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Date: February 14, 2018

To: The Honorable Donovan Dela Cruz, Chair
The Honorable Gilbert Keith-Agaran, Vice Chair
Senate Committee on Ways and Means

From: Justin Murakami, Policy Research Associate
The Sex Abuse Treatment Center
A Program of Kapi'olani Medical Center for Women & Children

RE: Testimony in Support of S.B. 2172 S.D. 1
Relating to Expert Witness Fees

Good morning Chair Dela Cruz, Vice Chair Keith-Agaran, and members of the Senate Committee on Ways and Means:

The Sex Abuse Treatment Center (SATC) supports S.B. 2172 S.D. 1, which clarifies the applicable reimbursements allowable for expert witnesses, as outlined in H.R.S. §§ 621-7, 621-9, and 836-3, in response to a policy change within the Department of Budget and Finance (B&F), in which B&F discontinued reimbursement of certain expert witness fees.

Crimes of sexual violence remain some of the most difficult cases to prosecute, complicated by society's preconceived notions associated with sexual assault and the sometimes complex and technical evidence involved in these cases.

Expert witnesses can be critical to bringing violent offenders to justice, by helping juries and judges to better understand evidence involved in a case, such as DNA, pharmacology and toxicology where alcohol and drugs are involved in a crime, injuries sustained or medical conditions resulting from an assault, and the effects of trauma on behavior and memory.

The necessary costs associated with using expert witnesses are not limited to the time that experts are present at court, but include the experts' review of documents, consultation and preparation with the trial team, and travel.

Until March 2017, it was well established that B&F reimbursed these costs, whether it be for prosecution, for an indigent defendant represented by the public defender, or by private conflict counsel. Moreover, although the witness reimbursement statutes, as written, are silent with specific regard to expert witnesses, the legislative history behind those statutes makes clear that expert witness were meant to be included.

In January 2017, the Governor signed and issued Administrative Directive No. 18-01, re-establishing the guidelines and procedures that were in place prior to March

2017, and proposed this legislative measure to expressly clarify that allowable expenses shall include cost of expert witnesses.

We respectfully ask that the Legislature pass S.B. 2172 S.D. 1 to help ensure that Hawai'i's prosecutors are supported in their efforts to protect the public, and that violent sexual offenders are not permitted to escape justice due to the complex and technical evidence that is sometimes necessary to prove their crimes.