

MAR 14 2007

SENATE CONCURRENT RESOLUTION

REQUESTING THE JUDICIARY TO MONITOR THE COLLECTION OF CRIME
VICTIM COMPENSATION FEES.

1 WHEREAS, the Crime Victim Compensation Commission was
2 established in 1967 to provide compensation to Hawaii's victims
3 of violent crime; and
4

5 WHEREAS, the Legislature, in Act 206, Session Laws of
6 Hawaii 1998, established the mandatory crime victim compensation
7 fee to enable the Crime Victim Compensation Commission to become
8 fiscally self-sufficient and to eliminate the need for general
9 fund appropriations; and
10

11 WHEREAS, many victims experience financial hardship and
12 cannot afford to pay for medical treatment, mental health
13 treatment, or other services they need in order to recover from
14 the harmful effects of violent crime, and, therefore, they must
15 seek compensation from the Crime Victim Compensation Commission;
16 and
17

18 WHEREAS, victims and their surviving family members will be
19 further traumatized if the Crime Victim Compensation Commission
20 lacks sufficient funding to provide them with compensation for
21 medical, mental health, funeral, and other expenses; and
22

23 WHEREAS, chapter 351, Hawaii Revised Statutes, requires
24 judges to assess the mandatory crime victim compensation fee
25 against every defendant who has the ability to pay and who
26 enters a deferred plea or who is convicted of a petty
27 misdemeanor, misdemeanor, or felony; and
28

29 WHEREAS, the Judiciary's collection of compensation fees is
30 less than their estimated revenue from compensation fee
31 collections; and
32



1 WHEREAS, the Crime Victim Compensation Commission's surveys
2 of compensation fee assessments found that judges did not order
3 defendants to pay the compensation fee in all eligible cases;
4 and

5
6 WHEREAS, the failure to order and collect the mandatory
7 compensation fee in all eligible cases jeopardizes the
8 legislative intent of Act 206, Session Laws of Hawaii 1998, to
9 eliminate the need for general fund appropriations to fund
10 compensation for crime victims; and

11
12 WHEREAS, the Judiciary is in the best position to monitor
13 whether judges are ordering the mandatory compensation fee; now,
14 therefore,

15
16 BE IT RESOLVED by the Senate of the Twenty-fourth
17 Legislature of the State of Hawaii, Regular Session of 2007, the
18 House of Representatives concurring, that the Judiciary is
19 requested to provide the Legislature with a report detailing the
20 progress of the Judiciary in meeting the requirements of Act
21 206, Session Laws of Hawaii 1998, including specific information
22 regarding:

- 23
24 (1) Actual versus estimated compensation fee collections;
25
26 (2) The number of eligible cases in which the fee was
27 ordered;
28
29 (3) The number of eligible cases in which the fee was
30 collected;
31
32 (4) The number of eligible cases in which the fee was
33 waived; and
34
35 (5) In eligible cases in which the fee was waived, the
36 criteria used for waiving the fee; and
37

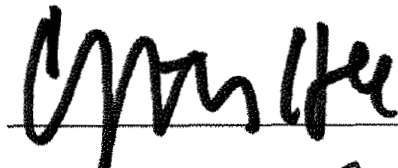
38 BE IT FURTHER RESOLVED that the Judiciary is requested to
39 report its findings and recommendations to the Legislature no
40 later than twenty days prior to the convening of the Regular
41 Session of 2008; and
42

43 BE IT FURTHER RESOLVED that certified copies of this
44 Concurrent Resolution be transmitted to the Chief Justice of the
2007-2277 SCR SMA.doc



1 Supreme Court, the Administrative Director of the Courts, and
2 the Chairperson of the Crime Victim Compensation Commission.
3
4
5

OFFERED BY:


Clarence B. Inshir
Barrister (Cohf)

