

ACT 226

H.B. NO. 2465-86

A Bill for an Act Relating to Restitution to Victims of Crime.
Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 706-605, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) Except as provided in section 706-606 and subject to the applicable provisions of this Code, the court may suspend the imposition of sentence on a person who has been convicted of a crime, may order the person to be committed in lieu of sentence in accordance with section 706-607, or may sentence the person as follows:

- (a) To be placed on probation as authorized by part II of this chapter; [or]
- (b) To pay a fine authorized by part III of this chapter; [or]
- (c) To be imprisoned for a term authorized by part IV of this chapter; [or]
- (d) To pay a fine and to probation or to pay a fine and to imprisonment, but not to probation and imprisonment, except as authorized by part II of this chapter; [or]
- (e) To make restitution or reparation to the victim or victims of the person’s crime in an amount the person can afford to pay, for loss or damage caused thereby in addition to paragraph (a), (b), (c), (d), or (f) [of this subsection (1)]; provided that if the court orders, in addition to restitution, payment of a fine in accordance with paragraphs (b) or (d), the payment of restitution shall have priority over the payment of the fine; or
- (f) To perform services for the community under the supervision of a governmental agency or benevolent or charitable organization or other community service group or under appropriate supervision, or to perform such services and to probation, as the court may direct, provided that the convicted person who performs such services shall not be deemed to be an employee for any purpose. The extent of services required shall be stated in the judgment. The court shall not sentence the convicted person only to perform such services unless, having regard to the nature and circumstances of the crime and to the history and character of the defendant, it is of the opinion that the performance of such services alone suffices for the protection of the public.”

SECTION 2. Section 706-642, Hawaii Revised Statutes, is amended to read as follows:

“§706-642 Time and method of payment. (1) When a defendant is sentenced to pay a fine, the court may grant permission for the payment to be made within a specified period of time or in specified installments. If no such permission is embodied in the sentence, the fine shall be payable forthwith by cash, check, or by a credit card approved by the court.

(2) When a defendant sentenced to pay a fine is also sentenced to probation, the court may make the payment of the fine a condition of probation.

(3) When a defendant sentenced to pay a fine is also ordered to make restitution or reparation to the victim or victims, or to the person or party who has incurred loss or damage because of the defendant’s crime, the payment of restitution or reparation shall have priority over the payment of the fine. No fine shall be collected until the restitution or reparation order has been satisfied.”

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SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved May 27, 1986.)