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THE HONORABLE JILL N. TOKUDA, CHAIR
SENATE COMMITTEE ON WAYS AND MEANS
Twenty-Eighth State Legislature
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State of Hawai'i

February 11, 2016

RE: SB 2106; RELATING TO WITNESSES.

Chair Tokuda, Vice-Chair Dela Cruz and members of the Senate Committee on Ways and Means, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in strong support of S.B. 2106. This bill is part of the Department's 2016 legislative package.

The purpose of S.B. 2106 is to increase the amount of per diem stipends from \$145 to \$200 per 24-hour day for out-of-state witnesses, and to increase the overnight supplement from \$90 to \$145 per 24-hour day (in addition to the standard \$55 per diem) for inter-island witnesses who are required to stay overnight.

Increasing per diem stipends would greatly support and encourage victims and other witnesses to report and pursue charges against criminal offenses that occur in Hawai'i. These amounts were raised slightly in 2014, but had not changed for 25 years prior to that (last increased in 1989). Given recent increases in costs for lodging and food, the current per diem amount is insufficient to cover personal expenses, and many who return to testify as witnesses in state court proceedings are forced to pay money out of their own pocket in order to do so.

Because the witness per diem stipend has not kept pace with the cost of living in Hawai'i, it has emerged as an economic "barrier" that either discourages or prevents an out-of-state witness from pursuing charges against offenders, due to economic considerations. Similarly, the per diem stipend amount provided to witnesses who must travel inter-island is insufficient to cover personal expenses, when witnesses are required to stay overnight.

Considering the Department's figures from 2015, the total number of per diem days for witnesses travelling from the mainland and foreign countries, to the City and County of Honolulu, was 218.75 days for 39 witnesses, for a total of \$11,082.50. The cost for 13 witnesses

who travelled from the neighbor islands to the City and County of Honolulu was \$1,526.25, with 5 requiring an overnight stay.

Based on these figures, the anticipated increase in per diem expenditures, if the amount were raised from \$145.00 to \$200.00 per day, would only be **\$12,485 per year**. Considering the importance of bringing back necessary witnesses, to successfully convict defendants who have caused harm to people and property here in Hawai'i, the Department strongly believes that this is a relatively modest fiscal impact, which would be entirely manageable for the State.

While the cost of increasing witness per diems as proposed in S.B. 2106 would be very minimal, the benefit to the public and to returning witnesses is exponentially greater, not only for their overall sense of public safety and welfare, but also for Hawai'i's reputation of maintaining a safe and hospitable environment. The proposed increase of \$55 per day in overnight witness per diems is a small investment with a significant return.

For these reasons, the Department of the Prosecuting Attorney strongly supports the passage of S.B. 2106. Thank you for this opportunity to testify.