

STAND. COM. REP. NO. **3304**

Honolulu, Hawaii

APR 04 2014

RE: H.B. No. 2654
H.D. 1
S.D. 2

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

Madam:

Your Committee on Ways and Means, to which was referred H.B. No. 2654, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO VICTIM RESTITUTION,"

begs leave to report as follows:

The purpose and intent of this measure is to clarify the authority of the Director of Public Safety to deduct, as victim restitution, twenty-five per cent of all moneys earned, new deposits, and credits to an inmate's individual account for restitution.

Your Committee received written comments in support of this measure from the State Crime Victim Compensation Commission, the Department of the Prosecuting Attorney of the City and County of Honolulu, the Office of the Prosecuting Attorney of the County of Hawaii, and the Office of the Prosecuting Attorney of the County of Kauai. Written comments in opposition to this measure were received from the Department of Public Safety and the Department of the Attorney General.

Your Committee finds that studies have shown that when a defendant is held fully accountable to their crime victims by requiring payment of restitution, the recidivism rate is lower than for those defendants who are not held fully accountable.

Your Committee has amended this measure by:



- (1) Deleting the amendment to section 353-22.6, Hawaii Revised Statutes, which would have retroactively applied the restitution formula;
- (2) Placing the duty to impose the percentage amount of required victim restitution directly upon the court rather than on the Department of Public Safety;
- (3) Clarifying that this measure shall apply prospectively; and
- (4) Making technical nonsubstantive amendments for the purposes of clarity, style, and consistency.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2654, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2654, H.D. 1, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,



DAVID Y. IGE, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
HB2654 HDI SDI	PSM/JDL, WAM	3-28-14		
<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
IGE, David Y. (C)	✓			
KIDANI, Michelle N. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
DELA CRUZ, Donovan M.	✓			
ENGLISH, J. Kalani	✓			
ESPERO, Will	✓			
KAHELE, Gilbert	✓			
KEITH-AGARAN, Gilbert S.C.	✓			
KOUCHI, Ronald D.	✓			
RUDERMAN, Russell E.	✓			
THIELEN, Laura H.	✓			
TOKUDA, Jill N.	✓			
SLOM, Sam	✓			
13	0	0	0	
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<i>Michelle N. Kidani</i>				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes