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TESTIMONY ON HOUSE BILL 3244
RELATING TO COMPENSATION OF CRIME VICTIMS AND WITNESSES

by

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Crime Victim Compensation Commission

House Committee on Health
Representative Josh Green, M.D., Chair

Monday, February 4, 2008, 9:30 AM
State Capitol, Conference Room 329

Good morning Chair Green, Vice Chair Mizuno, and Members of the House Committee on Health. Thank you for providing the Crime Victim Compensation Commission (the "Commission") with the opportunity to testify before you today. The Commission **strongly supports** the passage of House Bill 3244. This bill amends section 351-31 and 351-33, Hawaii Revised Statutes ("HRS"), to provide that the Commission may award compensation for mental health counseling services to surviving family members and persons who have directly and immediately witnessed a death in a case involving a murder, manslaughter, or negligent homicide in the first or second degree. In addition, the bill provides that the Commission may award compensation for mental health counseling services for children or elderly persons who witness a crime enumerated in HRS Section 351-32¹. The bill also provides that compensation to a victim shall have priority over compensation to a witness.

¹ Section 351-32, HRS, provides that compensation may be awarded in the following cases: Murder in the First and Second Degree, Manslaughter, Negligent Homicide in the First and Second Degree, Sexual Assault in the First, Second, Third or Fourth Degree, Assault in the First, Second or Third Degree, Abuse of a Family or Household Member, Kidnapping, and International Terrorism.

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Finally, the bill provides that compensation for mental health counseling services shall not be awarded to individuals working for a public or private agency responding to or providing services as the result of the violent crime that caused the death.

None of the survivors or witnesses in the following cases is currently eligible for compensation to cover mental health counseling services.

Several men witness the murder of a young child who is thrown from a freeway overpass onto the freeway. A driver then runs over the body of the child.

Neighbors stand by helplessly as a young mother is beaten to death with the butt of a shotgun on the roadway in their residential neighborhood. One man is seriously beaten when he tries to intervene.

A young child watches as her father pours gasoline over her mother and sets the mother on fire. The mother is medevaced from Kauai to Oahu, where she dies several weeks later from her burn injuries.

The family of a murder victim is devastated when they learn of his unexpected violent death.

A child witnesses the severe beating of her mother by her mother's boyfriend.

The Commission was created to help alleviate the physical, emotional, and financial impact of violent crime on our community. One of the most significant ways the Commission is able to mitigate the impact of violent crime is by providing compensation for the cost of mental health counseling services. At present, some individuals who are severely impacted by violent crime are not eligible for compensation to cover the cost of mental health counseling services. These include surviving family members in cases involving murder, manslaughter, or negligent homicide; witnesses who directly and immediately witness one of these crimes; and children or elderly persons who witness a violent crime. The Commission believes that making compensation available for the cost of mental health counseling services provided to these groups will help them heal from the impact of violent crime, and for children who witness domestic violence, it will help to reduce the generational cycle of violence in our community.

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Surviving Family Members

Surviving family members are profoundly impacted by the violent circumstances under which their loved one died. Often they recall only the violent details of the death, instead of the victim in life. The Commission recognizes that mental health counseling for many surviving family members is essential if they are to ever recover from the violent death of their loved one. The Commission has received many requests for compensation to pay for mental health counseling services from surviving family members, and has to deny each one.

Persons Who Witness The Violent Death Of Another Person

Individuals who witness a violent crime often need mental health counseling services to recover. Two recent violent murders underscore the profound impact that violent crime has on the individuals who witness a violent death, and on the community. The bystanders who witnessed the beating death of a young mother in Kailua, those persons who saw a child thrown from an overpass onto the H-1 Freeway, and the individual driving on the freeway who subsequently ran over the child, all will likely need access to mental health counseling services to alleviate the trauma they have suffered.

Children And Seniors Who Witness A Violent Crime Against Another Person

Many children who witness violence, particularly domestic violence, against another family member, need access to mental health counseling services to recover. The Department of the Attorney General has released a study that examined the impact of domestic violence on children and their victim-mothers. The study found that over half of the children in the study who witnessed domestic violence against their mothers suffered symptoms of post-traumatic stress disorder. The study recommended, among other things, that all children who witness domestic violence have universal access to effective mental health counseling intervention.

The Commission also believes that elderly persons who witness violent crime are more likely to be psychologically impacted, and should also be able to receive compensation to cover the costs of access to effective mental health counseling services.

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The Commission is convinced that mental health counseling for certain witnesses is essential to the recovery of that witness. This is particularly true for children and elderly persons who witness violent crimes and are not presently able to seek compensation for their unpaid costs of effective mental health counseling services.

Thank you for providing the Commission with an opportunity to testify in **strong support** of HOUSE BILL 3244. The Commission urges you to support passage of this measure.

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