



TESTIMONY OF THE DEPARTMENT OF THE ATTORNEY GENERAL TWENTY-EIGHTH LEGISLATURE, 2016

ON THE FOLLOWING MEASURE:

H.B. NO. 1516, RELATING TO ASSESSMENT OF THE INTERNET CRIMES AGAINST CHILDREN FEE AGAINST CRIMINAL DEFENDANTS.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY

DATE: Thursday, February 11, 2016

TIME: 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Douglas S. Chin, Attorney General, or
Landon Murata, Deputy Attorney General

Chair Rhoads and Members of the Committee:

The Department of the Attorney General supports this bill.

This bill does two things. First, it moves the existing statute from chapter 846F, Hawaii Revised Statutes (HRS), to chapter 706, HRS, where other laws relating to fees imposed at sentencing of criminal defendants are located. Second, it clarifies that the Internet Crimes Against Children (ICAC) fee shall attach to every felony and misdemeanor conviction.

Because this law establishes a fee to be imposed at sentencing, it more appropriately fits in chapter 706 with the other fees imposed at sentencing of criminal defendants.

By its plain language, the existing law in chapter 846F, applies to all felony and misdemeanor crimes, whether ICAC related or not. The legislative history shows that this issue was considered by the Legislature, and that the Legislature ultimately decided that the law should apply to all crimes. Section 846F-3(a), HRS, provides that the court “shall order every defendant to pay an internet crimes against children fee of up to \$100 for each felony or misdemeanor conviction.”

Notably, since chapter 846F was enacted in July of 2014, only \$25 in fees have been deposited into the ICAC fund. This may be because judges are not imposing the fee based on the assumption that it only applies to internet crimes against children. This bill clarifies that the fee applies to all felony and misdemeanor crimes, thus eliminating any ambiguity or question of the Legislature’s intent relating to the fee.

Therefore, the Department of the Attorney General supports the passage of this bill.