

ACT 102

H.B. NO. 497

A Bill for an Act Relating to Uncollectible Accounts.

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

SECTION 1. Section 40-82, Hawaii Revised Statutes, is amended by amending subsections (b) and (c) to read as follows:

“(b) The judiciary may from time to time prepare lists of all delinquent ~~[fines and restitution, which]~~ receivables that in its judgment are uncollectible. The ~~[fines or restitution]~~ delinquent receivables that the judiciary finds to be uncollectible shall be entered in a special record and be deleted from the other books kept by the judiciary, and the judiciary shall thereupon be released from any further accountability for their collection; provided that no account shall be so deleted until it ~~[shall have]~~ has been delinquent for at least two years. Any ~~[fines or restitution]~~ delinquent receivables so written off may be transferred back to the judiciary’s accounts receivable if the judiciary finds that the alleged facts as previously presented to it were not true, or that the ~~[fines or restitution]~~ delinquent receivables are in fact collectible, or that the ~~[fines or restitution]~~ delinquent receivables have become collectible. Nothing in this section shall preclude a person to whom restitution is owed from pursuing collection of the debt.

As used in this section, “delinquent receivables” means finances, restitution, monetary assessments, fees, surcharges, penalties, sanctions, court costs, and other payment that is past due.

(c) The judiciary shall submit an annual report to the legislature, no later than twenty days prior to the convening of each regular session, ~~[which]~~ that shall summarize for the immediately preceding fiscal year, the types and amounts of uncollectible delinquent ~~[fines and restitution]~~ receivables that either were:

- (1) Entered in a special record and deleted from the judiciary’s other books; or
- (2) Transferred back to the judiciary’s accounts receivable.”

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 6, 2005.)