



The Judiciary, State of Hawaii

Testimony to the House Committee on Ocean, Marine Resources, and Hawaiian Affairs

Representative Kaniela Ing, Chair
Representative Nicole E. Lowen, Vice Chair
Wednesday, March 16, 2016, 9:00 a.m.
State Capitol, Conference Room 325

by

WRITTEN TESTIMONY ONLY

Barbara Richardson
Deputy Chief Judge
District Court of the First Circuit

Bill No. and Title: Senate Bill No. 2453, Relating to Aquatic Penalties Resources.

Purpose: Authorizes the court to require a person who violates certain laws pertaining to aquatic resources to complete an aquatic resources educational class administered by DLNR in lieu of or in addition to paying a monetary fine. Authorizes the court to require a person who violates certain laws pertaining to aquatic resources to perform community service administered by DLNR in lieu of paying a monetary fine.

Judiciary's Position:

The Judiciary supports Senate Bill No. 2453. Development of educational programs and community service opportunities as sentencing alternatives is one of the key recommendations by the Environmental Court Working Group as a part of the implementation of Act 218.¹ While

¹ Following passage of Act 218, establishing the Environmental Court, the judiciary was asked to convene a working group and prepare a report to the legislature. The Chief Justice convened an Environmental Court Working Group (ECWG), consisting of judges and administrators from each of the four circuits. The working group consulted with DLNR administrators and staff at DOCARE, in addition to other stakeholders, including (but not limited to) county prosecutors, public defenders and attorneys general. ECWG Report, p.11-12. The full report by the ECWG, including a list of participants and stakeholders consulted, is available at:

http://www.courts.state.hi.us/docs/news_and_reports_docs/environmental_courts.pdf (last visited Jan. 29, 2016).



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prospective fines and/or incarceration serve important roles in inhibiting illegal behavior, alternative sentencing options offer other advantages that may allow courts to more directly address environmental harm caused by resource violations.

The ability of a court to require an offender to take a comprehensive educational class instead of, or in addition to, imposing a fine for a single proscribed act, can accomplish one of the goals underlying the creation of the Environmental Courts. Education about the broader principles of resource management and regulation allows offenders to better understand Hawaii's resource laws to foster a change of behavior.

Alternative sentencing options allow Environmental Court judges to impose sentences that specifically address resource offenses and violators, and will give them the ability to more effectively deter future violations, enhance public knowledge about Hawaii's resource laws and ensure that the punishment for such violations is appropriate.

Thank you for the opportunity to testify on Senate Bill No. 2453.