
A BILL FOR AN ACT

RELATING TO THE CRIME VICTIM COMPENSATION FEE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the crime victim
2 compensation commission is struggling financially due to failure
3 of judges to order the crime victim compensation fee in eligible
4 cases and court closures resulting from the coronavirus disease
5 2019 (COVID-19) pandemic. The crime victim compensation fee was
6 created by the legislature in 1998 to act as the primary funding
7 source of the crime victim compensation commission. Collection
8 shortfalls of the crime victim compensation fee over many years
9 have effectively deprived the crime victim compensation
10 commission of the funding reserve it needed to survive the
11 COVID-19 pandemic and pandemic-related court closures. These
12 funding shortfalls so limited the crime victim compensation
13 commission's funding reserve that the crime victim compensation
14 commission was in danger of closing had the legislature not
15 provided an emergency infusion of funding in 2021.

16 Despite this infusion of funding, the legislature further
17 finds that the crime victim compensation commission continues to



1 face funding problems. Revenue from the crime victim
2 compensation fee has again declined during the first half of
3 fiscal year 2022 and is eight per cent lower than revenue for
4 the same period from fiscal year 2021.

5 The purpose of this Act is to require that if a court
6 waives the imposition of a compensation fee due to a defendant's
7 inability to pay, the judiciary shall deposit into the crime
8 victim compensation special fund an amount equal to one half of
9 the compensation fee that would have been imposed upon the
10 defendant.

11 SECTION 2. Section 351-62.6, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 "(a) The court shall impose a compensation fee upon every
14 defendant who has been convicted or who has entered a plea under
15 section 853-1 and who is or will be able to pay the compensation
16 fee. The amount of the compensation fee shall be commensurate
17 with the seriousness of the offense as follows:

- 18 (1) ~~[Not]~~ No less than \$105 nor more than \$505 for a
19 felony;
20 (2) \$55 for a misdemeanor; and
21 (3) \$30 for a petty misdemeanor.



1 The compensation fee shall be separate from any fine that may be
2 imposed under section 706-640 and shall be in addition to any
3 other disposition under this chapter; provided that if the court
4 ~~[shall-waive]~~ waives the imposition of a compensation fee ~~[if]~~
5 because the defendant is unable to pay the compensation fee~~[+]~~,
6 the judiciary shall deposit into the crime victim compensation
7 special fund an amount equal to one half of the compensation fee
8 that would have been imposed upon the defendant pursuant to this
9 subsection. Moneys from the compensation fees shall be
10 deposited into the crime victim compensation special fund under
11 section 351-62.5."

12 SECTION 3. Section 706-605, Hawaii Revised Statutes, is
13 amended by amending subsection (6) to read as follows:

14 "(6) The court shall impose a compensation fee upon every
15 person convicted of a criminal offense pursuant to section
16 351-62.6; provided that if the court ~~[shall-waive]~~ waives the
17 imposition of a compensation fee ~~[if]~~ because it finds that the
18 defendant is unable to pay the compensation fee~~[+]~~, the
19 judiciary shall deposit into the crime victim compensation
20 special fund an amount equal to one half of the compensation fee
21 that would have been imposed upon the defendant pursuant to



1 section 351-62.6. When a defendant is ordered to make payments
2 in addition to the compensation fee, payments by the defendant
3 shall be made in the order of priority established in section
4 706-651."

5 SECTION 4. This Act does not affect rights and duties that
6 matured, penalties that were incurred, and proceedings that were
7 begun before its effective date.

8 SECTION 5. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 6. This Act shall take effect on July 1, 2022.



Report Title:

Crime Victim Compensation Fee; Crime Victim Compensation Special Fund; Judiciary

Description:

Requires that if a court waives the imposition of a compensation fee due to a defendant's inability to pay, the judiciary shall deposit into the crime victim compensation special fund an amount equal to one half of the compensation fee that would have been imposed upon the defendant. (HD1)

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