

Honolulu, Hawaii

MAR 21 2018

RE: H.B. No. 1774  
H.D. 1  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B.  
No. 1774, H.D. 1, 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:

- (1) Establish standards and procedures for withholding income by employers of persons subject to restitution orders to ensure restitution payments are made; and
- (2) Appropriate monies to the Department of the Attorney General to enhance restitution payment collection.

Your Committee received testimony in support of this measure from the Crime Victim Compensation Commission, Department of the Prosecuting Attorney of the City and County of Honolulu, Sex Abuse Treatment Center, and Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i. Your Committee received testimony in opposition to this measure from the Office of the Public Defender and Community Alliance on Prisons. Your Committee received comments on this measure from the Department of the Attorney General.



Your Committee finds that restitution orders are intended to provide a way for victims of crimes who suffer substantial financial losses as a result of crimes committed against them to recover some of their losses such as the value of stolen or damaged property, lost wages, medical expenses, and funeral and burial expenses. Although restitution orders are issued in many criminal cases, they are not strictly enforced and victims are often forced to file civil lawsuits against offenders in an attempt to enforce an order. This measure will establish standards and procedures for withholding income of offenders in order to ensure consistent enforcement of restitution orders and facilitate payment to victims.

Your Committee has amended this measure by:

- (1) Requiring the Department of the Attorney General to disburse withheld restitution payments to a victim within thirty days of receiving the monies from an employer instead of five business days;
- (2) Inserting an effective date of July 1, 2035, 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 that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1774, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1774, H.D. 1, 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,



BRIAN T. TANIGUCHI, Chair



The Senate  
Twenty-Ninth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:* <i>HB 1774, HD1</i>	Committee Referral: <i>JDC, WAM</i>	Date: <i>3/13/18</i>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312         </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311         </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310         </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313         </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
THIELEN, Laura H.	✓			
<b>TOTAL</b>	<i>5</i>	<i>0</i>	<i>0</i>	<i>0</i>
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted           <input type="checkbox"/> Not Adopted         </div>				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
<b>Distribution:</b> <div style="display: flex; justify-content: space-between; font-size: small; margin-top: 5px;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

\*Only one measure per Record of Votes