

Honolulu, Hawaii

FEB 09 2017

RE: S.B. No. 316

S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2017  
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred  
S.B. No. 316 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to clarify that any  
restitution owed to fully reimburse a crime victim for the  
victim's losses includes expenses for mental health treatment,  
counseling, and therapy, and lost earnings, including paid leave.

Your Committee received testimony in support of this measure  
from the Department of the Prosecuting Attorney, City and County  
of Honolulu; Office of the Prosecuting Attorney, County of Hawaii;  
Hawaii State Coalition Against Domestic Violence; and two  
individuals. Your Committee received testimony in opposition to  
this measure from the Office of the Public Defender.

Your Committee finds that crime victims may experience  
various types of injuries other than physical injuries. Trauma  
from victimization can result in a range of reactions that may  
require immediate crisis response to prevent or mitigate long-term  
psychological and emotional consequences. Furthermore,  
victimization can result in missed work days and loss of income.  
This measure ensures that a crime victim is fully reimbursed for  
losses as a result of a crime by clarifying that restitution  
includes expenses for mental health treatment, counseling, and  
therapy, and lost earnings.



While your Committee notes that lost wages should be included in the restitution owed to a crime victim, paid leave is a benefit that not all employees are conferred and is a benefit for which the employer, rather than employee, bears the cost.

Accordingly, your Committee has amended this measure by:

- (1) Excluding paid leave as lost earnings eligible for restitution;
- (2) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (3) Making a technical, nonsubstantive amendment 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 S.B. No. 316, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 316, S.D. 1, and be placed on the calendar for Third Reading.

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

  
GILBERT S.C. KEITH-AGARAN, Chair



