

Honolulu, Hawaii

FEB 1 5 2017

RE: S.B. No. 493

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. 493 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- Create standards and procedures for the withholding of (1) income for the purposes of enforcing restitution orders;
- Establish that any income withholding order for the (2) enforcement of an order for restitution has priority against any garnishment, attachment, execution, other income withholding order, or any other order with certain exceptions;
- (3) Amend the definition of "debt" relating to the recovery of money owed to the State to include any unpaid court ordered restitution enforceable as a civil judgement;
- (4)Require that any bail posted by a defendant be applied toward payment of any court ordered restitution in the same case; and
- Extend a victim's access to adult probation records to (5) include access to payment compliance records without a fee or surcharge.

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Your Committee received testimony in support of this measure from the Crime Victim Compensation Commission; Department of the Prosecuting Attorney, City and County of Honolulu; Hawaii State Coalition Against Domestic Violence; and The Sex Abuse Treatment Center. Your Committee received comments on this measure from the Judiciary and Department of Taxation.

Your Committee finds that victim restitution is a paramount victim's right that addresses a wide range of effects of crime, including physical, emotional, psychological, financial, and social impacts. This measure offers a comprehensive approach to restitution collection so that victims of crimes will not be provided hollow promises when the court orders restitution.

Your Committee has amended this measure by:

- (1) Adopting the language suggested by the Department of the Prosecuting Attorney of the City and County of Honolulu that removes the court's ability to revoke restitution ordered as part of the defendant's sentencing;
- (2) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments 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. 493, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 493, S.D. 1, and be referred to your Committee on Ways and Means.

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

GILBERT S.C. KEITH-AGARAN, Chair

The Senate Twenty-Ninth Legislature State of Hawai'i

Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:* SB 493	Committee JDL,	Referral:	Da	te: 2/10/	17
The Committee is reco	nsidering its	previous d	ecision on th	is measure.	
If so, then the previous de	ecision was to	:			· · · · · · · · · · · · · · · · · · ·
The Recommendation is:	4				
Pass, unamended 2312	Pass, wit	th amendm 311	ents H	old	Recommit 2313
Members		Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)		\			•
RHOADS, Karl (VC)	***	V			
GABBARD, Mike					-
KIM, Donna Mercado		-	-		~
THIELEN, Laura H.	_				
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TOTAL		4	0	0	[
Recommendation: Adopted Not Adopted					
Chair's or Designee's Signatur	los L				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

*Only one measure per Record of Votes