

NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
**CRIME VICTIM COMPENSATION
COMMISSION**

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TESTIMONY ON HOUSE BILL 238 HD1, SD1
RELATING TO WITNESSES

Pamela Ferguson-Brey, Executive Director
Crime Victim Compensation Commission

Committee on Ways and Means
Senator David Y. Ige, Chair
Senator Michelle N. Kidani, Vice Chair

Friday, March 28, 2014; 9:25 AM
State Capitol, Conference Room 211

Chair Ige, Vice Chair Kidani, Members of the Committee on Ways and Means:

Thank you for providing the Crime Victim Compensation Commission (“Commission”) with the opportunity to testify before you today. The Commission supports the passage of House Bill 238, HD1, SD1, which increases the per diem amount for out-of-state witnesses and witnesses from another island who have been subpoenaed to testify at a state criminal trial.

The Commission was established in 1967 to mitigate the suffering and financial impact experienced by victims of violent crime by providing compensation to pay un-reimbursed crime-related expenses. Many victims of violent crime could not afford to pay their medical bills, receive needed mental health or rehabilitative services, or bury a loved one if compensation were not available.

Witnesses in criminal cases are vital and can be the deciding factor between an offender being brought to justice and an offender being released. In order to do their civic duty, witnesses must bear the financial burden of lost wages or having to use vacation leave. In addition to lost wages or leave, witnesses from out of state or off island must pay for additional expenses such as lodging and food. This creates an economic barrier that discourages or prevents witnesses from returning to testify.

The per diem for out of state or off island witnesses was intended to offset the lodging and food expenses. However, the current per diem amounts of \$110 per day for out-of-state witnesses and \$55 for off-island witnesses were last set in 1989 and have not kept pace with the cost of living in Hawai'i. A search of internet sites such as hotels.com shows that discounted hotel rooms start at approximately \$100 per night excluding taxes and fees. However, these prices are not always available to witnesses because witnesses rarely get more than a week's notice of when they need to be in Hawai'i to testify. Thus, an increase to \$204 per day would assist witnesses in finding accommodations that would not require them to pay out of their own pocket. The increase would help secure the cooperation of witnesses who are concerned that in addition to having to use their vacation leave or lose wages to testify, they would also have to use their own money to find suitable accommodations and to pay for meals.

Increasing the per diem from \$110 to \$204 is a appropriate increase considering that, \$110 in 1989 has the same purchasing power as \$204 today. Bureau of Labor Statics of the US Department of Labor.

Thank your providing the Commission with the opportunity to testify in support of House Bill 238, HD1, SD1. The Commission urges you to support increasing the per diem rate for off-island witnesses in criminal cases.