

JAN 19 2022

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# A BILL FOR AN ACT

RELATING TO THE CRIME VICTIM COMPENSATION SPECIAL FUND.

**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 last year. Despite  
16      this emergency funding, revenue from the crime victim  
17      compensation fee continues to decline, falling during the first



1 half of fiscal year 2022 and is eight per cent lower than  
2 revenue for the same period from fiscal year 2021.

3 The purpose of this Act is to address current funding  
4 shortfalls experienced by the crime victim compensation  
5 commission by exempting the crime victim compensation special  
6 fund from certain assessments made by the director of finance to  
7 administer special funds.

8 SECTION 2. Section 36-27, Hawaii Revised Statutes, is  
9 amended by amending subsection (a) to read as follows:

10 "(a) Except as provided in this section, and  
11 notwithstanding any other law to the contrary, from time to  
12 time, the director of finance, for the purpose of defraying the  
13 prorated estimate of central service expenses of government in  
14 relation to all special funds, except the:

15 (1) Special out-of-school time instructional program fund

16 under section 302A-1310;

17 (2) School cafeteria special funds of the department of  
18 education;

19 (3) Special funds of the University of Hawaii;

20 (4) Convention center enterprise special fund under  
21 section 201B-8;



- 1           (5)    Special funds established by section 206E-6;
- 2           (6)    Aloha Tower fund created by section 206J-17;
- 3           (7)    Funds of the employees' retirement system created by
- 4                section 88-109;
- 5           (8)    Hawaii hurricane relief fund established under chapter
- 6                431P;
- 7           (9)    Hawaii health systems corporation special funds and
- 8                the subaccounts of its regional system boards;
- 9           (10)   Universal service fund established under section
- 10               269-42;
- 11           (11)   Emergency and budget reserve fund under section
- 12               328L-3;
- 13           (12)   Public schools special fees and charges fund under
- 14               section 302A-1130;
- 15           (13)   Sport fish special fund under section 187A-9.5;
- 16           (14)   Neurotrauma special fund under section 321H-4;
- 17           (15)   Glass advance disposal fee established by section
- 18               342G-82;
- 19           (16)   Center for nursing special fund under section
- 20               304A-2163;



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- 1       (17) Passenger facility charge special fund established by  
2           section 261-5.5;
- 3       (18) Solicitation of funds for charitable purposes special  
4           fund established by section 467B-15;
- 5       (19) Land conservation fund established by section 173A-5;
- 6       (20) Court interpreting services revolving fund under  
7           section 607-1.5;
- 8       (21) Trauma system special fund under section 321-22.5;
- 9       (22) Hawaii cancer research special fund;
- 10      (23) Community health centers special fund;
- 11      (24) Emergency medical services special fund;
- 12      (25) Rental motor vehicle customer facility charge special  
13          fund established under section 261-5.6;
- 14      (26) Shared services technology special fund under section  
15          27-43;
- 16      (27) Automated victim information and notification system  
17          special fund established under section 353-136;
- 18      (28) Deposit beverage container deposit special fund under  
19          section 342G-104;
- 20      (29) Hospital sustainability program special fund under  
21          section 346G-4;



(30) Nursing facility sustainability program special fund  
under section 346F-4;

(31) Hawaii 3R's school improvement fund under section  
302A-1502.4;

(32) After-school plus program revolving fund under section  
302A-1149.5;

(33) Civil monetary penalty special fund under section  
321-30.2; ~~and~~

~~[+]~~ (34) ~~[+]~~ Stadium development special fund under section  
109-3.5 ~~[+]~~; and

(35) Crime victim compensation special fund under section  
351-62.5,

shall deduct five per cent of all receipts of all other special  
funds, which deduction shall be transferred to the general fund  
of the State and become general realizations of the State. All  
officers of the State and other persons having power to allocate  
or disburse any special funds shall cooperate with the director  
in effecting these transfers. To determine the proper revenue  
base upon which the central service assessment is to be  
calculated, the director shall adopt rules pursuant to chapter  
91 for the purpose of suspending or limiting the application of



1 the central service assessment of any fund. No later than  
2 twenty days prior to the convening of each regular session of  
3 the legislature, the director shall report all central service  
4 assessments made during the preceding fiscal year."

5 SECTION 3. Section 36-30, Hawaii Revised Statutes, is  
6 amended by amending subsection (a) to read as follows:

7 "(a) Each special fund, except the:

8 (1) Special out-of-school time instructional program fund  
9 under section 302A-1310;

10 (2) School cafeteria special funds of the department of  
11 education;

12 (3) Special funds of the University of Hawaii;

13 (4) Special funds established by section 206E-6;

14 (5) Aloha Tower fund created by section 206J-17;

15 (6) Funds of the employees' retirement system created by  
16 section 88-109;

17 (7) Hawaii hurricane relief fund established under chapter  
18 431P;

19 (8) Convention center enterprise special fund established  
20 under section 201B-8;



- 1           (9)   Hawaii health systems corporation special funds and
- 2               the subaccounts of its regional system boards;
- 3           (10)   Universal service fund established under section
- 4               269-42;
- 5           (11)   Emergency and budget reserve fund under section
- 6               328L-3;
- 7           (12)   Public schools special fees and charges fund under
- 8               section 302A-1130;
- 9           (13)   Sport fish special fund under section 187A-9.5;
- 10          (14)   Neurotrauma special fund under section 321H-4;
- 11          (15)   Center for nursing special fund under section
- 12               304A-2163;
- 13          (16)   Passenger facility charge special fund established by
- 14               section 261-5.5;
- 15          (17)   Court interpreting services revolving fund under
- 16               section 607-1.5;
- 17          (18)   Trauma system special fund under section 321-22.5;
- 18          (19)   Hawaii cancer research special fund;
- 19          (20)   Community health centers special fund;
- 20          (21)   Emergency medical services special fund;



(22) Rental motor vehicle customer facility charge special fund established under section 261-5.6;

(23) Shared services technology special fund under section 27-43;

(24) Nursing facility sustainability program special fund established pursuant to section 346F-4;

(25) Automated victim information and notification system special fund established under section 353-136;

(26) Hospital sustainability program special fund under section 346G-4;

(27) Civil monetary penalty special fund under section 321-30.2; ~~and~~

~~[+]~~ (28) ~~[+]~~ Stadium development special fund under section 109-3.5 ~~[+]~~; and

(29) Crime victim compensation special fund under section 351-62.5,

shall be responsible for its pro rata share of the administrative expenses incurred by the department responsible for the operations supported by the special fund concerned."

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.





1       SECTION 5. This Act shall take effect on July 1, 2022;  
2       provided that the amendments made to sections 36-27(a) and  
3       36-30(a), Hawaii Revised Statutes, in sections 1 and 2 of this  
4       Act, shall not be repealed when those sections are reenacted on  
5       June 30, 2024, pursuant to section 8 of Act 38, Session Laws of  
6       Hawaii 2021, and sections 7 and 8 of Act 24, Session Laws of  
7       Hawaii 2021.

8  
INTRODUCED BY: \_\_\_\_\_

*Paul Abroad*



# S.B. NO. 2131

**Report Title:**

Crime Victim Compensation Special Fund; Crime Victim  
Compensation Fee; Crime Victim Compensation Commission

**Description:**

Exempts the Crime Victim Compensation Special Fund from  
transfers for central service expenses and from paying  
reimbursements for departmental administrative expenses.

*The summary description of legislation appearing on this page is for informational purposes only and is  
not legislation or evidence of legislative intent.*

