

STAND. COM. REP. NO. **282**

Honolulu, Hawaii

FEB 19 2015

RE: S.B. No. 230

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

Madam:

Your Committees on Judiciary and Labor and Public Safety, Intergovernmental and Military Affairs, to which was referred S.B. No. 230 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to clarify that reimbursement to crime victims includes lost wages and mental health treatment, counseling, and therapy.

Your Committees received testimony in support of this measure from the Crime Victim Compensation Commission; Department of the Prosecuting Attorney, County of Maui; Victim/Witness Assistance Division of the 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; Office of the Prosecuting Attorney, County of Hawaii; The Sex Abuse Treatment Center; and one individual. Your Committees received comments on this measure from the Department of Public Safety.

Your Committees find that in State v. DeMello, 310 P.3d 1033 (Haw. Ct. App. 2013), the court held that section 706-646, Hawaii Revised Statutes (HRS), does not explicitly provide for an award of lost wages as part of restitution. As a result, crime victims who miss work due to injuries or impairment suffered as a result of a defendant's offense are being denied restitution of lost earnings. Furthermore, based on the DeMello analysis and holding,

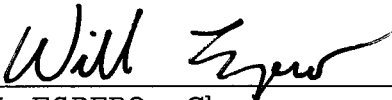
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it appears that courts would similarly deny expenses for mental health treatment. This measure clarifies the intent of section 706-646, HRS, to reimburse crime victims fully for all reasonable and verified losses resulting from a defendant's offense, including but not limited to lost wages and mental health treatment, counseling, and therapy.

As affirmed by the records of votes of the members of your Committees on Judiciary and Labor and Public Safety, Intergovernmental and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 230 and recommend that it pass Second Reading and be referred to the Committee on Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committees on Judiciary and  
Labor and Public Safety,  
Intergovernmental and Military  
Affairs,



WILL ESPERO, Chair



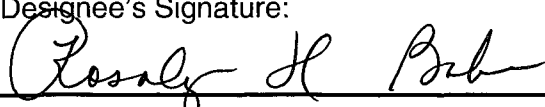
GILBERT S.C. KEITH-AGARAN, Chair





The Senate  
 Twenty-Eighth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Public Safety, Intergovernmental and Military Affairs**  
**PSM**

Bill / Resolution No.:* <b>8B 230</b>	Committee Referral: <b>JBL/PSM, WAM</b>	Date: <b>2-12-2015</b>		
<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 checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)	✓			
BAKER, Rosalyn H. (VC)	✓			
GALUTERIA, Brickwood				✓
KEITH-AGARAN, Gilbert S.C.	✓			
SLOM, Sam				✓
<b>TOTAL</b>	<b>3</b>	<b>-</b>	<b>-</b>	<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original             Yellow             Pink             Goldenrod File with Committee Report             Clerk's Office             Drafting Agency             Committee File Copy				

\*Only one measure per Record of Votes