

Honolulu, Hawaii

MAR 27 2015

RE: H.B. No. 452  
H.D. 1  
S.D. 1

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred  
H.B. No. 452, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO STATEWIDE SEXUAL ASSAULT  
SERVICES,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Appropriate unspecified sums to the Department of the Attorney General for fiscal years 2015-2016 and 2016-2017 to provide statewide sexual assault services; provided that the sums appropriated are the sums necessary to increase the Department's base budget for statewide sexual assault services to an unspecified sum per fiscal year; and
- (2) Establish a minimum base budget for the Department of the Attorney General for statewide sexual assault services at an unspecified sum per fiscal year beginning with fiscal year 2017-2018.

Your Committee received testimony in support of this measure from the Crime Victim Compensation Commission; Department of the Prosecuting Attorney, County of Maui; Office of the Prosecuting Attorney, County of Kauai; Department of the Prosecuting Attorney, City and County of Honolulu; YWCA of Kauai; The Sex Abuse Treatment Center; Child & Family Service of Maui; YWCA of Hawaii



Island; and two individuals. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that a network of sexual assault centers in every county provides direct services to sexual assault victims, including crisis intervention, mental health therapy, coordination of care and advocacy, and prevention and education services. The Sex Abuse Treatment Center oversees and administers this network and provides technical assistance, such as a uniform set of practice standards and procedures, and compliance monitoring training programs. This measure ensures that victims of sexual assault continue to receive the highest level of care and allows sexual assault centers to expand services statewide, including to rural areas and other underserved populations.

Your Committee notes the concerns raised by the Department of the Attorney General that additional funds should not be conditioned on mandatory levels of funding. The Department noted in its written testimony that conditions on funding levels infringe on the discretion needed by the Attorney General to address the competing fiscal requirements in executing the Department's operations. However, your Committee believes that the net amount for statewide sex assault services would be the same regardless of whether funding was made by a direct appropriation by the Legislature or conditions set on the base budget for sexual assault services. Accordingly, your Committee encourages further discussion by your Committee on Ways and Means on the appropriateness of setting conditions on mandatory levels of funding if it chooses to hear this measure.

Your Committee further notes the concerns raised by the Department of the Attorney General that section 2 violates the separation of powers between the executive and legislative branches of government because the spending of an appropriation is an inherently executive function.

Accordingly, your Committee has amended this measure by:

- (1) Deleting section 2 to avoid the concern of the Department of the Attorney General of violating the separation of powers between the executive and legislative branches; and
- (2) Making technical, nonsubstantive amendments 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. 452, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 452, 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,



GILBERT S.C. KEITH-AGARAN, Chair



