



RESOLUTION

RELATING TO THE INCLUSION IN THE 2014 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A PROPOSAL TRANSFERRING A PORTION OF THE FINES AND FORFEITURES FROM UNCONTESTED TRAFFIC INFRACTIONS TO THE COUNTIES.

WHEREAS, the counties are responsible for the enforcement of the Statewide Traffic Code (Chapter 291C, Hawaii Revised Statutes) and county traffic ordinances; and

WHEREAS, the cost to the counties of enforcing the state and county traffic laws and prosecuting violators is substantial and presently paid mainly from county general funds and highway funds; and

WHEREAS, all fines and forfeitures from the state and county traffic violations, however, are paid to the State and used as state general fund revenues; and

WHEREAS, none of the fines and forfeitures are transmitted to the counties despite their enforcement and prosecution efforts; and

WHEREAS, the Council understands that a substantial portion of the traffic fines and forfeitures received by the State are derived from uncontested infractions; and

WHEREAS, the Council also understands that the state judiciary does not have to make substantial expenditures of state funds to collect the uncontested fines and forfeitures; and

WHEREAS, transferring to the counties a portion of the uncontested traffic fines and forfeitures would be equitable and assist the counties in funding the cost of enforcing state and county traffic laws and prosecuting violators; and

WHEREAS, approval of all counties is required to include a proposal in the 2014 HSAC legislative package; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that it approve for inclusion in the 2014 HSAC legislative package a proposal, attached as Exhibit A, that would transfer a portion of the fines and forfeitures from uncontested traffic infractions to the counties; and



RESOLUTION

BE IT FINALLY RESOLVED that a copy of this Resolution be transmitted to the President of the Hawaii State Association of Counties.

INTRODUCED BY:

[Handwritten signature]

13-193
AUG 14 2013
COUNCIL

DATE OF INTRODUCTION:

AUG 14 2013

Honolulu, Hawaii

Councilmembers



EXHIBIT A

1 requesting a hearing to explain mitigating circumstances and
2 pays or remits bail forfeiture by mail within thirty days.

3 § -2 **Transmittal of fines and forfeitures.** (a) The
4 state director of finance shall transmit to each county not more
5 than thirty days after the end of each fiscal quarter per
6 cent of all the fines and forfeitures collected for uncontested
7 traffic infractions committed in that county that are in excess
8 of amounts required by the state to pay the administrative costs
9 of the traffic violations bureau.

10 (b) Subsection (a) shall not apply to fines and
11 forfeitures:

12 (1) For violations that occur on state off-street parking
13 facilities, parks, airports, and harbors that are subject to
14 enforcement by the state; or

15 (2) That are required by law to be paid into a special,
16 revolving, or trust fund.

17 No county shall be entitled to any portion of the fines and
18 forfeitures described in this subsection."

19 SECTION 2. Section 291C-171, Hawaii Revised Statutes, is
20 amended by amending subsection (a) to read as follows:

21 "(a) All fines and forfeitures collected upon conviction
22 or upon the forfeiture of bail of any person charged with a

____.B. NO. _____

1 violation of any section or provision of the state traffic laws
2 and all assessments collected relating to the commission of
3 traffic infractions shall be paid to the state director of
4 finance [~~of the State~~].

5 The judiciary shall identify those uncontested traffic
6 infractions as defined in section -1. The disposition of
7 finances and forfeitures paid to the state director of finance
8 shall be subject to section -2."

9 SECTION 3. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 4. This Act shall take effect on July 1, 2014.

12

13

INTRODUCED BY: _____

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
C E R T I F I C A T E

RESOLUTION 13-193

Introduced: 08/14/13 By: IKAIKA ANDERSON

Committee: INTERGOVERNMENTAL
AFFAIRS AND HUMAN
SERVICES

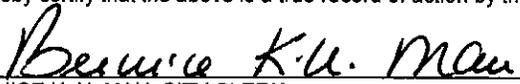
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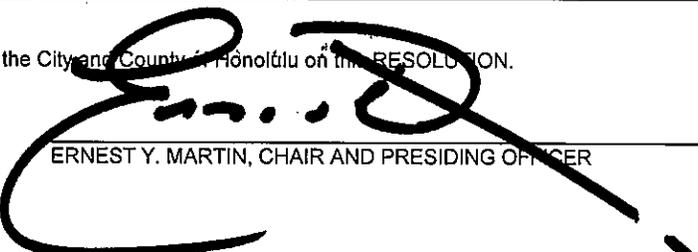
VERSIONS:	COMMITTEE REPORTS:	MEETINGS: MINUTES & VIDEOS	COMMUNICATIONS/ TESTIMONIES (If Any):
RES13-193	CR-265	VIDEOS – Click Here	Click Here

Voting Legend: * = Aye w/Reservations

08/22/13	INTERGOVERNMENTAL AFFAIRS AND HUMAN SERVICES	CR-265 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION.
09/11/13	COUNCIL	CR-265 AND RESOLUTION 13-193 WERE ADOPTED. 9 AYES: ANDERSON, CHANG, FUKUNAGA, HARIMOTO, KOBAYASHI, MANAHAN, MARTIN, MENOR, PINE;

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.


BERNICE K. N. MAU, CITY CLERK


ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER