

JAN 23 2008

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# A BILL FOR AN ACT

RELATING TO COMPENSATION OF CRIME VICTIMS AND WITNESSES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 351-31, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3           "(a) In the event any private citizen is injured or killed  
4 by any act or omission of any other person coming within the  
5 criminal jurisdiction of the State after June 6, 1967, or any  
6 state resident is injured or killed by any act or omission of  
7 any other person after July 1, 1989, in another state, which act  
8 or omission is within the description of the crimes enumerated  
9 in section 351-32, or any resident of this State who is injured  
10 or killed by an act of terrorism occurring outside the United  
11 States, as defined in Title 18 United States Code section 2331,  
12 the commission in its discretion, upon an application, may order  
13 the payment of compensation in accordance with this chapter:

14           (1) To or for the benefit of the victim;

15           (2) To any person responsible for the maintenance of the  
16 victim, if that person has suffered pecuniary loss or  
17 incurred expenses as a result of the victim's injury  
18 or death;



1 (3) In the case of the death of the victim, to or for the  
2 benefit of any one or more of the dependents of the  
3 deceased victim;

4 (4) To any person who has incurred expenses on account of  
5 hospital, medical, funeral, and burial expenses as a  
6 result of the deceased victim's injury and death; [~~or~~]

7 (5) In cases involving a mass casualty incident, for  
8 mental health services to or for the benefit of:

- 9 (A) A relative of the deceased victim;
- 10 (B) A witness to the mass casualty; or
- 11 (C) An individual engaged in business or educational  
12 activities at the scene of the mass casualty  
13 incident;

14 provided that compensation to a victim shall have  
15 priority over compensation to a relative, a witness,  
16 or another individual under this paragraph, and  
17 provided further that this paragraph shall not apply  
18 to a member of a public or private agency responding  
19 to or providing services as a result of a mass  
20 casualty incident[~~-~~];

21 (6) In cases involving a death, for mental health services  
22 for the surviving relatives or persons who are direct



1           and immediate witnesses to the act or acts that have  
2           caused the death; or

3           (7) In cases involving a crime enumerated in section 351-  
4           32, for mental health services to or for the benefit  
5           of a child witness or a witness who is sixty years of  
6           age or older; provided that:

7           (A) Compensation to a victim shall have priority over  
8           compensation to a witness under this paragraph;  
9           and

10          (B) This paragraph shall not apply to a member of a  
11          public or private agency responding to or  
12          providing services as a result of a violent  
13          crime."

14          SECTION 2. Section 351-33, Hawaii Revised Statutes, is  
15          amended to read as follows:

16          "**§351-33 Award of compensation.** The commission may order  
17          the payment of compensation under this part for:

18          (1) Expenses actually and reasonably incurred during the  
19          period of the injury or death of the victim;

20          (2) Loss to the victim of earning power as a result of  
21          total or partial incapacity;



- 1 (3) Pecuniary loss to the dependents of the deceased
- 2 victim;
- 3 (4) Pain and suffering to the victim;
- 4 (5) Any other pecuniary loss directly resulting from the
- 5 injury or death of the victim that the commission
- 6 determines to be reasonable and proper; [~~and~~]
- 7 (6) Expenses actually and reasonably incurred for mental
- 8 health services in the case of a mass casualty
- 9 incident[-];
- 10 (7) Expenses actually and reasonably incurred for mental
- 11 health services for the surviving relatives or direct
- 12 and immediate witnesses in cases involving a death; or
- 13 (8) Expenses actually and reasonably incurred for mental
- 14 health services for a child witness or a witness who
- 15 is sixty years of age or older."

16 SECTION 3. Statutory material to be repealed is bracketed  
 17 and stricken. New statutory material is underscored.

18 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

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**Report Title:**

Criminal Injuries Compensation; Eligibility and Awards

**Description:**

Authorizes criminal injuries compensation for mental health services of survivors and witnesses in cases involving death or violent crimes and of young or elderly witnesses of violent crimes.

