

JAN 19 2022

A BILL FOR AN ACT

RELATING TO THE CRIME VICTIM COMPENSATION SPECIAL FUND.

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) pandemic. The crime victim compensation fee was
6 created by the legislature in 1998 to act as the primary funding
7 source 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 last year. Despite
16 this emergency funding, revenue from the crime victim
17 compensation fee continues to decline, falling during the first



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1 half of fiscal year 2022 and is eight per cent lower than
2 revenue for the same period from fiscal year 2021.

3 The purpose of this Act is to address current funding
4 shortfalls experienced by the crime victim compensation
5 commission by exempting the crime victim compensation special
6 fund from certain assessments made by the director of finance to
7 administer special funds.

8 SECTION 2. Section 36-27, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "(a) Except as provided in this section, and
11 notwithstanding any other law to the contrary, from time to
12 time, the director of finance, for the purpose of defraying the
13 prorated estimate of central service expenses of government in
14 relation to all special funds, except the:

- 15 (1) Special out-of-school time instructional program fund
16 under section 302A-1310;
- 17 (2) School cafeteria special funds of the department of
18 education;
- 19 (3) Special funds of the University of Hawaii;
- 20 (4) Convention center enterprise special fund under
21 section 201B-8;



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- 1 (5) Special funds established by section 206E-6;
- 2 (6) Aloha Tower fund created by section 206J-17;
- 3 (7) Funds of the employees' retirement system created by
- 4 section 88-109;
- 5 (8) Hawaii hurricane relief fund established under chapter
- 6 431P;
- 7 (9) Hawaii health systems corporation special funds and
- 8 the subaccounts of its regional system boards;
- 9 (10) Universal service fund established under section
- 10 269-42;
- 11 (11) Emergency and budget reserve fund under section
- 12 328L-3;
- 13 (12) Public schools special fees and charges fund under
- 14 section 302A-1130;
- 15 (13) Sport fish special fund under section 187A-9.5;
- 16 (14) Neurotrauma special fund under section 321H-4;
- 17 (15) Glass advance disposal fee established by section
- 18 342G-82;
- 19 (16) Center for nursing special fund under section
- 20 304A-2163;



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- 1 (17) Passenger facility charge special fund established by
- 2 section 261-5.5;
- 3 (18) Solicitation of funds for charitable purposes special
- 4 fund established by section 467B-15;
- 5 (19) Land conservation fund established by section 173A-5;
- 6 (20) Court interpreting services revolving fund under
- 7 section 607-1.5;
- 8 (21) Trauma system special fund under section 321-22.5;
- 9 (22) Hawaii cancer research special fund;
- 10 (23) Community health centers special fund;
- 11 (24) Emergency medical services special fund;
- 12 (25) Rental motor vehicle customer facility charge special
- 13 fund established under section 261-5.6;
- 14 (26) Shared services technology special fund under section
- 15 27-43;
- 16 (27) Automated victim information and notification system
- 17 special fund established under section 353-136;
- 18 (28) Deposit beverage container deposit special fund under
- 19 section 342G-104;
- 20 (29) Hospital sustainability program special fund under
- 21 section 346G-4;



- 1 (30) Nursing facility sustainability program special fund
2 under section 346F-4;
- 3 (31) Hawaii 3R's school improvement fund under section
4 302A-1502.4;
- 5 (32) After-school plus program revolving fund under section
6 302A-1149.5;
- 7 (33) Civil monetary penalty special fund under section
8 321-30.2; [~~and~~]
- 9 [+] (34) [+] Stadium development special fund under section
10 109-3.5 [~~7~~]; and
- 11 (35) Crime victim compensation special fund under section
12 351-62.5,
- 13 shall deduct five per cent of all receipts of all other special
14 funds, which deduction shall be transferred to the general fund
15 of the State and become general realizations of the State. All
16 officers of the State and other persons having power to allocate
17 or disburse any special funds shall cooperate with the director
18 in effecting these transfers. To determine the proper revenue
19 base upon which the central service assessment is to be
20 calculated, the director shall adopt rules pursuant to chapter
21 91 for the purpose of suspending or limiting the application of



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1 the central service assessment of any fund. No later than
2 twenty days prior to the convening of each regular session of
3 the legislature, the director shall report all central service
4 assessments made during the preceding fiscal year."

5 SECTION 3. Section 36-30, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

7 "(a) Each special fund, except the:

8 (1) Special out-of-school time instructional program fund
9 under section 302A-1310;

10 (2) School cafeteria special funds of the department of
11 education;

12 (3) Special funds of the University of Hawaii;

13 (4) Special funds established by section 206E-6;

14 (5) Aloha Tower fund created by section 206J-17;

15 (6) Funds of the employees' retirement system created by
16 section 88-109;

17 (7) Hawaii hurricane relief fund established under chapter
18 431P;

19 (8) Convention center enterprise special fund established
20 under section 201B-8;



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- 1 (9) Hawaii health systems corporation special funds and
- 2 the subaccounts of its regional system boards;
- 3 (10) Universal service fund established under section
- 4 269-42;
- 5 (11) Emergency and budget reserve fund under section
- 6 328L-3;
- 7 (12) Public schools special fees and charges fund under
- 8 section 302A-1130;
- 9 (13) Sport fish special fund under section 187A-9.5;
- 10 (14) Neurotrauma special fund under section 321H-4;
- 11 (15) Center for nursing special fund under section
- 12 304A-2163;
- 13 (16) Passenger facility charge special fund established by
- 14 section 261-5.5;
- 15 (17) Court interpreting services revolving fund under
- 16 section 607-1.5;
- 17 (18) Trauma system special fund under section 321-22.5;
- 18 (19) Hawaii cancer research special fund;
- 19 (20) Community health centers special fund;
- 20 (21) Emergency medical services special fund;



1 (22) Rental motor vehicle customer facility charge special
2 fund established under section 261-5.6;

3 (23) Shared services technology special fund under section
4 27-43;

5 (24) Nursing facility sustainability program special fund
6 established pursuant to section 346F-4;

7 (25) Automated victim information and notification system
8 special fund established under section 353-136;

9 (26) Hospital sustainability program special fund under
10 section 346G-4;

11 (27) Civil monetary penalty special fund under section
12 321-30.2; ~~and~~

13 ~~[+]~~ (28) ~~[+]~~ Stadium development special fund under section
14 109-3.5 ~~[+]~~; and

15 (29) Crime victim compensation special fund under section
16 351-62.5,

17 shall be responsible for its pro rata share of the
18 administrative expenses incurred by the department responsible
19 for the operations supported by the special fund concerned."

20 SECTION 4. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



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1 SECTION 5. This Act shall take effect on July 1, 2022;
2 provided that the amendments made to sections 36-27(a) and
3 36-30(a), Hawaii Revised Statutes, in sections 1 and 2 of this
4 Act, shall not be repealed when those sections are reenacted on
5 June 30, 2024, pursuant to section 8 of Act 38, Session Laws of
6 Hawaii 2021, and sections 7 and 8 of Act 24, Session Laws of
7 Hawaii 2021.

8



INTRODUCED BY: _____



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Report Title:

Crime Victim Compensation Special Fund; Crime Victim
Compensation Fee; Crime Victim Compensation Commission

Description:

Exempts the Crime Victim Compensation Special Fund from
transfers for central service expenses and from paying
reimbursements for departmental administrative expenses.

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not legislation or evidence of legislative intent.*

