
A BILL FOR AN ACT

RELATING TO VICTIM RESTITUTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. In 2012, the legislature enacted the justice
2 reinvestment initiative, Act 139, Session Laws of Hawaii 2012,
3 to reduce corrections spending, increase efficiency, decrease
4 recidivism, and increase offender accountability through data-
5 driven strategies. One justice reinvestment initiative strategy
6 to increase offender accountability was to increase the amount
7 of victim restitution collected from inmates with unpaid
8 restitution orders. Section 353-22.6, Hawaii Revised Statutes,
9 was amended to increase the amount of restitution collected from
10 inmates from ten per cent of inmate earnings to twenty-five per
11 cent of all inmate earnings, deposits, and credits.

12 While it was the legislature's intent that crime victims
13 achieve financial justice through increased restitution
14 collection, the collection of twenty-five per cent from inmates'
15 earnings, deposits, and credits has not been uniformly applied
16 to all inmates in all correctional facilities.

17 The legislature finds that some courts have ordered
18 restitution payments of less than twenty-five per cent of all



1 inmate earnings, deposits, and credits and that the department
2 of public safety had been advised to comply with the court
3 orders instead of section 353-22.6, Hawaii Revised Statutes.
4 The legislature further finds that the department of public
5 safety was also advised that the twenty-five per cent deduction
6 from all inmate earnings, deposits, and credits could not be
7 applied to sentences imposed prior to July 1, 2012, the
8 effective date of the amendments made to section 353-22.6,
9 Hawaii Revised Statutes, that increased the deductions to
10 twenty-five per cent.

11 The purpose of this Act is to clarify that twenty-five per
12 cent of inmate earnings, deposits, and credits shall be deducted
13 to satisfy victim restitution orders. This Act also clarifies
14 that the twenty-five per cent deduction shall apply to all
15 restitution orders imposed after the effective date of this Act.

16 SECTION 2. Section 706-646, Hawaii Revised Statutes, is
17 amended by amending subsection (3) to read as follows:

18 "(3) In ordering restitution, the court shall not consider
19 the defendant's financial ability to make restitution in
20 determining the amount of restitution to order. The court,
21 however, shall consider the defendant's financial ability to
22 make restitution for the purpose of establishing the time and



1 manner of payment. The court shall specify the time and manner
2 in which restitution is to be paid[-]; provided that the payment
3 schedule shall be at least twenty-five per cent of an inmate's
4 total moneys earned, new deposits, and credits to the inmate's
5 individual account. Restitution shall be a dollar amount that
6 is sufficient to reimburse any victim fully for losses,
7 including but not limited to:

- 8 (a) Full value of stolen or damaged property, as
9 determined by replacement costs of like property, or
10 the actual or estimated cost of repair, if repair is
11 possible;
- 12 (b) Medical expenses; and
- 13 (c) Funeral and burial expenses incurred as a result of
14 the crime."

15 SECTION 3. This Act shall apply to orders for restitution
16 entered after the effective date of this Act.

17 SECTION 4. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 5. This Act shall take effect on July 1, 2030.



Report Title:

Crime Victim Compensation; Restitution

Description:

Clarifies the court's authority to specify the time and manner of restitution payments, by requiring that a payment schedule must be at least 25% of all moneys earned, new deposits, and credits to an inmate's individual account. Applies to orders for restitution entered after the effective date of this Act. Effective 7/1/2030. (SD2)

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