

JAN 23 2009

S.B. NO. 111

A BILL FOR AN ACT

RELATING TO THE PENAL CODE.

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

1 SECTION 1. Section 706-605, Hawaii Revised Statutes, is
2 amended by amending subsection (6) to read as follows:

3 "(6) The court shall impose a compensation fee upon every
4 person convicted of a criminal offense pursuant to section 351-
5 62.6; provided that the court shall waive the imposition of a
6 compensation fee if it finds that the defendant is unable to pay
7 the compensation fee. When a defendant is ordered to make
8 payments in addition to the compensation fee, payments by the
9 defendant shall be made in the following order of priority:

- 10 (a) Restitution;
- 11 (b) Crime victim compensation fee;
- 12 (c) DNA analysis fee;
- 13 [~~(e)~~] (d) Probation services fee;
- 14 [~~(d)~~] (e) Other fees; and
- 15 [~~(e)~~] (f) Fines."

16 SECTION 2. Section 706-648, Hawaii Revised Statutes, is
17 amended by amending subsection (2) to read as follows:



1 "(2) The entire fee ordered or assessed shall be payable
2 forthwith by cash, check, or by a credit card approved by the
3 court. When a defendant is also ordered to pay a fine, make
4 restitution, pay a crime victim compensation fee, pay a DNA
5 analysis fee, or pay other fees in addition to the probation
6 services fee under subsection (1), payments by the defendant
7 shall be made in the following order of priority:

- 8 (a) Restitution;
9 (b) Crime victim compensation fee;
10 (c) DNA analysis fee;
11 [~~(e)~~] (d) Probation services fee;
12 [~~(d)~~] (e) Other fees; and
13 [~~(e)~~] (f) Fines."

14 SECTION 3. Section 706-650, Hawaii Revised Statutes, is
15 amended by amending subsection (5) to read as follows:

16 "(5) Restitution to the victim of a crime enumerated in
17 subsection (1) shall be made, and [~~probation fees and~~] crime
18 victim compensation fees, DNA analysis fees, and probation
19 services fees imposed under [~~part~~] parts I and III [~~of chapter~~
20 ~~706~~] shall be paid, before payment of the monetary assessment."

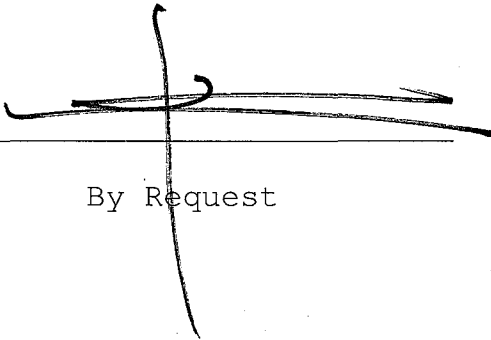


1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: _____

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By Request



Report Title:

DNA Analysis Fee; Priority of Payment

Description:

Establishes the payment priority of the DNA analysis fee over other fees and fines assessed against a defendant by the court.

