

STAND. COM. REP. NO.

**2315**

Honolulu, Hawaii

**FEB 15 2022**

RE: S.B. No. 2130  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2130 entitled:

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

begs leave to report as follows:

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

Your Committee received testimony in support of this measure from the Crime Victim Compensation Commission, Department of Public Safety, Department of the Prosecuting Attorney of the City and County of Honolulu, Department of the Prosecuting Attorney of the County of Maui, 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 and Office of the Public Defender.

Your Committee finds that the Crime Victim Compensation Commission is struggling financially due to failure of judges to order the Crime Victim Compensation Fee in eligible cases and court closures resulting from the coronavirus disease 2019 (COVID-19) pandemic. The Crime Victim Compensation Fee was created by the Legislature in 1998 to act as the primary funding source of the Crime Victim Compensation Commission. Collection shortfalls of the Crime Victim Compensation Fee over many years have



effectively deprived the Crime Victim Compensation Commission of the funding reserve it needed to survive the COVID-19 pandemic and pandemic-related court closures. Despite receiving emergency funding from the Legislature last year, revenue from the Crime Victim Compensation Fee continues to decline, falling during the first half of fiscal year 2022 and is eight percent lower than revenue from the same period from fiscal year 2021. This measure will help to address the Crime Victim Compensation Commission's funding shortfalls by encouraging judges to order payment of the Crime Victim Compensation Fee.

Your Committee has amended this measure by:

- (1) Allowing judges to waive the Crime Victim Compensation Fee if a defendant is unable or extremely unlikely to be able to pay the Crime Victim Compensation Fee in whole or in part within the next seven years instead of requiring that judges waive the fee if a defendant is unable to pay;
- (2) Requiring a court to issue a written decision or order with a written basis for the decision if the court waives the Crime Victim Compensation Fee;
- (3) Amending section 1 to reflect its amended purpose;
- (4) Inserting an effective date of July 30, 2075, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2130, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2130, S.D. 1, and be referred to your Committee on Ways and Means.



Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,

*Karl Rhoads*

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KARL RHOADS, Chair



The Senate  
Thirty-First Legislature  
State of Hawai'i

**Record of Votes  
Committee on Judiciary  
JDC**

Bill / Resolution No.:*	Committee Referral:	Date:	
SB 2130	JDC, WAM	02-08-22	
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____			
The Recommendation is:			
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313			
Members	Aye	Aye (WR)	Nay
Excused			
RHOADS, Karl (C)	✓		
KEOHOKALOLE, Jarrett (VC)	✓		
ACASIO, Laura		✓	
GABBARD, Mike	✓		
KIM, Donna Mercado	✓		
LEE, Chris	✓		
FEVELLA, Kurt		✓	
<b>TOTAL</b>	<b>5</b>	<b>2</b>	<b>-</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted			
Chair's or Designee's Signature: <i>Karl Rhoads</i>			
Distribution:             Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy			

\*Only one measure per Record of Votes