



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY

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TESTIMONY ON SENATE BILL 1181, SENATE DRAFT 1
RELATING TO
COMMITTED PERSONS ON FURLOUGH
by
Ted Sakai, Director
Department of Public Safety

House Committee on Public Safety
Representative Henry J.C. Aquino, Chair
Representative Kaniela Ing, Vice Chair

Thursday, March 14, 2013; 9:30 a.m.
State Capitol, Room 309

Chair Aquino, Vice Chair Ing, and Members of the Committee:

The Department of Public Safety (PSD) **supports** Senate Bill 1181, Senate Draft 1, relating to Committed Persons on Furlough, which adds child support as a financial obligation for employed inmates on furlough and delineates percentages to be deducted from earnings for certain financial obligations identified by statute.

Child support orders are not included in statute as financial obligations for committed persons on furlough who are employed outside of the correctional facility, yet it is one of the most important responsibilities of being a parent. Senate Draft 1 includes amendments to the original proposal that were recommended by the Child Support Enforcement Agency and the Department to ensure this measure comports with federal law governing child support obligations.

This proposal also specifies twenty-five percent of earnings be deducted to satisfy outstanding restitution orders, which is in alignment with Act 139, Session Laws of Hawaii 2012. Current law is silent on what percent shall be deducted. In addition, it adds other court ordered fees and fines as obligations.

Upon further review of the part of this measure relating to restitution, we realized the language does not clearly provide direction as to how to deduct the multiple items included in subsection (a)(2). After consulting with the Department of the Attorney General, we are recommending an amendment to resolve this potential conflict and ask that lines 2 through 5 on page 2 be deleted and replaced with the following:

- (2) From twenty-five per cent of the committed person's net earnings:
 - (i) Restitution,
 - (ii) Crime victim compensation fee, and
 - (iii) Other fees and fines ordered.

For the purpose of this subparagraph (a)(2), the obligation first in priority is to be paid in full before payment of the obligation next in order. Net earnings are the balance of monthly earnings after payment of taxes; and

Thank you for the opportunity to present this testimony.