

MAR 14 2007

SENATE RESOLUTION

REQUESTING THE JUDICIARY TO MONITOR THE COLLECTION OF CRIME
VICTIM COMPENSATION FEES.

1 WHEREAS, the Crime Victim Compensation Commission was
2 established in 1967 to provide compensation to Hawaii's victims
3 of violent crime; and
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5 WHEREAS, the Legislature, in Act 206, Session Laws of
6 Hawaii 1998, established the mandatory crime victim compensation
7 fee to enable the Crime Victim Compensation Commission to become
8 fiscally self-sufficient and to eliminate the need for general
9 fund appropriations; and
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11 WHEREAS, many victims experience financial hardship and
12 cannot afford to pay for medical treatment, mental health
13 treatment, or other services they need in order to recover from
14 the harmful effects of violent crime, and, therefore, they must
15 seek compensation from the Crime Victim Compensation Commission;
16 and
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18 WHEREAS, victims and their surviving family members will be
19 further traumatized if the Crime Victim Compensation Commission
20 lacks sufficient funding to provide them with compensation for
21 medical, mental health, funeral, and other expenses; and
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23 WHEREAS, chapter 351, Hawaii Revised Statutes, requires
24 judges to assess the mandatory crime victim compensation fee
25 against every defendant who has the ability to pay and who
26 enters a deferred plea or who is convicted of a petty
27 misdemeanor, misdemeanor, or felony; and
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29 WHEREAS, the Judiciary's collection of compensation fees is
30 less than their estimated revenue from compensation fee
31 collections; and
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33 WHEREAS, the Crime Victim Compensation Commission's surveys
34 of compensation fee assessments found that judges did not order
35 defendants to pay the compensation fee in all eligible cases;
36 and



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2 WHEREAS, the failure to order and collect the mandatory
3 compensation fee in all eligible cases jeopardizes the
4 legislative intent of Act 206, Session Laws of Hawaii 1998, to
5 eliminate the need for general fund appropriations to fund
6 compensation for crime victims; and

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8 WHEREAS, the Judiciary is in the best position to monitor
9 whether judges are ordering the mandatory compensation fee; now,
10 therefore,

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12 BE IT RESOLVED by the Senate of the Twenty-fourth
13 Legislature of the State of Hawaii, Regular Session of 2007,
14 that the Judiciary is requested to provide the Legislature with
15 a report detailing the progress of the Judiciary in meeting the
16 requirements of Act 206, Session Laws of Hawaii 1998, including
17 specific information regarding:

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19 (1) Actual versus estimated compensation fee collections;
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21 (2) The number of eligible cases in which the fee was
22 ordered;
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24 (3) The number of eligible cases in which the fee was
25 collected;
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27 (4) The number of eligible cases in which the fee was
28 waived; and
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30 (5) In eligible cases in which the fee was waived, the
31 criteria used for waiving the fee; and
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33 BE IT FURTHER RESOLVED that the Judiciary is requested to
34 report its findings and recommendations to the Legislature no
35 later than twenty days prior to the convening of the Regular
36 Session of 2008; and

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38 BE IT FURTHER RESOLVED that certified copies of this
39 Resolution be transmitted to the Chief Justice of the Supreme



1 Court, the Administrative Director of the Courts, and the
2 Chairperson of the Crime Victim Compensation Commission.

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OFFERED BY:

[Handwritten Signature]

Clarence K. Dickerson

Russell. Kelly

