

**TESTIMONY BY KALBERT K. YOUNG
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE HOUSE COMMITTEE ON FINANCE
ON
SENATE BILL NO. 879 S.D.1, H.D.1**

MARCH 27, 2013

RELATING TO WITNESSES

Senate Bill No. 879, S.D.1, H.D.1, raises the per diem rate for out-of-state witnesses from \$110 to an unspecified amount and also provides an additional unspecified amount 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 FB 13-15 requested funding level for witness fees totals \$1.89 million and does not include the proposed cost increases for reimbursements. Increases in the reimbursement rates would require additional appropriations to support the additional costs tied to the increases and to maintain current service levels. Should there be no increases in the existing funding levels, there may be insufficient funds in the program for witness fees. Witness fee payments could then be delayed until such time that sufficient appropriations are available.



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Neil Abercrombie
Governor

Mike McCartney
President and Chief Executive Officer

**Testimony of
Mike McCartney
President and Chief Executive Officer
Hawai'i Tourism Authority
On
S.B. 879, S.D. 1, H.D. 1
Relating to Witnesses
House Committee on Finance
Wednesday, March 27, 2013
4:45 p.m.
Conference Room 308**

The Hawai'i Tourism Authority (HTA) supports S.B. 879, S.D. 1, H.D. 1, which proposes to increase the per diem payments for out-of-state witnesses in criminal cases.

One of the nine strategic initiatives of HTA's Tourism Strategic Plan is Safety and Security, with the goal of achieving a safe Hawaii visitor experience and providing assistance to visitors who are victims of crimes, accidents, and other adversities. Key to achieving this goal is supporting and strengthening criminal deterrence and law enforcement. This includes allocating more resources for law enforcement personnel and resources for those involved in the legal system. The current per diem of \$110 per day discourages many out-of-state witnesses, many of whom are tourists from returning to testify in state court. The per diem amount and the witness fee of \$20 are supposed to cover the witness' lodging, meals, ground transportation, and other expenses.

Providing adequate resources for law enforcement agencies and tougher sentencing law to keep repeat offenders off the streets are not effective if key witnesses do not return to testify.

Mahalo for the opportunity to offer these comments.

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THE HONORABLE KARL RHOADS, CHAIR
HOUSE COMMITTEE ON JUDICIARY
Twenty-seventh State Legislature
Regular Session of 2013
State of Hawai'i

March 27, 2013

RE: S.B. 879, S.D. 1, H.D. 1; RELATING TO WITNESSES.

Chair Rhoads, Vice-Chair Har and members of the House Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following following testimony in strong support of S.B. 879, S.D. 1, H.D. 1.

The purpose of S.B. 879, S.D. 1, H.D. 1, is to increase the amount of per diem stipends from \$110 to \$145 per 24-hour day for out-of-state witnesses, and to add an additional \$90 per 24-hour day (to the current \$55 per 24-hour day) for witnesses who must travel inter-island, if those inter-island witnesses are required to stay overnight.

Increasing per diem stipends would greatly support and encourage victims and other witnesses to report and pursue charges against criminal offenses that occur in Hawai'i. These amounts have not changed in 24 years (last increased in 1989), and have lagged significantly behind comparable per diems provided to state employees who travel interisland or overseas for state-related purposes. In fact, the current per diem for out-of state witnesses is generally insufficient to cover personal expenses, such as lodging and food, and many who return to testify as witnesses in state court proceedings are forced to take money out of their own pocket to cover necessary personal expenses.

Because the witness per diem stipend has not been adjusted to keep pace with the cost of living in Hawai'i, 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. Similarly, the per diem stipend amount provided to witnesses who must travel inter-island is insufficient to cover personal expenses, when witnesses are required to stay overnight.

Considering the Department's figures from 2012, the total number of per diem days for witnesses travelling from the mainland and foreign countries, to the City and County of

Honolulu, was 95.25 days for 25 witnesses, for a total of \$11,082.50. The cost for 10 witnesses who travelled from the neighbor islands to the City and County of Honolulu was \$605.00, with none requiring an overnight stay.

Based on these figures, the anticipated increase in per diem expenditures, if the amount were raised from \$110.00 to \$145.00 per day, would only be **\$3,333.75 per year**. Considering the importance of bringing back necessary witnesses, to successfully convict defendants who have caused harm to people and property, the Department strongly believes that such fiscal impact is entirely manageable for the state.

Whereas the cost of increasing witness per diems as proposed in S.B. 879, S.D. 1, H.D. 1 would be very minimal, the benefit to the the public and to returning witnesses is exponentially greater, not only for their overall sense of public safety and welfare, but also for Hawaii's reputation of maintaining a safe and hospitable environment. The proposed increase of \$35 per day in witness per diem is a small investment with a significant return.

For these reasons, the Department of the Prosecuting Attorney strongly supports the passage of S.B. 879, S.D. 1, H.D. 1. Thank you for this opportunity to testify.