

HB 1516 HD1

Measure Title: RELATING TO ASSESSMENT OF THE INTERNET CRIMES AGAINST CHILDREN FEE AGAINST CRIMINAL DEFENDANTS.

Report Title: Internet Crimes Against Children Fee (\$)

Description: Clarifies that the internet crimes against children fee is to be assessed against every defendant who is convicted of a misdemeanor or felony regardless of the nature of the offense. (HB1516 HD1)

Companion: [SB2202](#)

Package: None

Current Referral: HMS, JDL/WAM

Introducer(s): RHOADS, AQUINO



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-EIGHTH LEGISLATURE, 2016**

ON THE FOLLOWING MEASURE:

H.B. NO. 1516, H.D. 1, RELATING TO ASSESSMENT OF THE INTERNET CRIMES AGAINST CHILDREN FEE AGAINST CRIMINAL DEFENDANTS.

BEFORE THE:

SENATE COMMITTEE ON HUMAN SERVICES

DATE: Tuesday, March 22, 2016

TIME: 1:15 p.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): Douglas S. Chin, Attorney General, or
Michelle Puu, Deputy Attorney General

Chair Chun Oakland and Members of the Committee:

The Department of the Attorney General supports this bill.

This bill does two things. First, it moves the existing statute from chapter 846F, Hawaii Revised Statutes (HRS), to chapter 706, HRS, where other laws relating to fees imposed at sentencing of criminal defendants are located. Second, it clarifies that the Internet Crimes Against Children (ICAC) fee shall attach to every felony and misdemeanor conviction.

Because this law establishes a fee to be imposed at sentencing, it more appropriately fits in chapter 706 with the other fees imposed at sentencing of criminal defendants.

By its plain language, the existing law in chapter 846F, applies to all felony and misdemeanor crimes, whether ICAC related or not. The legislative history shows that this issue was considered by the Legislature, and that the Legislature ultimately decided that the law should apply to all crimes. Section 846F-3(a), HRS, provides that the court “shall order every defendant to pay an internet crimes against children fee of up to \$100 for each felony or misdemeanor conviction.”

Notably, since chapter 846F was enacted in July of 2014, only \$25 in fees have been deposited into the ICAC fund. This may be because judges are not imposing the fee based on the assumption that it only applies to internet crimes against children. This bill clarifies that the fee applies to all felony and misdemeanor crimes, thus eliminating any ambiguity or question of the Legislature’s intent relating to the fee.

Therefore, the Department of the Attorney General supports the passage of this bill.

From: mailinglist@capitol.hawaii.gov
To: [HMS Testimony](#)
Cc: victor.amos@mpd.net
Subject: *Submitted testimony for HB1516 on Mar 22, 2016 13:15PM*
Date: Monday, March 21, 2016 9:53:49 AM

HB1516

Submitted on: 3/21/2016

Testimony for HMS on Mar 22, 2016 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Victor K. Ramos	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov