

ACT 115

S.B NO. 2533

A Bill for an Act Relating to Crime Victim Compensation.

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

SECTION 1. Section 351-62.5, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) Funds received pursuant to section 354D-12(b)(1) and amounts received pursuant to sections 351-35, 351-62.6, 351-63, [and] 706-605, and 853-1 shall be deposited into the crime victim compensation special fund. Moneys received shall be used for compensation payments, operating expenses, salaries of positions as authorized by the legislature, and collection of fees. The commission may enter into memorandums of agreement with the judiciary for the collection of fees by the judiciary; provided that no funds shall be deposited by the judiciary into the crime victim compensation special fund until collected.”

SECTION 2. Section 351-62.6, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The court shall impose a compensation fee upon every [convicted] defendant who has been convicted or who has entered a plea under section 853-1 and who is or will be able to pay the compensation fee. The amount of the compensation fee shall be commensurate with the seriousness of the offense as follows:

- (1) Not less than \$100 nor more than \$500 for [conviction of] a felony;
- (2) \$50 for [conviction of] a misdemeanor; and
- (3) \$25 for [conviction of] a petty misdemeanor.

The compensation fee shall be separate from any fine that may be imposed under section 706-640 and shall be in addition to any other disposition under this chapter; provided that the court shall waive the imposition of a compensation fee if the defendant is unable to pay the compensation fee. Moneys from the compensation fees shall be deposited into the crime victim compensation special fund under section 351-62.5.”

SECTION 3. Section 853-1, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The proceedings may be deferred upon any of the conditions specified by section 706-624. As a further condition, the court shall impose a compensation fee pursuant to section 351-62.6 upon every defendant who has entered a plea of guilty or nolo contendere to a petty misdemeanor, misdemeanor, or felony; provided that the court shall waive the imposition of a compensation fee, if it finds that the

defendant is unable to pay the compensation fee. The court may defer the proceedings for [such] a period of time as the court shall direct but in no case to exceed the maximum sentence allowable [unless]; provided that, if the defendant has entered a plea of guilty or nolo contendere to a petty misdemeanor, [in which case] the court may defer the proceedings for a period not to exceed one year. The defendant may be subject to bail or recognizance at the court's discretion during the period during which the proceedings are deferred.''

SECTION 4. This Act shall not apply to any person who has entered a plea under section 853-1, Hawaii Revised Statutes, prior to its effective date.

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved May 22, 2000.)