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# A BILL FOR AN ACT

RELATING TO THE CRIME VICTIM COMPENSATION FEE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the crime victim  
2           compensation commission is struggling financially due to failure  
3           of judges to order the crime victim compensation fee in eligible  
4           cases and court closures resulting from the coronavirus disease  
5           2019 (COVID-19). The crime victim compensation fee was created  
6           by the legislature in 1998 to act as the primary funding source  
7           of the crime victim compensation commission. Collection  
8           shortfalls of the crime victim compensation fee over many years  
9           have effectively deprived the crime victim compensation  
10          commission of the funding reserve it needed to survive the  
11          COVID-19 pandemic and pandemic-related court closures. These  
12          funding shortfalls so limited the crime victim compensation  
13          commission's funding reserve that the crime victim compensation  
14          commission was in danger of closing had the legislature not  
15          provided an emergency infusion of funding in 2021.

16          The legislature further finds that the crime victim  
17          compensation commission continues to face funding problems.



1 Revenue from the crime victim compensation fee has again  
2 declined during the first half of fiscal year 2022 and is eight  
3 per cent lower than revenue for the same period from fiscal year  
4 2021. Encouraging judges to order payment of the crime victim  
5 compensation fee will help to address the crime victim  
6 compensation commission's funding shortfalls. Additionally,  
7 courts will still have the discretion to postpone payment of the  
8 fee for defendants that are unable to pay at the time of  
9 sentencing. Pursuant to section 706-644, Hawaii Revised  
10 Statutes, in cases where the defendant is not acting  
11 contumaciously, the court may order additional time for payment  
12 and the defendant will not be imprisoned for failure to pay.

13 The purpose of this Act is to encourage judges to order the  
14 crime victim compensation fee in all eligible cases.

15 SECTION 2. Section 351-62.6, Hawaii Revised Statutes, is  
16 amended by amending subsection (a) to read as follows:

17 "(a) The court shall impose a compensation fee upon every  
18 defendant who has been convicted or who has entered a plea under  
19 section 853-1 [~~and who is or will be able to pay the~~  
20 ~~compensation fee~~]. The amount of the compensation fee shall be  
21 commensurate with the seriousness of the offense as follows:



- 1 (1) Not less than \$105 nor more than \$505 for a felony;  
2 (2) \$55 for a misdemeanor; and  
3 (3) \$30 for a petty misdemeanor.

4 The compensation fee shall be separate from any fine that may be  
5 imposed under section 706-640 and shall be in addition to any  
6 other disposition under this chapter; provided that the court  
7 [~~shall~~] may waive the imposition of a compensation fee if the  
8 defendant is unable or extremely unlikely to be able to pay the  
9 compensation fee[-], in whole or in part, within the next seven  
10 years; provided further that the court may waive a portion of  
11 the compensation fee if the defendant has difficulty paying the  
12 compensation fee; provided further that the court shall issue a  
13 written decision or order with a written basis for the decision  
14 if the court waives the compensation fee. Moneys from the  
15 compensation fees shall be deposited into the crime victim  
16 compensation special fund under section 351-62.5."

17 SECTION 3. Section 706-605, Hawaii Revised Statutes, is  
18 amended by amending subsection (6) to read as follows:

19 "(6) The court shall impose a compensation fee upon every  
20 person convicted of a criminal offense pursuant to section  
21 351-62.6; provided that the court [~~shall~~] may waive the



1 imposition of a compensation fee if it finds that the defendant  
2 is unable or extremely unlikely to be able to pay the  
3 compensation fee[-], in whole or in part, within the next seven  
4 years; provided further that the court may waive a portion of  
5 the compensation fee if it finds that the defendant has  
6 difficulty paying the compensation fee; provided further that  
7 the court shall issue a written decision or order with a written  
8 basis for the decision if the court waives the compensation fee.  
9 When a defendant is ordered to make payments in addition to the  
10 compensation fee, payments by the defendant shall be made in the  
11 order of priority established in section 706-651."

12 SECTION 4. This Act does not affect rights and duties that  
13 matured, penalties that were incurred, and proceedings that were  
14 begun before its effective date.

15 SECTION 5. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17 SECTION 6. This Act shall take effect on July 30, 2075.



**Report Title:**

Crime Victim Compensation Fee; Crime Victim Compensation  
Commission

**Description:**

Allows a Court to waive payment of the Crime Victim Compensation Fee if the defendant is unable or extremely unlikely to be able to pay even part of the fee in the next seven years. Requires a written decision or order with a written basis for the decision if a Court waives the Crime Victim Compensation Fee. Allows a Court to partially waive the Crime Victim Compensation Fee if the defendant has difficulty paying the entire fee. Effective 7/30/2075. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

