

**TESTIMONY BY KALBERT K. YOUNG
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE COMMITTEE ON WAYS AND MEANS
ON
SENATE BILL NO. 879**

FEBRUARY 21, 2013

RELATING TO WITNESSES

Senate Bill No. 879 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 FB 13-15 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, the estimated cost impact based on the historical counts in regards to the annual number of witnesses that could be affected is \$21,000 in additional annual witness fee costs.

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THE HONORABLE DAVID Y. IGE, CHAIR
SENATE COMMITTEE ON WAYS AND MEANS
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawai'i

February 21, 2013

RE: S.B. 879; RELATING TO WITNESSES.

Chair Luke, Vice-Chair Nishimoto, Vice Chair Johanson and members of the House Committee on Finance, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in strong support of S.B. 879, which 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 purpose of this bill is to support and encourage victims and other witnesses to report and pursue charges against offenders of our criminal laws. In 1989, the legislature increased per diem stipends for out-of-state witnesses; however, the amount has remained the same since, for twenty-four 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.

Lastly, we believe the fiscal impact is manageable, considering that such funds will help bring witnesses from abroad who are needed to successfully convict defendants who have caused harm to people and property. In 2012, the total per diem days for bringing witnesses from the

mainland and foreign countries to the City and County of Honolulu was 95.25 for 25 witnesses for a total of \$11,082.50. The cost of bringing in 10 witnesses from the neighbor islands to the City and County of Honolulu was \$605.00, with none requiring an overnight stay. At a similar rate in the future the additional cost to the state for increasing the per diem from \$110.00 to \$145,000 **would be only \$3,333.75 per year**. Although the cost to the state of increasing witness per diem as proposed in HB 238 is minimal, the benefits to both returning witnesses and public safety are critically important as many of our visitors who are targeted by crime can no longer afford to return to testify at trials or other judicial proceedings with the current meager per diem. 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. Thank you for this opportunity to testify.



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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
Relating to Witnesses
Senate Committee on Ways and Means
Thursday, February 21, 2013
9:00 a.m.
Conference Room 211**

The Hawai'i Tourism Authority (HTA) supports S.B. 879, 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.