

ACT 144

H.B. NO. 278

A Bill for an Act Relating to Victim Restitution.

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

SECTION 1. 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 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~~] \$105 nor more than [~~\$500~~] \$505 for a felony;
- (2) [~~\$50~~] \$55 for a misdemeanor; and

(3) [~~\$25~~] \$30 for 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 2. Section 706-605, Hawaii Revised Statutes, is amended by amending subsection (6) to read as follows:

“(6) The court shall impose a compensation fee upon every person convicted of a criminal offense pursuant to section 351-62.6; 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. When a defendant is ordered to make payments in addition to the compensation fee, payments by the defendant shall be made in the following order of priority:

- (a) Restitution;
- (b) Crime victim compensation fee;
- (c) Probation services fee;
- (d) Other fees; and
- (e) Fines.”

SECTION 3. This Act shall apply to any defendant who is convicted or who enters a plea under section 853-1, Hawaii Revised Statutes, after the effective date of this Act.

SECTION 4. Statutory material to be repealed is bracketed and ~~stricken~~. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 22, 2005.)