STAND. COM. REP. NO. 455 -22

Honolulu, Hawaii FEB 16 , 2022

RE: H.B. No. 1624 H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Thirty-First State Legislature Regular Session of 2022 State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 1624 entitled:

"A BILL FOR AN ACT RELATING TO THE CRIME VICTIM COMPENSATION FEE,"

begs leave to report as follows:

The purpose of this measure is to require judges to impose the crime victim compensation fee in all eligible cases.

Your Committee received testimony in support of this measure from the Department of Public Safety, Crime Victim Compensation Commission, Department of the Prosecuting Attorney of the County of Maui, Department of the Prosecuting Attorney of the City and County of Honolulu, County of Kauai Victim/Witness Program, Hawai'i State Coalition Against Domestic Violence, and Mothers Against Drunk Driving. Your Committee received testimony in opposition to this measure from the Judiciary, Office of the Public Defender, Hawai'i Association of Criminal Defense Lawyers, and one individual.

Your Committee finds that the Crime Victim Compensation Commission is facing funding problems due to the failure of judges to impose the crime victim compensation fee in eligible cases and court closures during the COVID-19 pandemic. Your Committee further finds that the Judiciary may not fully realize how the

failure of its judges to impose the crime victim compensation fee is impacting the fiscal self-sufficiency of the Crime Victim Compensation Commission and thereby victims of crime.

Accordingly, your Committee has amended this measure by:

- (1) Amending the purpose section;
- (2) Reinstating the court's discretion to determine which defendants have the ability to pay the compensation fee;
- (3) Requiring that if a court waives the imposition of a compensation fee due to a defendant's inability to pay, the Judiciary shall deposit into the Crime Victim Compensation Special Fund an amount equal to one half of the compensation fee that would have been imposed upon the defendant; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1624, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1624, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on behalf of the members of the Committee on Judiciary & Hawaiian Affairs,

MARK M. NAKASHIMA, Chair



Record of Votes of the Committee on Judiciary & Hawaiian Affairs

HB 1624	Committee Referral: JHA, FIN		Date: 2/3/2022	
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)				
2. MATAYOSHI, Scot Z. (VC)				MINISTRATION OF THE PARTY OF TH
3. ICHIYAMA, Linda				
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4. KOBAYASHI, Dale T.				
5. LoPRESTI, Matthew S.				
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6. LOWEN, Nicole E.	Maria Santakanan	CTREET TO BE VEHICLE	Deligated and the	8 billionalist Moral III no
7. McKELVEY, Angus L.K.				
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8. NAKAMURA, Nadine K.				
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9. TAKUMI, Roy M.				
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10. TODD, Chris		NOT BE THE REAL PROPERTY.		25/4/2065E049H2
11. TOKIOKA, James Kunane		./		<u>resto di Maria Siloza ana </u>
11. TOKIOKA, James Kunane				
12. WARD, Gene				
TOTAL (12)	7	1	Q	4
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO				