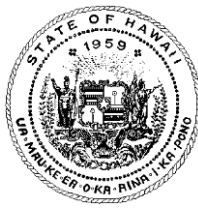


DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
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Corrections

Renee R. Sonobe Hong
Deputy Director
Law Enforcement

No. _____

**TESTIMONY ON HOUSE BILL 410
RELATING TO RESTITUTION FOR VICTIMS OF CRIME.**

by
Nolan P. Espinda, Director
Department of Public Safety

House Committee on Judiciary
Representative Chris Lee, Chair
Representative Joy A. San Buenaventura, Vice Chair

Friday, February 1, 2019; 2:00 p.m.
State Capitol, Conference Room 325

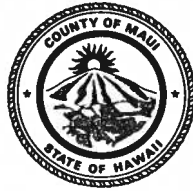
Chair Lee, Vice Chair San Buenaventura, and Members of the Committee:

The Department of Public Safety (PSD) supports House Bill (HB) 410, which will clarify the intent of Section 706-646, Hawaii Revised Statutes (HRS), to reimburse crime victims fully for all reasonable and verified losses resulting from the defendant's offense.

HB 410 expands the definition of medical expenses to include mental health treatment, counseling and therapy. The measure also allows compensation for all Funeral and Burial expenses, deleting "as a result of crime," and adds, "Lost earnings, which include paid leave."

These changes will accrue to the benefit of crime victims.

Thank you for the opportunity to present this testimony.



DEPARTMENT OF THE PROSECUTING ATTORNEY
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TESTIMONY
ON
HB 410 - RELATING TO
RESTITUTION FOR VICTIMS OF CRIME

January 31, 2019

The Honorable Chris Lee
Chair
The Honorable Joy A. San Buenaventura
Vice Chair
and Members of the Committee on Judiciary

Chair Lee, Vice Chair San Buenaventura, and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui, SUPPORTS HB 410 - Relating to Restitution For Victims of Crime. HB 410 would make it clear that a sentencing court has the authority to award restitution involving: 1) lost earnings; and 2) medical expenses pertaining to mental health treatment, counseling, and therapy. Indeed, these types of losses are in fact real, and but for the criminal act(s) of the defendant, the victim would not have suffered these types of losses. Hence, these expenses should be compensable as restitution.

Furthermore, there are safeguards written into the statute HRS § 706-646, which prevents a sentencing court from simply "rubber stamping" a restitution request. Specifically, HRS § 706-646(2) mandates that the losses involved in the restitution request be "reasonable and verified." Moreover, these losses suffered by the victim, must be as a result of the defendant's offense.

Finally, there is no automatic right to restitution unless the sentencing court is satisfied that the prosecution has met its burden of proof as it relates to the restitution request.

Accordingly, the Department of the Prosecuting Attorney, County of Maui, SUPPORTS the passage of this bill. We ask that the committee PASS HB 410.

Thank you very much for the opportunity to provide testimony on this bill.



O`ahu County Committee on Legislative Priorities (OCCLP)

COMMITTEE ON JUDICIARY

Rep. Chris Lee, Chair

Rep. Joy A. San Buenaventura, Vice Chair

DATE: Friday, February 1, 2019

TIME: 2:00 p.m.

PLACE: Conference Room 325, State Capitol

RE: HB 410 Relating to Restitution for Victims of Crime

Aloha mai kakou Chair Lee, Vice Chair San Buenaventura, and Members of the Committee on Judiciary:

The O`ahu County Committee on Legislative Priorities (OCCLP) of the Democratic Party of Hawai`i (DPH) hereby submits its testimony in **SUPPORT of HB 410 relating to Restitution for Victims of Crime.**

HB 410 clarifies that reimbursement to crime victims includes lost wages, mental health treatment, and therapy.

DPH is committed to ending the scourge of violence against women - wherever it occurs – whether in our homes, streets, schools, military, workplace, or elsewhere. DPH will support comprehensive services for survivors and increase prevention efforts in our communities and on our school campuses. DPH will fight to bring an end to sexual assault – wherever it occurs, including on campuses – because everyone deserves a safe environment where they can learn and thrive, not live in fear. We will provide comprehensive support to survivors and ensure a fair process for all . . . in the criminal justice system. We will increase violence prevention education programs that cover issues like consent and bystander intervention . . . *Democratic Party of Hawai`i Platform (2018), p. 15, ln. 21-28.*

For the foregoing reasons, i.e., to provide comprehensive support to survivors and to ensure a fair process for all, OCCLP supports HB 410 and urges its passage out of the Committee on Judiciary.

Mahalo nui loa
Me ka `oia`i`o

/s/ Melodie Aduja

Melodie Aduja
Chair, O`ahu County Committee on Legislative Priorities
of the Democratic Party of Hawai`i
Ph. (808) 258-8889
Email: legislativepriorities@gmail.com

HB-410

Submitted on: 1/31/2019 10:00:42 AM

Testimony for JUD on 2/1/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Julie Yurie Takishima-Lacasa	Hawai'i Psychological Association	Support	No

Comments: