

**TESTIMONY BY KALBERT K. YOUNG
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE COMMITTEE ON WAYS AND MEANS
ON
HOUSE BILL NO. 245, H.D. 1, S.D. 1**

February 23, 2012

RELATING TO WITNESSES

House Bill No. 245, House Draft 1, Senate Draft 1, raises the per diem rate for out-of-state witnesses from \$110 to \$145 and provides an additional \$90 per 24-hour day if an inter-island witness is required to stay overnight.

The Department of Budget and Finance primarily serves as the conduit for witness fee payments certified by the public prosecutor or county attorney for witnesses subpoenaed on behalf of the State and by the public defender for witness subpoenaed on behalf of the defendant. The FY 2013 requested funding level for witness fees totals \$1.89 million and does not include the proposed cost increases for reimbursements. If this proposal is approved, any increases in the recurring annual costs will need to be paid from the currently requested FY 2013 funding level for witness fees. In light of the State's continued challenges in funding the multitude of competing statewide needs, there is a distinct possibility that (assuming the funding appropriation stays at the current FY2013 funding level) if the per diem rate is increased, there could be insufficient appropriation to satisfy payment of witness fees within the fiscal year for which they are incurred. Should the requested funding level for witness fees prove to be insufficient as a result of increased cost requirements in this proposal, witness fee payments will be delayed until such time that sufficient appropriations are available.

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**THE HONORABLE DAVID Y. IGE, CHAIR
SENATE COMMITTEE ON WAYS AND MEANS
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawai`i**

February 23, 2012

RE: H.B. 245, H.D. 1, S.D. 1; RELATING TO WITNESSES.

Chair Ige, Vice-Chair Kidani and members of the Senate Committee on Ways and Means, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in support of H.B. 245, H.D. 1, S.D. 1.

The purpose of this bill is to support and encourage witnesses to pursue charges against offenders of our criminal laws. In 1989, the legislature added per diem stipends for out-of-state witnesses; however, the amount has remained the same since, for almost twenty-two years. This amount is no longer sufficient to pay the personal expenses of out-of-state witnesses, such as lodging and food. Often these individuals are forced to take money out of their own pockets to cover necessary personal expenses when subpoenaed to return to the state as a witness in state court proceedings. Because the per diem stipend amount has not been adjusted to keep pace with the cost of living in Hawaii, it has emerged as an economic "barrier" that either discourages or prevents an out-of-state witness from pursuing charges against offenders due to economic considerations. Further, the Department of the Prosecuting Attorney finds that the per diem stipend amount for witnesses that are required to travel to a different island within the State is also not sufficient to cover the witness' personal expenses when that witness is required to stay overnight.

This measure increases the amount of per diem stipends for out-of-state witnesses from \$110 to \$145 per 24-hour day and makes available for a witness who must travel to another island within the State, an additional amount of \$90 per 24-hour day to the current \$55 per 24-hour day if that witness is required to stay overnight. The Department of the Prosecuting Attorney strongly supports the passage of H.B. 245, H.D. 1, S.D. 1. Thank you for this opportunity to testify.