

H.B. NO. 1398

A BILL FOR AN ACT

RELATING TO THE GARNISHMENT OF COMMITTED PERSONS' MONEYS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 353-22.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 " ~~[+]~~ §353-22.5 ~~[+]~~ **Garnishment to cover nonbudgeted costs.**

4 All moneys received by windfall, judgment, or settlement or
5 earned by a committed person shall be subject to garnishment,
6 levy, or any like process of attachment by the director for a
7 cause of action or claim against the committed person in the
8 following order of priority:

9 (1) Restitution to victims;

10 (2) Child support payments by order of the court;

11 (3) Crime victim compensation fees by order of the court;

12 ~~[(3)]~~ (4) Replacement costs for any facility damage that
13 may have been caused by the committed person and all

14 other costs associated with the facility damage; and

15 ~~[(4)]~~ (5) Reimbursement for the extraordinary cost of
16 photocopying or postage ~~[which]~~ that has been advanced
17 by the department for litigation purposes.

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1 All moneys collected by the department pursuant to paragraph
2 [~~(3) or~~] (4) or (5) shall be used to reimburse, in whole or in
3 part, the nonbudgeted costs and expenses."

4 SECTION 2. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:


BY REQUEST

9

JAN 22 2007

JUSTIFICATION SHEET

DEPARTMENT: Public Safety

TITLE: A BILL FOR AN ACT RELATING TO THE GARNISHMENT OF COMMITTED PERSONS' MONEYS.

PURPOSE: To provide the Department of Public Safety with statutory authority to garnish inmate wages to pay court ordered crime victim compensation fees.

MEANS: Amend section 353-22.5, Hawaii Revised Statutes.

JUSTIFICATION: Section 351-62.6, Hawaii Revised Statutes, requires the court to impose a mandatory crime victim compensation fee against criminal offenders. These compensation fees are deposited into the Crime Victim Compensation Special fund and used to pay compensation to victims of violent crime. Currently, there is no statutory authority for the Department of Public Safety to garnish inmate wages to pay these compensation fees. The proposed amendment provides that authorization.

Impact on the public: If the Commission does not have sufficient revenue to pay compensation or operating expenses victims will not be able to get the compensation they need for medical and other crime-related expenses so that they can heal from the physical and mental impact of violent crime.

The proposed bill will increase Commission revenue, which will, in turn, enable the Commission to serve more of Hawaii's violent crime victims.

Impact on the department and other agencies:
None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: None.

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OTHER AFFECTED
AGENCIES:

None.

EFFECTIVE DATE:

Upon approval.