

Honolulu, Hawaii

February 19, 2016

RE: H.B. No. 1660

H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1660 entitled:

"A BILL FOR AN ACT RELATING TO THE COLLECTION OF RESTITUTION FOR CRIME VICTIMS,"

begs leave to report as follows:

The purpose of this measure is to enable the enforcement of restitution orders by:

- (1) Creating standards and procedures for withholding the defendant's income for the purposes of paying restitution;
- (2) Establishing priority of income withholding orders with respect to other types of debt;
- (3) Amending the definition of "debt" relating to the recovery of money owed to the State to include court-ordered restitution subject to civil enforcement;
- (4) Applying bail that was posted by the defendant and that has not been forfeited toward payment of restitution, fines, or fees that have been ordered by the court;
- (5) Extending victims' access to adult probation records to include access to the defendant's payment compliance records; and



- (6) Appropriating an unspecified amount to enhance restitution collection, including the hiring of staff.

The Judiciary, Crime Victim Compensation Commission, Honolulu Prosecuting Attorney, Kauai Prosecuting Attorney, Ho'omana Pono, LLC, and Domestic Violence Action Center testified in support of this measure. The Department of the Attorney General and Department of Taxation provided comments.

Your Committee finds that crime victims have had difficulty collecting restitution to which they are entitled. While restitution is routinely ordered by courts in criminal cases, it is not routinely paid by the offender, and the crime victim is often left with no recourse but to file a private civil action. This measure will provide tools to effectuate restitution collection by designating the Judiciary to administer the collection process and better hold offenders accountable to satisfy their restitution obligations.

According to the testimony, an estimated \$652,000 is required annually to administer the program. It is the intent of your Committee that any funding provided for this program be in addition to the Judiciary's supplemental budget request.

Your Committee has amended this measure by:

- (1) Specifying that, in compliance with federal law, income withholding orders for restitution shall not have priority as against support orders made pursuant to chapters 580 and 584, Hawaii Revised Statutes;
- (2) Requiring the Department of Taxation to implement withholdings for restitution by January 1, 2017;
- (3) Prohibiting employers subject to an income withholding order for child support from taking an adverse employment action against the employee; and
- (4) Changing its effective date to March 15, 2037, to facilitate further discussion.



As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1660, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1660, H.D. 1, and be referred to your Committee on Finance.

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



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KARL RHOADS, Chair



