

ACT 260

H.B. NO. 3121

A Bill for an Act Relating to Criminal Injuries Compensation.

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

SECTION 1. Section 351-11, Hawaii Revised Statutes, is amended to read as follows:

**“§351-11 Criminal injuries compensation commission.** There shall be a criminal injuries compensation commission [that shall be] composed of three members [to be] appointed and [be] removable in the manner prescribed by section 26-34. [One member of the commission shall be an attorney who has been admitted to practice before the supreme court of the State for at least five years.] No officer or employee of the State or any [political subdivision thereof] county shall be eligible for appointment to the commission. The commission is placed within the department of public safety for administrative purposes.”

SECTION 2. Section 351-12, Hawaii Revised Statutes, is amended to read as follows:

**“§351-12 Tenure and compensation of members:** (a) The term of office of each member of the [criminal injuries compensation] commission shall be four years or until the member’s successor is appointed, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which

the member's predecessor was appointed[,] shall be appointed for the remainder of the term. Each member [of the commission] shall be eligible for reappointment, subject to section 26-34. A vacancy in the commission shall not affect its powers. If any member [of the commission] is unable to act because of absence, illness, or other sufficient cause, the governor may make a temporary appointment, and the appointee shall have all the powers [and duties of a] accorded the regular member [of the commission] for the period of the [appointee's] temporary appointment.

(b) Each member [of the commission] shall be compensated at the rate of \$100 per day for each day's actual attendance to the member's duties; provided that the compensation shall not exceed a maximum of \$10,000 per year. [The members of the commission] Members shall be paid [their] necessary traveling and subsistence expenses incurred in the discharge of their duties."

SECTION 3. Section 351-13, Hawaii Revised Statutes, is amended to read as follows:

**"§351-13 Powers and procedures of commission.** (a) Upon an application made to the criminal injuries compensation commission under this chapter, the commission shall fix a time and place for a hearing on the application and shall cause notice thereof to be given to the applicant. The commission may hold hearings, sit and act at times and places, and take testimony as [the commission] it may deem advisable. Any two members shall constitute a quorum[;] but [in this case] the concurring vote of the two members shall be necessary to take any action. Any member [of the commission] may administer oaths or affirmations to witnesses appearing before the commission. The commission shall have the same powers of subpoena and compulsion of attendance of witnesses and production of documents, and of examination of witnesses as [are conferred upon] a circuit court. Subpoenas shall be issued under the signature of the chairperson[.] or by majority vote of the commission members. The circuit court of any circuit in which a subpoena is issued or served or in which the attendance or production is required, upon the application of the commission, may enforce the attendance and testimony of any witness and the production of any document so subpoenaed. Subpoena and witness fees and mileage shall be the same as in criminal cases in the circuit courts, and shall be payable from funds appropriated for expenses of administration. The orders shall be signed by the chairperson, or in the absence of the chairperson, by the other two members.

(b) Notwithstanding any other provision, the commission may delegate to the administrator the authority to sign any order approved by the commission."

SECTION 4. Section 351-17, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(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], may reconsider the order or decision and revoke, confirm, or vary the order or decision, based upon the findings of the commission. Any applicant aggrieved by an order or decision may request reconsideration; provided that, to be considered, the request shall be received by the commission within thirty days after service of a certified copy of the order or decision."

SECTION 5. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 6. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval.

(Approved June 18, 1992.)