EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE
GOVERNOR

July 12, 2006

The Honorable Robert Bunda, President
and Members of the Senate
Twenty-Third State Legislature
State Capitol, Room 003
Honolulu, Hawaii 96813

Dear Mr. President and Members of the Senate:

Re: House Bill No. 3016 HD1 SD1 CD1

On July 11, 2006, House Bill No. 3016, entitled "A Bill for an Act Relating to Unserved Arrest Warrants" became law without my signature, pursuant to Section 16 of Article III of the Constitution of the State of Hawaii.

The backlog of arrest warrants is a problem that has gained attention from various sectors of the community and engendered a number of proposed solutions. The stated intent of this bill is to require due diligence in serving all traffic warrants issued against a defendant and to require the Hawaii Paroling Authority to report to the appropriate court and arresting authorities whether a parolee has any outstanding traffic warrants. However, the substance of the bill is questionable.

First, the bill adds a section to chapter 353, Hawaii Revised Statutes, to require the Hawaii Paroling Authority to inform the appropriate courts and arresting authorities of all outstanding traffic warrants issued against those whose parole has been suspended or revoked. The purpose of this is to allow such warrants to be "served on the parolee in a timely manner." This merely codifies existing practice of the Hawaii Paroling Authority. Thus, adding this section to the law will not result in any improvement of current procedures.

Second, the bill adds a section to chapter 604, Hawaii Revised Statutes, to require that "in any criminal proceeding, due diligence shall be used in serving any outstanding traffic warrants on the defendant." It is arguable whether this addition to the statutes is substantive inasmuch as the Hawaii Rules of Penal Procedure Rule 9(c)(3)(i) already requires that a "warrant shall be executed without unnecessary delay by the arrest of the defendant."

Finally, this bill instructs the Judicial Council to set up a committee to "conduct a comprehensive review of the backlog of arrest warrants waiting to be served upon persons incarcerated in the State's correctional facilities and the entire backlog of unserved arrest warrants and recommend to the Legislature action necessary so that these warrants will be served

without further delay." While a comprehensive review of the warrant backlog is warranted, the bill's review is duplicative of Senate Concurrent Resolution 91 SD1 which convenes a task force to "conduct a comprehensive review of the entire backlog of unserved arrest warrants and recommend to the Legislature action necessary to permanently alleviate the backlog." Both the bill and the resolution establish review panels largely comprised of representatives from the same agencies and both require reports to be submitted to the Legislature twenty days prior to the convening of the regular session of 2007.

I support a comprehensive review of the backlogged warrants problem and subsequent meaningful action to eliminate the backlog. However, this bill is duplicative of actions already underway to address this issue.

For the foregoing reasons, I allowed House Bill No. 3016 to become law as Act 308 effective July 11, 2006 without my signature.

Sincerely,

LINDA LINGLE