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Honolulu, Hawaii

FEB 0 9 2017

RE: S.B. No. 316 S.D. 1

Honorable Ronald D. Kouchi President of the Senate Twenty-Ninth State Legislature Regular Session of 2017 State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred S.B. No. 316 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to clarify that any restitution owed to fully reimburse a crime victim for the victim's losses includes expenses for mental health treatment, counseling, and therapy, and lost earnings, including paid leave.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney, City and County of Honolulu; Office of the Prosecuting Attorney, County of Hawaii; Hawaii State Coalition Against Domestic Violence; and two individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Your Committee finds that crime victims may experience various types of injuries other than physical injuries. Trauma from victimization can result in a range of reactions that may require immediate crisis response to prevent or mitigate long-term psychological and emotional consequences. Furthermore, victimization can result in missed work days and loss of income. This measure ensures that a crime victim is fully reimbursed for losses as a result of a crime by clarifying that restitution includes expenses for mental health treatment, counseling, and therapy, and lost earnings.

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While your Committee notes that lost wages should be included in the restitution owed to a crime victim, paid leave is a benefit that not all employees are conferred and is a benefit for which the employer, rather than employee, bears the cost.

Accordingly, your Committee has amended this measure by:

- (1) Excluding paid leave as lost earnings eligible for restitution;
- (2) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 316, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 316, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on behalf of the members of the Committee on Judiciary and Labor,



The Senate Twenty-Ninth Legislature State of Hawai'i

Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:*	Committee Referral:		Da	Date: 1/31/17	
98316	JDL			1/31/1	
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)					
RHOADS, Karl (VC)		\(\)			
GABBARD, Mike					-
KIM, Donna Mercado					
THIELEN, Laura H.					
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TOTAL		5	0	0	0
Recommendation:					
Adopted Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original File with Committee Re	Yellow Pink Goldenrod e Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes