

ACT 125

S.B. NO. 1293

A Bill for an Act Relating to Criminal Injuries Compensation.

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

SECTION 1. Section 351-62.5, Hawaii Revised Statutes, is amended to read as follows:

**“§351-62.5 Criminal injuries compensation fund; when payments authorized.** (a) There is established a criminal injuries compensation 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 the director upon orders by the commission.

(b) Where the [criminal injuries compensation] commission has made an award pursuant to this chapter, the commission shall make [such] the 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. Victims or dependents entitled to receive awards shall be notified of the option to have payments made on their behalf to other designated persons. Payments made pursuant to this section shall not exceed the total amount of the award.

(c) The amount appropriated under section 351-70 shall be redeposited into the [criminal injuries compensation] fund [established by this section, to be applied to making] and applied to other payments as authorized by the [criminal injuries compensation] commission.

(d) Funds received pursuant to section 354D-12(b)(1) shall be deposited into the criminal injuries compensation fund.”

SECTION 2. Section 354D-12, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Proceeds and wages owed to a qualified, able-bodied inmate from the sale of goods or services that were produced by the qualified, able-bodied inmate under a program authorized by this chapter shall be held in an account maintained by the department and [distributed periodically for:] paid:

(1) [Reimbursement to] To the criminal injuries compensation fund [by the qualified, able-bodied inmate in an amount not to exceed forty

per cent of the qualified, able-bodied inmate's wages for payments actually and reasonably made by the criminal injuries compensation commission under chapter 351 to the victim of any crime of which the inmate was convicted;] on a quarterly basis in amounts representing not less than five per cent nor more than twenty per cent of the earnings of all inmates in the State incarcerated for a violent crime listed in section 351-32; provided that these payments shall be mandatory and shall in no way relate to any claim filed under chapter 351; and provided further that the director shall submit timely annual reports to the legislature and the criminal injuries compensation commission on the amounts paid pursuant to this paragraph during the previous fiscal year;

- (2) [Payment for the] To support [of] the qualified, able-bodied inmate's dependents in amounts deemed appropriate by the department after consultation with the department of human services;
- (3) [Establishment of funds in trust] Into trust funds that may be established for the qualified, able-bodied inmate [to be released] and shall be payable upon the inmate's release; and
- (4) [Payment of] For costs incident to the qualified, able-bodied inmate's confinement in an amount determined by the department, but not to exceed twenty per cent of the proceeds and wages."

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 June 3, 1992.)