



RESOLUTION

INITIATING AMENDMENTS TO THE REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU 1973, AS AMENDED RELATING TO THE PROSECUTING ATTORNEY.

WHEREAS, Hawaii Revised Statutes ("HRS") section 28-10.6 authorizes the department of the attorney general of the State of Hawaii to initiate, develop and perform or coordinate programs, projects and activities, as determined by the attorney general, on the subject of crime, including but not limited to crime research, prevention, and education; and

WHEREAS, pursuant to HRS section 28-10.6, the attorney general is authorized to receive and expend financial grants and donations for crime research, prevention, and education; and

WHEREAS, in Rees v. Carlisle, 113 Haw. 446, 153 P.3rd 1131 (2007), the Hawaii Supreme Court ruled that the authorizations included in HRS Section 28-10.6 do not extend to the county prosecutors; and

WHEREAS, the council finds that the department of the prosecuting attorney of the City and County of Honolulu should have similar authority to develop programs on the subject of crime, including the authority to receive and expend financial grants, donations, and other funds for crime research, prevention, and education; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu:

1. That it propose, and it is hereby proposed, that the following question be placed on the 2008 general election ballot:

"Shall the Prosecuting Attorney be allowed to initiate, develop, and perform or coordinate programs, projects and activities, as determined by the prosecuting attorney, on the subject of crime, including but not limited to crime research, prevention, and education?"

2. That it propose and it is hereby proposed, that Section 8-104, Revised Charter of the City and County of Honolulu 1973, as amended, be amended to read as follows:

"Section 8-104. Powers, Duties and Functions --



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1. The prosecuting attorney shall:

(a) Attend all courts in the city and conduct, on behalf of the people, all prosecutions therein for offenses against the laws of the state and the ordinances and rules and regulations of the city.

(b) Prosecute offenses against the laws of the state under the authority of the attorney general of the state.

(c) Appear in every criminal case where there is a change of venue from the courts in the city and prosecute the same in any jurisdiction to which the same is changed or removed. The expense of such proceeding shall be paid by the city.

(d) Institute proceedings before the district judges for the arrest of persons charged with or reasonably suspected of public offenses, when the prosecuting attorney has information that any such offenses have been committed, and for that purpose, take charge of criminal cases before the district judges either in person or by a deputy or by such other prosecuting officer or in such other manner as the prosecuting attorney shall designate with approval of the district court or in accordance with statute; draw all indictments and attend before and give advice to the grand jury whenever cases are presented to it for its consideration; and investigate all matters which may properly come before the prosecuting attorney. Nothing herein contained shall prevent the conduct of proceedings by private counsel before courts of record under the direction of the prosecuting attorney.

2. The prosecuting attorney may:

(a) Research, evaluate, and make recommendations regarding crime, crime prevention, and the criminal justice system to the governor, the legislature, the judiciary, the council, the mayor, the Honolulu police department and other criminal justice agencies, or the general public, as the prosecuting attorney deems appropriate.

(b) Provide crime prevention training programs for law enforcement agencies, citizens, businesses, and civic groups; and

(c) Develop public education programs through various broadcast or print media, to provide the general public information that will



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assist citizens in developing the knowledge and confidence to prevent crime and to avoid being victims of crime.

(d) Receive and expend financial grants, donations and other funds as permitted by the provisions of the revised charter, city ordinances and applicable city, state, and federal financial and budget policies for crime research, prevention, and education."

3. New charter material is underscored. When revising, compiling, or printing these charter provisions for inclusion the Revised Charter of the City and County of Honolulu 1973 as amended, the revisor of the charter need not include the underscoring.
4. That if these Charter provisions are amended by any other Charter amendment approved by the electors in the 2008 general election, the revisor of the charter, in revising, compiling or printing the Charter: (1) may designate or redesignate articles, chapters, sections or parts of sections, and rearrange references thereto; and (2) shall, except as otherwise expressly provided in this resolution or in the other resolution(s) amending these Charter provisions, give effect, to the extent possible, to all of the amendments approved. The revisor of the charter may also change capitalization or the form of numbers and monetary sums for the sake of uniformity.
5. That the City Clerk be and is hereby directed:
 - A. To prepare the necessary ballots with the question contained in this resolution and with spaces for "yes" and "no" votes on the question for presentation to the electors at the 2008 general election. The City Clerk may make technical and non-substantive changes to the form of the question presented in order to conform it to the form of other charter amendment questions presented to the electors at the same election; and
 - B. To publish the above-proposed Charter amendments at length in a daily newspaper of general circulation in the City and County of Honolulu at least 45 days prior to their submission to the electors at the 2008 general election.



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- 6. That upon approval of the charter amendment question posed in this resolution by a majority of electors voting thereon, as duly certified, the charter amendments proposed in this resolution shall take effect on January 2, 2009.

INTRODUCED BY:

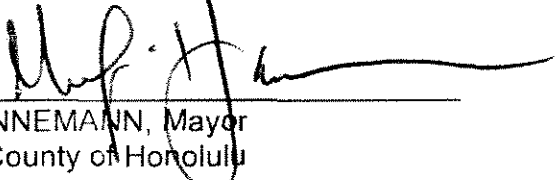
Ann Kobayashi

DATE OF INTRODUCTION:

July 16, 2007
Honolulu, Hawaii

Councilmembers

APPROVED this 29th day of October, 2007.



MUFU HANNEMANN, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 07-223, CD1

Introduced: 07/16/07 By: ANN KOBAYASHI

Committee: EXECUTIVE MATTERS

Title: RESOLUTION INITIATING AMENDMENTS TO THE REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU 1973, AS AMENDED RELATING TO THE PROSECUTING ATTORNEY.

Links: [RES07-223](#)
[RES07-223, CD1](#)
[CR-313](#)

COUNCIL	08/15/07	RESOLUTION PASSED FIRST READING AND REFERRED TO THE COMMITTEE ON EXECUTIVE MATTERS.					
	APO Y	CACHOLA E	DELA CRUZ Y	DJOU E	GARCIA Y		
	KOBAYASHI Y	MARSHALL Y	OKINO Y	TAM Y			
EXECUTIVE MATTERS	09/05/07	CR-313 – RESOLUTION REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING AS AMENDED IN CD1 FORM.					
PUBLISH	09/08/07	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR BULLETIN.					
COUNCIL/PUBLIC HEARING	09/19/07	CR-313 ADOPTED, RESOLUTION PASSED SECOND READING AS AMENDED (RES07-223, CD1), PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON EXECUTIVE MATTERS.					
	APO Y	CACHOLA A	DELA CRUZ Y	DJOU Y	GARCIA Y		
	KOBAYASHI Y	MARSHALL Y	OKINO Y	TAM Y			
PUBLISH	09/24/07	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR BULLETIN.					
EXECUTIVE MATTERS	09/26/07	CR-355 – RESOLUTION REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING.					
COUNCIL	10/17/07	CR-355 ADOPTED AND RESOLUTION 07-223, CD1 PASSED THIRD READING.					
	APO Y	CACHOLA Y	DELA CRUZ Y	DJOU Y	GARCIA Y		
	KOBAYASHI Y	MARSHALL Y	OKINO Y	TAM Y			

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.

Benise C. De Costa
BENISE C. DE COSTA, CITY CLERK

Barbara Marshall
BARBARA MARSHALL, CHAIR AND PRESIDING OFFICER

