

Honolulu, Hawaii

FEB 15 2017

RE: S.B. No. 493
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. 493 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Create standards and procedures for the withholding of
income for the purposes of enforcing restitution orders;
- (2) Establish that any income withholding order for the
enforcement of an order for restitution has priority
against any garnishment, attachment, execution, other
income withholding order, or any other order with
certain exceptions;
- (3) Amend the definition of "debt" relating to the recovery
of money owed to the State to include any unpaid court
ordered restitution enforceable as a civil judgement;
- (4) Require that any bail posted by a defendant be applied
toward payment of any court ordered restitution in the
same case; and
- (5) Extend a victim's access to adult probation records to
include access to payment compliance records without a
fee or surcharge.



Your Committee received testimony in support of this measure from the Crime Victim Compensation Commission; Department of the Prosecuting Attorney, City and County of Honolulu; Hawaii State Coalition Against Domestic Violence; and The Sex Abuse Treatment Center. Your Committee received comments on this measure from the Judiciary and Department of Taxation.

Your Committee finds that victim restitution is a paramount victim's right that addresses a wide range of effects of crime, including physical, emotional, psychological, financial, and social impacts. This measure offers a comprehensive approach to restitution collection so that victims of crimes will not be provided hollow promises when the court orders restitution.

Your Committee has amended this measure by:

- (1) Adopting the language suggested by the Department of the Prosecuting Attorney of the City and County of Honolulu that removes the court's ability to revoke restitution ordered as part of the defendant's sentencing;
- (2) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (3) 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 S.B. No. 493, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 493, S.D. 1, and be referred to your 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



