Honolulu, Hawaii

RE: H.B. No. 234 H.D. 1

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Seventh State Legislature Regular Session of 2013 State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 234 entitled:

"A BILL FOR AN ACT RELATING TO COLLECTION OF RESTITUTION FOR CRIME VICTIMS,"

begs leave to report as follows:

The purpose of this measure is to enhance collection of payments pursuant to a court order of judgment for restitution in a criminal matter by:

- Requiring service of orders of income withholding upon a defendant's employer and requiring compliance by the employer;
- (2) Authorizing state tax refund intercepts for the collection of restitution;
- (3) Eliminating the court's authority to revoke a sentence of restitution upon petition of a defendant;
- (4) Allowing money deposited for bail or bond to be used to satisfy restitution, fines, or fees; and
- (5) Providing crime victims with limited access to Adult Probation records for information relating to court-ordered payments.

The Crime Victim Compensation Commission testified in support of this measure. The Department of the Attorney General and State Farm Mutual Automobile Insurance Company provided comments on this measure.

Your Committee has amended this measure by:

- (1) Deleting the section that eliminated the court's authority to revoke a sentence of restitution;
- (2) Adding an appropriation of an unspecified amount to the Judiciary to enhance restitution collection;
- (3) Changing its effective date to July 1, 2112, to promote further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee respectfully requests that your Committee on Judiciary consider the effects of this measure on small businesses in the State.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 234, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 234, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committee on Consumer Protection & Commerce,

ANGUS L.K. McKELVEY, Chair

State of Hawaii House of Representatives The Twenty-seventh Legislature

HSCR 228

Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: HB 234	Committee Referral: CPC, JUD, FJ	N Date:	2/06/1	ζ
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. McKELVEY, Angus L.K. (C)				
2. KAWAKAMI, Derek S.K. (VC)				
3. BELATTI, Della Au	NO DE			-
4. BROWER, Tom	✓			
5. CABANILLA, Rida T.R.				V
6. CACHOLA, Romy M.				
7. CARROLL, Mele				V
8. EVANS, Cindy	V			
9. HAR, Sharon E.				V
10. ITO, Ken	Y			
11. LEE, Chris	//			
12. TSUJI, Clift				
13. YAMANE, Ryan I.				
14. MCDERMOTT, Bob				
15. THIELEN, Cynthia		V		
TOTAL (15)	9		Ø	5
The recommendation is: Adopted If joint referral committee acronym(s) Not Adopted did not support recommendation.				
Vice Chair's or designee's signature:				
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