

HB238

HD1

DEPARTMENT OF THE PROSECUTING ATTORNEY
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**THE HONORABLE CLAYTON HEE, CHAIR
THE HONORABLE MAILE S.L. SHIMABUKURO, VICE CHAIR
SENATE COMMITTEE ON JUDICIARY AND LABOR
Twenty-seventh State Legislature
Regular Session of 2014
State of Hawai'i**

March 18, 2014

RE: HB 238, H.D. 1; RELATING TO WITNESSES.

Chair Hee, Vice-Chair Shimabukuro and members of the Senate Committee on Judiciary and Labor, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in strong support of H.B. 238, H.D. 1.

The purpose of H.B. 238, H.D. 1, is to increase the amount of per diem stipends from \$110 to \$145 per 24-hour day for out-of-state witnesses, and to add an additional \$90 per 24-hour day (to the current \$55 per 24-hour day) for witnesses who must travel inter-island, if those inter-island witnesses are required to stay overnight.

Increasing per diem stipends would greatly support and encourage victims and other witnesses to report and pursue charges against criminal offenses that occur in Hawai'i. These amounts have not changed in 25 years (last increased in 1989), and have lagged significantly behind comparable per diems provided to state employees who travel interisland or overseas for state-related purposes. In fact, the current per diem for out-of state witnesses is generally insufficient to cover personal expenses, such as lodging and food, and many who return to testify as witnesses in state court proceedings are forced to take money out of their own pocket to cover necessary personal expenses.

Because the witness per diem stipend has not been adjusted to keep pace with the cost of living in Hawai'i, 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. Similarly, the per diem stipend amount provided to witnesses who must travel inter-island is insufficient to cover personal expenses, when witnesses are required to stay overnight.

Considering the Department's figures from 2012, the total number of per diem days for witnesses travelling from the mainland and foreign countries, to the City and County of Honolulu, was 95.25 days for 25 witnesses, for a total of \$11,082.50. The cost for 10 witnesses who travelled from the neighbor islands to the City and County of Honolulu was \$605.00, with none requiring an overnight stay.

Based on these figures, the anticipated increase in per diem expenditures, if the amount were raised from \$110.00 to \$145.00 per day, would only be **\$3,333.75 per year**. Considering the importance of bringing back necessary witnesses, to successfully convict defendants who have caused harm to people and property, the Department strongly believes that such fiscal impact is entirely manageable for the state.

Whereas the cost of increasing witness per diems as proposed in H.B. 238, H.D. 1 would be very minimal, the benefit to the public and to returning witnesses is exponentially greater, not only for their overall sense of public safety and welfare, but also for Hawai'i's reputation of maintaining a safe and hospitable environment. 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 H.B. 238, H.D. 1. Thank you for this opportunity to testify.