

Honolulu, Hawaii

February 8, 2013

RE: H.B. No. 234

H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 234 entitled:

"A BILL FOR AN ACT RELATING TO COLLECTION OF RESTITUTION FOR CRIME VICTIMS,"

begs leave to report as follows:

The purpose of this measure is to enhance collection of payments pursuant to a court order of judgment for restitution in a criminal matter by:

- (1) Requiring service of orders of income withholding upon a defendant's employer and requiring compliance by the employer;
- (2) Authorizing state tax refund intercepts for the collection of restitution;
- (3) Eliminating the court's authority to revoke a sentence of restitution upon petition of a defendant;
- (4) Allowing money deposited for bail or bond to be used to satisfy restitution, fines, or fees; and
- (5) Providing crime victims with limited access to Adult Probation records for information relating to court-ordered payments.



The Crime Victim Compensation Commission testified in support of this measure. The Department of the Attorney General and State Farm Mutual Automobile Insurance Company provided comments on this measure.

Your Committee has amended this measure by:

- (1) Deleting the section that eliminated the court's authority to revoke a sentence of restitution;
- (2) Adding an appropriation of an unspecified amount to the Judiciary to enhance restitution collection;
- (3) Changing its effective date to July 1, 2112, to promote further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee respectfully requests that your Committee on Judiciary consider the effects of this measure on small businesses in the State.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 234, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 234, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Consumer  
Protection & Commerce,



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ANGUS L.K. MCKELVEY, Chair



