

ACT 61

S. B. NO. 1061

A Bill for an Act Relating to the Criminal Injuries Compensation Law.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 351, Hawaii Revised Statutes, is amended in the following respects:

a. By amending section 351-2 to read:

“Sec. 351-2 Definitions. As used in this chapter, unless the context otherwise requires:

“Child” means an unmarried person who is under twenty years of age and includes a stepchild or an adopted child;

“Commission” means the criminal injuries compensation commission established by this chapter;

“Dependents” mean such relatives of a deceased victim who were wholly or partially dependent upon his income at the time of his death or would have been so dependent but for the incapacity due to the injury from which the death resulted and includes the child of the victim born after his death;

“Injury” means actual bodily harm and, in respect of a victim, includes pregnancy and mental or nervous shock; and “Injured” has a corresponding meaning;

“Private citizen” means any natural person other than a policeman who is actively engaged in the performance of his official duties;

“Relative” means a victim’s spouse, parent, grandparent, stepfather, stepmother, child, grandchild, brother, sister, half brother, half sister, or spouse’s parents;

“Victim” means a person who is injured or killed by any act or omission of any other person coming within the criminal jurisdiction of the State which is within the description of any of the crimes specified in section 351-32 of this chapter.”

b. By amending section 351-17 to read:

“**Sec. 351-17 Reconsideration by commission; judicial review.** (a) the criminal injuries compensation commission may, at any time, on its own motion or on the application of any person aggrieved by an order or decision of the commission, reconsider the order or decision and revoke, confirm, or vary the order or decision, based upon the findings of the commission.

(b) Any person aggrieved by an order or decision of the criminal injuries compensation commission on the sole ground that the order or decision was in excess of the commission’s authority or jurisdiction, shall have a right of appeal to the Supreme Court, provided the appeal is filed within thirty days after service of an original or a certified copy of such order or decision. Except as otherwise provided in this section, orders and decisions of the commission shall be conclusive and not subject to judicial review.”

c. By amending subsection 351-31(a) to read:

“(a) In the event any private citizen is injured or killed by any act or omission of any other person coming within the criminal jurisdiction of the State after June 6, 1967, which act or omission is within the description of the crimes enumerated in section 351-32, the criminal injuries compensation commission may, in its discretion, upon an application, order the payment of compensation in accordance with this chapter:

- (1) To or for the benefit of the victim; or
- (2) To any person responsible for the maintenance of the victim, where that person has suffered pecuniary loss or incurred expenses as a result of the victim’s injury or death; or
- (3) In the case of the death of the victim, to or for the benefit of any one or more of the dependents of the deceased victim; or
- (4) To a parent of an adult deceased victim, or to an adult son or daughter of a deceased victim, where the parent, or adult son or daughter, has incurred expenses on account of hospital, medical, funeral, and burial expenses as a result of the victim’s injury and death.”

(d) By amending section 351-61 to read:

“**Sec. 351-61 Terms of order.** Except as otherwise provided in this chapter, any order for the payment of compensation under this chapter may be

made on such terms as the criminal injuries compensation commission deems appropriate. Without limiting the generality of the preceding sentence, the order may provide for apportionment of the compensation, for the holding of the compensation or any part thereof in trust, for the payment of the compensation in a lump sum or periodic installments, and for the payment of compensation for hospital, medical, funeral, or burial expenses directly to the person who has provided such services. All such orders shall contain words clearly informing the claimant that all awards and orders for payments under this chapter are subject to the making of an appropriation by the legislature to pay the claim, except as otherwise provided in section 351- (Emergency payment fund; when payments authorized)."

e. By amending subsection 351-63(a) to read:

"(a) In determining the amount of compensation to be awarded under this chapter, the criminal injuries compensation commission shall deduct amounts or benefits received or to be received from any other source, whether from the offender or from any person on behalf of the offender, or from public or private funds, and which amounts or benefits result from or are in any manner, directly or indirectly, attributable to the injury or death which gave rise to the award; provided that no deduction shall be made for death benefits received or to be received under any insurance policy covering the life of a deceased victim."

f. By adding to part V a new section to be appropriately numbered and to read:

"Sec. 351- Emergency payment fund; when payments authorized. (a) There is established a criminal injuries compensation emergency payment fund from which the criminal injuries compensation commission may make payments as provided in subsection (b). The director of finance shall be custodian of the fund, and all payments therefrom shall be paid by him upon orders by the commission.

(b) Where the criminal injuries compensation commission has made an award pursuant to this chapter and determines that there is an immediate need of funds in order to meet expenses incurred as a direct or indirect result of injury or death, the commission is authorized to make such emergency payments to or on behalf of the victim, or to or for the benefit of one or more of the dependents of a deceased victim, or to or for the benefit of other persons who have suffered pecuniary loss or incurred expenses on account of hospital, medical, funeral, or burial expenses as a result of the victim's injury or death, as the commission in its discretion deems appropriate. Payments made pursuant to this section shall not exceed the total amount of the award and shall serve to reduce the amount of the claim for legislative relief sought pursuant to section 351-70.

(c) The amount by which an award of compensation is reduced upon a claim for legislative relief under section 351-70 shall be redeposited into the criminal injuries compensation emergency payment fund established by this section, to be applied to making other emergency payments as authorized by the criminal injuries compensation commission."

SECTION 2. There is appropriated out of the general revenues of the State the sum of \$25,000 for the purpose of establishing the criminal injuries compensation emergency payment fund.

SECTION 3. Statutory materials to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.*

SECTION 4. This Act shall take effect upon its approval.

(Approved May 19, 1972.)

*Edited accordingly.