

STAND. COM. REP. NO.

1334

Honolulu, Hawaii

MAR 18 , 2025

RE: S.B. No. 1316
S.D. 1
H.D. 1

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Madame:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 1316, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO COURT-ORDERED PAYMENTS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Require the Judiciary to contract with a collection agency or licensed attorney to collect delinquent court-ordered fees, fines, sanctions, and court costs;
- (2) Repeal the authority of the Judiciary to contract with a collection agency or licensed attorney to collect delinquent restitution;
- (3) Expressly allow courts to specify a period of time or installments for payment of fees and restitution; and
- (4) Require district courts to hold payment compliance hearings once per year or as soon as practicable, until all fees, fines, and restitution are fully paid, and requires a defendant to appear and show cause if the defendant fails to pay in full within a time specified

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by the court or fails to pay three consecutive installments.

Your Committee received testimony in support of this measure from the Crime Victim Compensation Commission and one individual. Your Committee received testimony in opposition to this measure from the Office of the Public Defender. Your Committee received comments on this measure from the Judiciary and Department of the Attorney General.

Your Committee finds that the Hawaii Supreme Court interpreted section 706-644, Hawaii Revised Statutes, to mean that courts can only hold compliance hearings for restitution payments if the defendant is on probation or defaults on payments. If the defendant is not on probation, the court cannot hold compliance hearings unless the defendant defaults, making it harder for victims to ensure they are compensated. This measure would provide victims with a clearer court procedure to enforce restitution orders and prevent them from having to pursue restitution through civil lawsuits.

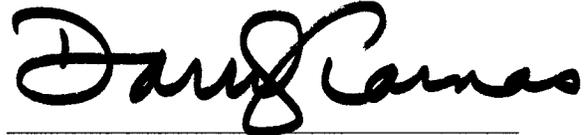
Your Committee has amended this measure by:

- (1) Specifying that when restitution is not ordered by a court, the fines or fees are referred to a collection agency and no proof of compliance hearing is required; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1316, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1316, S.D. 1, H.D. 1, and be referred to your Committee on Finance.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,

A handwritten signature in black ink, reading "David Tarnas". The signature is written in a cursive style with a large, prominent "D" and "T".

DAVID A. TARNAS, Chair



