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CITY AND COUNTY OF HONOLULU

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THE HONORABLE GILBERT S.C. KEITH-AGARAN, CHAIR
SENATE COMMITTEE ON JUDICIARY AND LABOR
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawai`i

January 29, 2016

RE: SB 2106; RELATING TO WITNESSES.

Chair Keith-Agaran, 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 S.B. 2106.

The purpose of S.B. 2106 is to increase the amount of per diem stipends from \$145 to \$200 per 24-hour day for out-of-state witnesses, and to increase the overnight supplement from \$90 to \$145 per 24-hour day (in addition to the standard \$55 per diem) for inter-island witnesses who 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 were increased slightly in 2014, but had not changed in 25 years prior to that (last increased in 1989). Given recent increases in costs for lodging and food, the current per diem amount is insufficient to cover personal expenses, and many who return to testify as witnesses in state court proceedings are forced to pay money out of their own pocket in order to do so.

Because the witness per diem stipend has kept 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 2015, the total number of per diem days for witnesses travelling from the mainland and foreign countries, to the City and County of Honolulu, was 218.75 days for 39 witnesses, for a total of \$11,082.50. The cost for 13 witnesses

who travelled from the neighbor islands to the City and County of Honolulu was \$1,526.25, with 5 requiring an overnight stay.

Based on these figures, the anticipated increase in per diem expenditures, if the amount were raised from \$145.00 to \$200.00 per day, would only be **\$12,485 per year**. Considering the importance of bringing back necessary witnesses, to successfully convict defendants who have caused harm to people and property here in Hawai'i, the Department strongly believes that this is a relatively modest fiscal impact, which would be entirely manageable for the State.

While the cost of increasing witness per diems as proposed in S.B. 2106 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 \$55 per day in overnight witness per diems is a small investment with a significant return.

For these reasons, the Department of the Prosecuting Attorney strongly supports the passage of S.B. 2106. Thank you for this opportunity to testify.

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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF SENATE BILL 2106

A BILL FOR AN ACT RELATING TO WITNESSES

COMMITTEE ON JUDICIARY AND LABOR

Sen. Gilbert S.C. Keith-Agaran, Chair
Sen. Maile S.L. Shimabukuro, Vice Chair

Friday, January 29, 2016, 9:00 AM
State Capitol, Conference Room 016

Honorable Chair Keith-Agaran, Vice Chair Shimabukuro, and Members of the Committee Judiciary and Labor, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in support of Senate Bill No. 2106.

This measure increases the per diem payments for out-of-state witnesses in criminal cases from \$145 to \$200, and increases the per diem payment supplement from \$90 to \$145, for witnesses from any island other than the island on which the court is located, when that witness is required to stay overnight.

The current per diem stipend amounts for out-of-state witnesses in criminal cases is generally inadequate to cover personal expenses, such as lodging and food. Many witnesses who return to testify as witnesses in court proceedings are forced to take money out of their own pocket to cover necessary personal expenses. These economic barriers can prevent out-of-state witnesses from pursuing charges against offenders. Likewise, when a witness must travel inter-island and stay overnight, the per diem stipend amount is insufficient to cover personal expenses.

The proposed increase in witness per diem is a small investment with a significant return. Considering the importance of bringing back necessary witnesses, to successfully convict defendants who have caused harm to people and property, Hawai'i County Office of the Prosecuting Attorney strongly believes that the fiscal impact is entirely manageable by the State.

The Hawai'i County Office of the Prosecuting Attorney supports the passage of Senate Bill No. 2106. Thank you for the opportunity to testify on this matter.

Justin F. Kollar
Prosecuting Attorney

Jennifer S. Winn
First Deputy



Rebecca A. Vogt
Second Deputy

Diana Gausepohl-White
Victim/Witness Program Director

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TESTIMONY IN SUPPORT OF
SB 2106 – RELATING TO WITNESSES

Justin F. Kollar, Prosecuting Attorney
County of Kaua'i

Senate Committee on Judiciary and Labor
January 29, 2016, 9:00 a.m., Conference Room 016

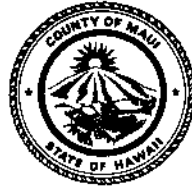
Chair Keith-Agaran, Vice Chair Shimabukuro, and Members of the Committee:

The County of Kaua'i, Office of the Prosecuting Attorney, SUPPORTS SB 2106 – Relating to Witnesses.

Current per diem stipends for out-of-state and off-island witnesses have not increased in line with the costs of travel and subsistence in Hawai'i. This has the effect of discouraging participation in the criminal justice process and affects our ability to achieve justice for the victims of crime. Economic barriers should not factor into a person's ability to participate in the judicial process. This Bill represents a reasonable opportunity to ensure full and fair participation for crime victims and witnesses without imposing undue hardship.

Accordingly, we are in SUPPORT of SB 2106. We request that your Committee PASS the Bill.

Thank you very much for the opportunity to provide testimony on this Bill.



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TESTIMONY
ON
SB 2106 - RELATING TO WITNESSES

January 29, 2016

The Honorable Gilbert S. C. Keith-Agaran
Chair
The Honorable Maile S. L. Shimabukuro
Vice Chair
and Members
Senate Committee on Judiciary and Labor

Chair Keith-Agaran, Vice Chair Shimabukuro and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui, SUPPORTS SB 2106 - Relating to Witnesses. The bill will increase the per diem payments for out-of-state witnesses in criminal cases from \$145 to \$200, and increase the per diem supplement for witnesses from a different island from \$90 to \$145 when the witness is required to stay overnight.

While the cost of travel and subsistence in Hawaii steadily increases over time, the per diem stipends for out-of-state and off-island witnesses have not increased accordingly. This bill will provide a proper increase to per diem stipends, which will help to enable witnesses to appear for and testify in criminal proceedings. This is important to continue the proper functioning of the criminal justice system.

Accordingly, the Department of the Prosecuting Attorney, County of Maui, SUPPORTS the passage of this bill. We ask that the committee PASS SB 2106.

Thank you very much for the opportunity to provide testimony on this bill.