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November 5, 2025

Honorable Richard T. Bissen, Jr.
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Richard T. Bissen, Jr.

Mayor Date 11-6-25

For Transmittal to:

Honorable Shane M. Sinenci
Chair, Maui County Council
Water Authority, Social Services,
And Parks Committee
200 South High Street
Wailuku, Hawaii 96793

RE: Bill 119 (2025), Penalties for Prohibited Noise Violations (WASSP-9)

Dear Chair Sinenci:

I am writing in reply to your October 24, 2025, letter requesting my response to the following inquiries regarding Bill 119 (2025), Penalties for Prohibited Noise Violations:

1. Please provide the number of offenses that occurred in the last year under Maui County Code ("MCC") Section 10.20.440.
2. Please explain how Subsection 10.20.440(D) is enforced, including available penalties per offense.

As to the first inquiry, our department does not intake traffic infractions, such as a MCC Section 10.20.440 violation, unless the citation is connected to other criminal traffic offenses. A review of our records shows that we received one (1) offense under MCC Section 10.20.440 in calendar year 2024 (January 1, 2024 through December 31, 2024) and one (1) offense under MCC Section 10.20.440 in calendar year 2025 (January 1, 2025 through October 31, 2025). No charges were filed in both cases.

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Our Department requested information on the number of citations issued for calendar year 2024 (January 1, 2024 through December 31, 2024) and calendar year 2025 (January 1, 2025 through October 27, 2025, date of the inquiry) from the Second Circuit Judiciary. The Judiciary maintains statistics for citations under MCC Section 10.20.440 and provided the following information:

1. Total number of citations received:
 - a. Violation of MCC Section 10.20.440
2024 – 3
2025 – 0
 - b. Violation of Section MCC 10.20.440(B)
2024 – 1
2025 – 0
 - c. Violation of Section MCC 10.20.440(C)
2024 – 6
2025 - 2

2. Total number of citations resulting in a conviction:
 - a. Violation of Section MCC 10.20.440
2024 – 3 (2 – not contested, paid; 1 – contested, in favor of State, paid)
2025 – 0
 - b. Violation of Section MCC 10.20.440(B)
2024 – 0
2025 – 0
 - c. Violation of Section MCC 10.20.440(C)
2024 – 6 (1 – not contested, paid; 4 – not contested, still outstanding, not paid; 1 – contested, conviction in favor of State, paid)
2025 – 2 (1 – not contested, still outstanding, not paid; 1 – not contested, paid)

3. Total number of citations resulting in discharged/dismissed:
2024 – 1
2025 – 0

As to the Committee's second inquiry, MCC 10.20.440(D) is enforced by a police officer issuing a citation, upon witnessing or receiving credible evidence of a muffler violation. In lieu of arrest, suspects must be given a summons or citation, pursuant to MCC Section 10.72.010.

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The police officer who issues the citation must submit a copy to the Traffic Violations Bureau or District Court for the Second Circuit within ten (10) calendar days after its issuance, in accordance with Hawai'i Civil Traffic Rules ("HCTR") Rule 7. A defendant may answer the citation within twenty-one (21) days after its issuance by either 1) paying the assessed fine, 2) denying the infraction and requesting a hearing to contest the allegation, or 3) admitting to the infraction and requesting a hearing to explain any mitigating circumstances. The requirement that a defendant answer the citation within twenty-one (21) days is set forth in Hawaii Revised Statutes ("HRS") Section 291D-6 and HCTR Rule 8(b).

If a defendant fails to answer the citation, then a default judgment may be entered. The court shall then mail the notice of entry of default judgment to the defendant that payment of the judgment must be made within thirty (30) days of the notice. If payment is not made within thirty (30) days, the county director of finance will be notified, and a stopper will be placed on the defendant's driver's license for moving infractions or on the vehicle registration and title for parking infractions. These procedures and consequences of failing to answer the citation are set forth HCTR Rule 15.

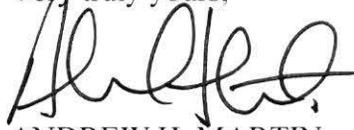
If a defendant requests a hearing to contest or mitigate the citation, an informal hearing will be held without a prosecutor and usually without witnesses, in accordance with HRS Sections 291D-8 and 291D-14(d); HCTR Rule 14. If the court rules that the traffic infraction has been committed and enters a judgment, the defendant may then request a trial within thirty (30) calendar days after the judgment. At trial, the Department of the Prosecuting Attorney represents the State of Hawai'i, calls witnesses, and presents evidence. The court then decides whether the prosecution has sufficiently proved the violation by a preponderance of the evidence. The procedures and standards regarding a trial are set forth in HRS Sections 291D-9 and 291D-13 and HCTR Rule 19.

The penalties for a muffler violation under MCC Section 10.20.440(D) are stated in MCC Section 10.72.020. A person convicted of a muffler violation under MCC Section 10.20.440(D) may be sentenced to a fine of not more than \$200 for the first offense, and not more than \$500 for every subsequent offense. Community service work in lieu of payment of a monetary assessment may be ordered at the defendant's request if the court finds that the defendant does not have the ability to pay, pursuant to HCTR Rule 17.

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I hope that this information assists the Committee in answering the inquiries posed. If the Committee needs further clarification, or would like additional information on this matter, please do not hesitate to contact us.

Very truly yours,

A handwritten signature in black ink, appearing to read "Andrew H. Martin". The signature is fluid and cursive, with a prominent initial "A" and "M".

ANDREW H. MARTIN
Prosecuting Attorney

WASSP Committee

From: Michelle L. Santos <Michelle.Santos@co.maui.hi.us>
Sent: Thursday, November 6, 2025 3:07 PM
To: WASSP Committee
Cc: Cynthia E. Sasada; Didi A. Hamai; Erin A. Wade; Josiah K. Nishita; Kelii P. Nahooikaika; Andrew H. Martin; Brandie R. Shimabukuro; Glen B. Duran; Karen Y. Montalvo; Shelly C. De Mattos
Subject: MT#11296-WASSP Committee.pdf
Attachments: MT#11296-WASSP Committee.pdf