

STAND. COM. REP. NO.

671

Honolulu, Hawaii

MAR 01 2013

RE: S.B. No. 873
S.D. 2

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred S.B. No. 873, S.D. 1, 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 support and facilitate the collection of court-ordered restitution for crime victims by:

- (1) Establishing requirements and procedures for income withholding orders for crime victim restitution;
- (2) Repealing a court's authority to revoke restitution once ordered;
- (3) Requiring that money posted as bail be applied toward the payment of any court-ordered restitution, fines, or fees in the same case;
- (4) Expanding crime victims' access to adult probation records to include access to the defendant's record of compliance with court-ordered payments; and
- (5) Appropriating funds to the Judiciary for the purpose of enhancing the collection of restitution.



Your Committee received written comments in support of this measure from the Judiciary and the Department of the Prosecuting Attorney of the City and County of Honolulu.

Your Committee received written comments on this measure from the Department of the Attorney General.

Your Committee finds that while courts order the payment of restitution to victims in many criminal cases, it is not strictly enforced, and victims often must resort to private civil actions against the defendant. Not only does this situation decrease the chances that a victim will ever receive the restitution payments that they were promised, but it further demoralizes the victim and negates the benefits that the restitution was intended to provide. This measure promotes the consistent and comprehensive enforcement of restitution collection to ensure that restitution provides an effective tool for restoring crime victims.

Your Committee has amended this measure by:

- (1) Expanding the types of court orders having priority over income withholding orders for crime victim restitution to include family court orders made pursuant to chapter 571, Hawaii Revised Statutes, and child support orders made pursuant to chapter 576D, Hawaii Revised Statutes, to comply with federal law;
- (2) Removing the reference to penalties under contempt of court for violations of the prohibition against employers refusing to hire a prospective employee, discharging an employee, or taking any other disciplinary action against an employee based upon an order or notice to withhold income for crime victim restitution and making such actions a misdemeanor; and
- (3) Making technical nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 873, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 873, S.D. 2.



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Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,

David Y. Ige

DAVID Y. IGE, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* SB 873, SD1	Committee Referral: JDL, WAM	Date: 2-21-13		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
IGE, David Y. (C)	✓			
KIDANI, Michelle N. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
DELA CRUZ, Donovan M.	✓			
ENGLISH, J. Kalani	✓			
ESPERO, Will	✓			
KAHELE, Gilbert	✓			
KEITH-AGARAN, Gilbert S.C.	✓			
KOUCHI, Ronald D.				✓
RUDERMAN, Russell E.	✓			
THIELEN, Laura H.	✓			
TOKUDA, Jill N.	✓			
SLOM, Sam	✓			
TOTAL	12	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Michelle N. Kidani</div>				
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*Only one measure per Record of Votes