contract for enhanced data capacity;
- increase funding for drug testing and lab confirmation;
- purchase 24/7 breathalyzers and GPS monitors;
- support peer mentoring volunteer training and stipends;
- host a healing retreat for trauma recovery and cultural restoration;
- implement a kahili featherwork healing project where participants create small kahili that will one day form a collective symbol of unity and renewal;
- provide light refreshments for the orientation and blessing ceremony to foster community participation and collaboration.

Participant Numbers (as of November 1, 2025)

- Women accepted into the program: 17 (including one non-Drug Court participant)
- Eligible but not accepted: 0
- Completed the program: 0
- Removed from the program: 0

Expanded Best-Practice Metrics (First Circuit and AllRise aligned):

Expanding best-practice metrics in the Kona Women's Court helps us learn, in real time, what parts of the model are actually working for our women and where adjustments are needed. By tracking a broader range of meaningful outcomes, we can refine the program based on evidence and ensure the court continues to improve as we learn more.

- Treatment engagement and retention
- Substance use and testing outcomes
- Trauma and mental-health improvement scores
- Housing stability and duration
- Parenting and family engagement
- Employment and education status
- Recidivism and compliance rates
- Graduation and program completion
- Participant satisfaction and qualitative feedback
- Fiscal efficiency (cost per participant, cost avoidance)
- Fidelity to team model and gender-specific calendar practice

The national-level Program Evaluator will develop a dashboard of key performance indicators, provide quarterly updates to the Judiciary and Legislature, and publish an annual outcome report with trend analysis and recommendations.

Next Steps (Nov 1, 2025 – June 30, 2026)

1. Launch program evaluation and dashboard (Dec 2025).
2. Expand core services (Behavioral Health, MRT, Peer Support, Cultural Practices). (November–June 2026)
3. Host healing retreat and kahili project (Mar–Apr 2026).
4. Prepare mid-year legislative report with data-supported outcomes (May–Jun 2026).

Conclusion – Reflection and Lessons Learned

The early months of Nā Hulu Wehi demonstrate that when community stakeholders, Judiciary leaders, and service providers work together, meaningful change is possible. Collaboration with legislators, treatment partners, and local leadership remains the key to sustainability and impact.

The program will continue to align with AllRise Best Practice Standards and the latest advances in trauma-informed and gender-responsive healing, ensuring that Nā Hulu Wehi remains a national model for how to balance justice, accountability, and compassion.

Nā Hulu Wehi is more than a pilot program, it is a testament to what can be achieved when healing, culture, and collective effort come together for the good of our island community.