

STAND. COM. REP. NO.

863

Honolulu, Hawaii

FEB 28 2025

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

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committee on Ways and Means, 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 and intent of this measure is to clarify the State's laws regarding victim restitution and other court-ordered payments in response to the Hawaii Supreme Court's decision in *State v. Fay* (2024).

More specifically, the measure:

- (1) Requires the Judiciary to contract with a collection agency or licensed attorney to collect delinquent court-ordered fees, fines, sanctions, and court costs;
- (2) Repeals the Judiciary's authority to contract with a collection agency or licensed attorney to collect delinquent restitution;
- (3) Authorizes courts to specify a time period or establish installments for the payment of court-ordered fees and restitution;



- (4) Establishes requirements for district courts to hold payment compliance hearings until all fees, fines, and restitution are paid in full; and
- (5) Requires a defendant in district court to appear and show cause if the defendant fails to pay three consecutive installment payments.

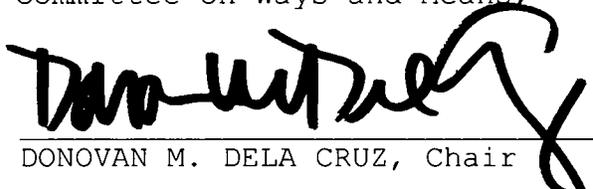
Your Committee received written comments in support of this measure from the Department of the Attorney General and one individual.

Your Committee received written comments on this measure from the Judiciary.

Your Committee finds that, as interpreted by the Hawaii Supreme Court, the existing law allows the court to order a compliance hearing for restitution payments only if the defendant is on probation or after the defendant defaults on payments. Your Committee believes that clarifying the court procedures for court-ordered restitution will help ensure that convicted defendants comply with orders for restitution and that victims are properly compensated for their losses.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1316, S.D. 1, and recommends that it pass Third Reading.

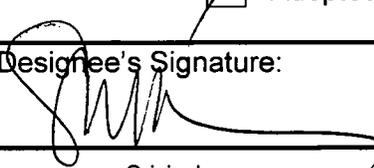
Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,


DONOVAN M. DELA CRUZ, Chair



The Senate
 Thirty-Third Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
SB1316 ED1	JDC, WAM	2-26-2025		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	X			
MORIWAKI, Sharon Y. (VC)	X			
AQUINO, Henry J.C.	X			
DECOITE, Lynn	X			
ELEFANTE, Brandon J.C.	X			
HASHIMOTO, Troy N.	X			
INOUYE, Lorraine R.	X			
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.	X			
KIM, Donna Mercado	X			
LEE, Chris	X			
WAKAI, Glenn	X			
FEVELLA, Kurt	X			
TOTAL	13	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod				
File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes