

Honolulu, Hawaii
FEB 16 , 2022

RE: H.B. No. 1624
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 1624 entitled:

"A BILL FOR AN ACT RELATING TO THE CRIME VICTIM COMPENSATION FEE,"

begs leave to report as follows:

The purpose of this measure is to require judges to impose the crime victim compensation fee in all eligible cases.

Your Committee received testimony in support of this measure from the Department of Public Safety, Crime Victim Compensation Commission, Department of the Prosecuting Attorney of the County of Maui, Department of the Prosecuting Attorney of the City and County of Honolulu, County of Kauai Victim/Witness Program, Hawai'i State Coalition Against Domestic Violence, and Mothers Against Drunk Driving. Your Committee received testimony in opposition to this measure from the Judiciary, Office of the Public Defender, Hawai'i Association of Criminal Defense Lawyers, and one individual.

Your Committee finds that the Crime Victim Compensation Commission is facing funding problems due to the failure of judges to impose the crime victim compensation fee in eligible cases and court closures during the COVID-19 pandemic. Your Committee further finds that the Judiciary may not fully realize how the



failure of its judges to impose the crime victim compensation fee is impacting the fiscal self-sufficiency of the Crime Victim Compensation Commission and thereby victims of crime.

Accordingly, your Committee has amended this measure by:

- (1) Amending the purpose section;
- (2) Reinstating the court's discretion to determine which defendants have the ability to pay the compensation fee;
- (3) Requiring 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; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1624, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1624, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



MARK M. NAKASHIMA, Chair



