

EXECUTIVE CHAMBERS

HONOLULU

June 20, 2003

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1003

Honorable Members
Twenty-Second Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1003, entitled "A Bill for an Act Relating to Crime Victim Compensation."

The purpose of this bill is to assist the Crime Victim Compensation Commission (CVCC) by doing the following: (1) allowing the CVCC to transfer a minor's compensation award to an appropriate custodian for the minor's benefit under the Uniform Transfers to Minors Act; (2) allowing compensation (a) for mental health services to children or elderly individuals who witness a crime, and (b) to surviving relatives of victims of sexual assault and death; (3) renaming the award for "pain and suffering" as the award for an "acknowledgment of harm"; (4) authorizing the CVCC to hire new employees without regard to civil service; (5) requiring the Judiciary to provide information demonstrating compliance with section 351-62.6, Hawaii Revised Statutes; and (6) escheating any unclaimed victim restitution moneys to the CVCC special fund after public notice.

Although there are several positive aspects to this bill, the bill is objectionable because the removal of civil service protection is unnecessary and because funds should not escheat to the CVCC when the CVCC is the organization currently responsible for locating victims.

This bill removes civil service protections from new staff at the CVCC. No sufficient justification has been provided to demonstrate the need for these workers to be exempt from the civil service.

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Furthermore, the CVCC is currently responsible for locating and paying victims. Under this bill, if the CVCC does not locate the victim, the restitution funds escheat to the CVCC special fund. Accordingly, this bill would appear to create a financial incentive for the CVCC when victims are not found. Laws that create such perceptions of government do not serve to restore trust and integrity in government.

The positive parts of this bill may and should be passed next year.

For the foregoing reasons, I am returning House Bill No. 1003 without my approval.

Respectfully,

LINDA LINGLE
Governor of Hawaii

P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1003, entitled "A Bill for an Act Relating to Crime Victim Compensation," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1003 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1003 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 20th day
of June, 2003.



LINDA LINGLE
Governor of Hawaii