

STAND. COM. REP. NO.

3051

Honolulu, Hawaii

MAR 21 2014

RE: H.B. No. 238
H.D. 1
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 238, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO WITNESSES,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Increase the per diem payments to out-of-state witnesses in criminal cases to support and encourage out-of-state witnesses to return to Hawaii to participate in the prosecution of those cases; and
- (2) Provide an additional per diem payment to witnesses who travel interisland to attend a state court and are required to stay overnight.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu and the Office of the Prosecuting Attorney of the County of Kauai. Your Committee received comments on this measure from the Department of Budget and Finance.

Your Committee finds that the last time the Legislature increased the per diem payment for out-of-state witnesses was in 1989. This amount is no longer sufficient for out-of-state witnesses to pay for their personal expenses, such as food and lodging, and discourages or prevents out-of-state witnesses from

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returning to the State to testify against offenders. Furthermore, the per diem amount for witnesses who are required to travel to and stay overnight on another island to attend a state court proceeding is also insufficient. This measure will support and encourage out-of-state witnesses to testify and facilitate the prosecution of important criminal cases.

Your Committee has amended this measure by:

- (1) Inserting a per diem amount for out-of-state witnesses of \$204 per day; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 238, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 238, H.D. 1, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,

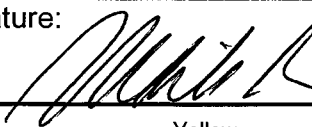


CLAYTON HEE, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 238, HD1	JDL, WAM	3/18/14		
<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
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
GABBARD, Mike	✓			
GALUTERIA, Brickwood	✓			
IHARA, Jr., Les	.			✓
SOLOMON, Malama	✓			
SLOM, Sam	✓			
TOTAL	6			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes