

STAND. COM. REP. NO.

1091

Honolulu, Hawaii

MAR 24 2021

RE: H.B. No. 631
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 631, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO FINANCIAL HARDSHIP,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Provide courts with greater discretion to adjust the amount owed or installments to be paid by a person who violates certain traffic offenses based on the person's ability to pay;
- (2) Decrease the imprisonment term to contumacious nonpayment ratio; and
- (3) Increase the amount of credit given to a person committed for contumacious nonpayment.

Your Committee received testimony in support of this measure from the Office of the Public Defender, Department of the Prosecuting Attorney of the City and County of Honolulu, Community Alliance on Prisons, Kalihi-Palama Hawaiian Civic Club, and six individuals.



Your Committee finds that the financial hardship task force, established pursuant to Act 112, Session Laws of Hawaii 2019, made several recommendations on how to improve the current traffic system to address the needs of those who are experiencing financial hardship. Your Committee further finds that these recommendations include increasing judicial discretion to impose alternative sentences, expansion of the restricted license program to allow motorists to legally maintain driving privileges while remaining in compliance with court orders, increasing community service conversion rates to authorize courts to give motorists the ability to satisfy monetary assessments at an increased pace, establishing a uniform procedure to adjust a defendant's monetary assessment when a defendant claims financial hardship, increasing the imprisonment conversion rate for criminal traffic offenses, and increasing public visibility of financial hardship options. This measure implements several recommendations from the task force.

Your Committee has amended this measure by:

- (1) Increasing the amount of credit given to a person committed for contumacious nonpayment to \$250 per day; and
- (2) 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. 631, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 631, 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,



KARL RHOADS, Chair



