

**ACT 182**

H.B. NO. 2023

A Bill for an Act Relating to Criminal Injuries Compensation.

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

SECTION 1. Section 351-2, Hawaii Revised Statutes, is amended by amending the definition of “relative” to read as follows:

““Relative” means a victim’s spouse, parent, grandparent, [stepfather, step-mother,] stepparent, child, grandchild, stepchild, brother, sister, half brother, half sister, stepbrother, stepsister, or spouse’s parents;”

SECTION 2. Section 351-13, Hawaii Revised Statutes, is amended by amending subsections (b) and (c) to read as follows:

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

(c) The commission [may] shall assign cases to the administrator for determination of eligibility and any order of compensation. [if:

- (1) The case can be adjudicated appropriately on the basis of available records and documents; and
- (2) The applicant has waived a hearing before the commission.]”

SECTION 3. Section 351-31, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(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, or any state resident is injured or killed by any act or omission of any other person after July 1, 1989, in another state not having a compensation program eligible for federal funding under 42 United States Code §10601, et seq., under which the state resident may receive compensation, which act or omission is within the description of the crimes enumerated in section 351-32, the criminal injuries compensation commission in its discretion, upon an application, may order the payment of compensation in accordance with this chapter:

- (1) To or for the benefit of the victim;
- (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;
- (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] relative of a deceased victim where the relative has incurred expenses on account of hospital, medical, funeral, and burial expenses as a result of the victim’s injury and death.”

SECTION 4. Section 351-33, Hawaii Revised Statutes, is amended to read as follows:

“**§351-33 Award of compensation.** The criminal injuries compensation commission may order the payment of compensation under this part for:

- (1) Expenses actually and reasonably incurred [as a result] during the period of the injury or death of the victim;
- (2) Loss to the victim of earning power as a result of total or partial incapacity;
- (3) Pecuniary loss to the dependents of the deceased victim;
- (4) Pain and suffering to the victim; and
- (5) Any other pecuniary loss directly resulting from the injury or death of the victim which the commission determines to be reasonable and proper.”

SECTION 5. Section 351-52, Hawaii Revised Statutes, is amended to read as follows:

“§351-52 Award of compensation. The criminal injuries compensation commission may order the payment of compensation under this part for:

- (1) Expenses actually and reasonably incurred [as a result] during the period of the injury of the private citizen;
- (2) Pain and suffering to the private citizen;
- (3) Loss to the private citizen of earning power as a result of total or partial incapacity; and
- (4) Pecuniary loss to the private citizen directly resulting from damage to the citizen's property.”

SECTION 6. This Act does not affect the rights and duties that were matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 7. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 8. This Act shall take effect upon its approval.

(Approved June 14, 1995.)