

JAN 19 2022

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). The crime victim compensation fee was created
6 by the legislature in 1998 to act as the primary funding source
7 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 The legislature further finds that the crime victim
17 compensation commission continues to face funding problems.



1 Revenue from the crime victim compensation fee has again
2 declined during the first half of fiscal year 2022 and is eight
3 per cent lower than revenue for the same period from fiscal year
4 2021. Requiring judges to order payment of the crime victim
5 compensation fee will help to address the crime victim
6 compensation commission's funding shortfalls. Additionally,
7 courts will still have the discretion to postpone payment of the
8 fee for defendants that are unable to pay at the time of
9 sentencing. Pursuant to section 706-644, Hawaii Revised
10 Statutes, in cases where the defendant is not acting
11 contumaciously, the court may order additional time for payment
12 and the defendant will not be imprisoned for failure to pay.

13 The purpose of this Act is to require judges to order the
14 crime victim compensation fee in all eligible cases.

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

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



- 1 (1) Not less than \$105 nor more than \$505 for a felony;
- 2 (2) \$55 for a misdemeanor; and
- 3 (3) \$30 for a petty misdemeanor.

4 The compensation fee shall be separate from any fine that may be
5 imposed under section 706-640 and shall be in addition to any
6 other disposition under this chapter [~~; provided that the court~~
7 ~~shall waive the imposition of a compensation fee if the~~
8 ~~defendant is unable to pay the compensation fee]~~. Moneys from
9 the compensation fees shall be deposited into the crime victim
10 compensation special fund under section 351-62.5."

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

13 "(6) The court shall impose a compensation fee upon every
14 person convicted of a criminal offense pursuant to section
15 351-62.6 [~~; provided that the court shall waive the imposition of~~
16 ~~a compensation fee if it finds that the defendant is unable to~~
17 ~~pay the compensation fee]~~. When a defendant is ordered to make
18 payments in addition to the compensation fee, payments by the
19 defendant shall be made in the order of priority established in
20 section 706-651."




S.B. NO. 2130

1 SECTION 4. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 5. Statutory material to be repealed is bracketed
5 and stricken.

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

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INTRODUCED BY: 



S.B. NO. 2130

Report Title:

Crime Victim Compensation Fee; Crime Victim Compensation
Commission

Description:

Repeals the discretion of a Court to waive payment of the Crime
Victim Compensation Fee due to the defendant's inability to pay.

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not legislation or evidence of legislative intent.*

