

STATE OF HAWAI‘I
OFFICE OF THE PUBLIC DEFENDER

Testimony of the Office of the Public Defender,
State of Hawai‘i to the House Committee on Finance

February 1, 2022

H. B. 1624: RELATING TO THE CRIME VICTIM COMPENSATION FEE

Chair Rep. Mark M. Nakashima
Vice Chair Rep. Scot Z. Matayoshi
Honorable Committee Members:

The Office of the Public Defender strongly **opposes** H.B. 1624 because it will cost taxpayers more money, keep the poorest members in our community locked in court debt, and the crime victim compensation commission will remain underfunded.

Every day from Hilo to Hanalei courts sentence people who violate criminal laws from the most serious crimes to petty misdemeanors. At sentencing, the court must impose the crime victim compensation fee on everyone unless there is some evidence that the convicted person cannot afford to pay it or will be unable to pay it in the foreseeable future.

This bill strips judges of their ability to assess the people standing before them and forces them to impose a fee no matter what. If a person cannot afford it, they must come back to court months after their sentence has been served and explain why he or she did not pay. If the court is satisfied with the explanation, another court date is set until it is paid. While some will pay off their debt, the bill will inevitably create a permanent class of the poor and destitute who cannot pay. It will ensure that proof of compliance hearings, which already take a considerable amount of time, resources, and taxpayer money will swell to new and unmanageable proportions.

Consider a person convicted of criminal littering, a petty misdemeanor, and sentenced to jail for two days. The court would have to ignore the person's homelessness, poverty, and mental illness, impose a \$30 crime victim compensation fee, and set a proof of compliance hearing in six months. If the person does not pay and misses the court date, the court will order a warrant for the person's arrest. The police find the person on the street, arrest the person, process that person with report writing, court filings, and photographs, and the jail will house and feed that person until the next available hearing. The old court debt has not gone away and another

proof of compliance is set. In places like Maui, prosecutors file new criminal charges for missing the court date and the person is convicted of a new offense thereby creating another court fee and another proof of compliance hearing. The person sinks further into court debt.

The cycle repeats itself for years while taxpayers pay for the judge, court staff, prosecutor, public defender, police officers, the jail, and sheriffs to enforce a \$30 fee. In the meantime, not a dime is deposited into the crime victim compensation fund. It is a ridiculous, wasteful, and sadly common story.

Hawai'i for the most part has been spared some of the more egregious problems associated with court debt in other parts of the country. The Department of Justice investigated the cycle of court debt, poverty, and court fees in Ferguson, Missouri, after citizens rioted in 2014. The DOJ found that when court fees are used to fund government agencies, the justice system is compromised.

The . . . court does not act as a neutral arbiter of the law or a check on unlawful police conduct. Instead, the court primarily uses its judicial authority as the means to compel the payment of fines and fees that advance the City's financial interests. This has led to court practices that violate the Fourteenth Amendment's due process and equal protection requirements. The court's practices also impose unnecessary harm, overwhelmingly on African-American individuals, and run counter to public safety.

The report can be found at www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf

Mandatory imposition of the fee on all people regardless of their ability to pay will have the same corrosive effect in Hawai'i. It turns judges into debt collectors who will make it harder for our most vulnerable friends and neighbors to break the cycle of poverty. Court discretion allows the indigent, homeless, and those living well below the poverty line to serve their sentence without having to come back time and time again to explain why they cannot pay. It helps sever the chain of court debt and provide a chance for them to straighten out their affairs and someday walk away from the courthouse for good.

Finally, the bill does not address the problem of funding the crime victim compensation commission. Ever since the commission became dependent on courts to impose the crime compensation fee, the commission has repeatedly urged the Legislature to hound sentencing courts into imposing more and more fees. It is a losing battle.

Many of the convicted are poor and cannot pay. Requiring courts to impose fees on a homeless man living in a park with all of his worldly belongings in shopping carts and cardboard boxes or a struggling single mother with three jobs and one paycheck away from entering a shelter will not bring in more funding for the commission. It will only harm those who are already vulnerable. No amount of legislation can draw blood from a stone.

Mahalo for allowing our office to provide testimony and our position on this bill.



The Judiciary, State of Hawai'i

Testimony to the Thirty-First State Legislature, 2022 Regular Session

House Committee on Judiciary and Hawaiian Affairs

Representative Mark M. Nakashima, Chair
Representative Scot Z. Matayoshi, Vice-Chair

Thursday, February 3, 2022 at 2:00 p.m.
Via Videoconference

WRITTEN TESTIMONY ONLY

By

Shirley M. Kawamura

Deputy Chief Judge, Criminal Administrative Judge, Circuit Court of the First Circuit

Bill No. and Title: House Bill No. 1624, Relating to the Crime Victim Compensation Fee.

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

Judiciary's Position:

The Judiciary respectfully objects to the proposed legislation. The Legislature established the Crime Victim Compensation fee ("CVC fee") in 1998 to act as the primary source of funding for the Crime Victim Compensation Committee, removing the burden of the program's operation from the taxpayers and placing it on convicted defendants. Hawai'i Revised Statutes (HRS) § 351-62.6(a) and HRS § 706-605(6) were enacted to require the imposition of a CVC fee on every person convicted of a criminal offense pursuant to HRS § 351-62.6, *except* in instances where the court finds that the defendant is unable to pay. In that case, the court is *required* to waive the fee. The proposed legislation would remove the court's ability to assess the defendant's inability to pay and waive the imposition of the CVC fees for indigent defendants.

Specifically, HRS § 706-605(6) requires the imposition of the CVC fee on every person convicted of a criminal offense, but both that section and HRS § 351-62.6 provide that the court

shall waive the fee if the court finds that the defendant is unable to pay. HRS § 351-62.6(b) notes that in making that determination, the criteria of HRS § 706-641 (criteria for imposing fines) may apply and in determining the amount of the CVC fee, it directs that the court shall consider all relevant factors, including but not limited to 1) the seriousness of the offense; 2) the circumstances of the commission of the offense; 3) the economic gain, if any, realized by the defendant; 4) the number of victims; and 5) the defendant's earning capacity, including future earning capacity.

In light of those provisions, the Intermediate Court of Appeals recently found the CVC fee to in fact be a fine with the court noting that the CVC fee is punitive in nature and is imposed on a person convicted of a criminal offense as a punishment for criminal behavior. State v. Adcock, 148 Hawai'i 308, 473 P.3d 769 (2020). The provisions of the proposed legislation would essentially require all persons convicted of a criminal offense to pay this fine regardless of their ability to pay and without consideration of any of the criteria of section 706-641.

Numerous studies have found that the imposition of fees and fines on criminal indigent defendants works against the goal of rehabilitation, creates a barrier to people reentering society after conviction, unjustly burdens the poor with debt they cannot pay, interferes with other commitments such as child support obligations, and creates additional costs to taxpayers in the form of hidden costs to collect such fees from those who cannot afford to pay.¹ The imposition of these fees and fines disproportionately impact communities of color, the poor, and persons with disabilities.²

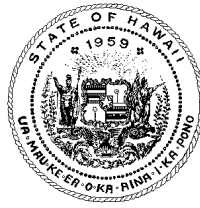
Similarly here, removing the court's discretion to waive the CVC fee based on the defendant's inability to pay will negatively affect the defendant's possibilities for rehabilitation. Furthermore, a defendant's inability to pay the CVC fee is technically a violation of the defendant's terms and conditions of probation. Essentially, defendants may be subject to revocation of probation and incarceration due to an inability to pay. Finally, having outstanding CVC fees may dissuade the court from granting a defendant's Motion for Early Termination of Probation, even where the defendant has not otherwise incurred a violation.

Thank you for the opportunity to testify on this important measure.

¹ See e.g. Matthew Menendez, Micheal F. Crowley, Lauren-Brooke Eisen, and Noah Atchison, *The Steep Costs of Criminal Justice Fees and Fines*, Brennan Center for Justice, 2019, <https://www.brennancenter.org/our-work/research-reports/steep-costs-criminal-justice-fees-and-fines>; Alicia Bannon, Mitali Nagrecha, and Rebekah Diller, *Criminal Justice Debt: A Barrier to Reentry*, Brennan Center for Justice, 2010, 30, [http://www.brennancenter.org/sites/default/files/legacy/Fees and Fines FINAL.pdf](http://www.brennancenter.org/sites/default/files/legacy/Fees%20and%20Fines%20FINAL.pdf).

² U.S. Commission on Civil Rights, *Targeted Fines and Fees Against Low-Income Communities of Color: Civil Rights and Constitutional Implications*, September 2017, [https://www.usccr.gov/files/pubs/2017/Statutory Enforcement Report2017.pdf](https://www.usccr.gov/files/pubs/2017/Statutory%20Enforcement%20Report2017.pdf); Kiren Jahangeer, *Fees and Fines: The Criminalization of Poverty*, American Bar Association, December 16, 2019, https://www.americanbar.org/groups/government_public/publications/public_lawyer_articles/fees-fines/

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY

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MAX N. OTANI
DIRECTOR

Maria C. Cook
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Tommy Johnson
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Jordan Lowe
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No. _____

TESTIMONY ON HOUSE BILL 1624
RELATING TO THE CRIME VICTIM COMPENSATION FEE.

by
Max N. Otani, Director
Department of Public Safety

House Committee on Judiciary and Hawaiian Affairs
Representative Mark M. Nakashima, Chair
Representative Scot Z. Matayoshi, Vice Chair

Thursday, February 3, 2022; 2:00 p.m.
State Capitol, Via Videoconference

Chair Nakashima, Vice Chair Matayoshi, and Members of the Committee:

House Bill (HB) 1624 seeks to repeal the discretion of the Court to waive payment of the Crime Victim Compensation Fee, due to the defendant's inability pay, while also providing for continued judicial discretion when the defendant is not acting contumaciously.

The Department of Public Safety (PSD) supports this measure without reservation. The Crime Victim Compensation Fee directly supports the continued operations of the Crime Victim Compensation Commission (CVCC), and any disruption and/or reduced collection of the fee would jeopardize the operations and critically needed work of the Commission.

Thank you for the opportunity to provide this testimony.

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
**CRIME VICTIM COMPENSATION
COMMISSION**

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MARTHA ROSS
Chair

CLIFTON Y.S. CHOY
Commissioner

MARI McCAIG BELLINGER
Commissioner

PAMELA FERGUSON-BREY
Executive Director

TESTIMONY ON HB 1624
RELATING TO THE CRIME VICTIM COMPENSATION FEE

by

Pamela Ferguson-Brey, Executive Director
Crime Victim Compensation Commission

House Committee on Judiciary & Hawaiian Affairs
Representative Mark M. Nakashima, Chair
Representative Scot Z. Matayoshi, Vice Chair

Thursday, February 3, 2022; 2:00 PM
Via Videoconference

Good afternoon Chair Nakashima, Vice Chair Matayoshi, and Members of the House Committee on Judiciary & Hawaiian Affairs. Thank you for providing the Crime Victim Compensation Commission (the "Commission") with the opportunity to testify in strong support of House Bill 1624. The bill repeals the discretion of the Court to waive payment of the Crime Victim Compensation Fee due to the defendant's inability to pay.

The Hawai'i State Legislature established the Crime Victim Compensation Commission in 1967 as a safety net for violent crime victims. The Commission's compensation program assists victims of violent crimes with medical costs, counseling costs, lost wages, and funeral and burial expenses not covered by other sources. Many victims would not be able to receive rehabilitation services, counseling services, or bury a loved one without compensation awarded by the Commission. Today, all 50 states have a Crime Victim Compensation Program.

In 1998, the Legislature created a Crime Victim Compensation Fee¹ ("Compensation Fee") to act as the primary funding source for the Commission's Compensation Program so that the Commission would be fiscally self-sufficient.

¹ Section 351-62.6, Hawai'i Revised Statutes, provides that the court shall assess a Compensation Fee against every convicted offender, or offender who enters a deferred plea, and who is or will be able to pay the Fee. Fees are assessed as follows:

1. a \$30 fee for a petty misdemeanor;
2. a \$55 fee for a misdemeanor; and
3. a \$105 to \$505 fee for a felony. (emphasis added.)

Compensation Fee collection shortfalls over these many years effectively deprived the Commission of the funding reserve it needed to survive the pandemic and pandemic-related court closures. These funding shortfalls so limited the Commission's funding reserve that the Commission was in danger of closing had the Legislature not provided an emergency infusion of funding last year.

While the Judiciary pledged to address judges failing to order the fee in all eligible case, Compensation Fee collections have again declined during the first half of FY 2022 and are 8% lower than collections for the same period in FY 2021. The Commission believes that in order to address the funding shortfalls created by judges not ordering the fee in all eligible cases, the Compensation Fee must be mandated.

History of Compensation Fee Collection Issues:

Since the implementation of the Compensation Fee in 1998, the Commission encountered significant barriers to collecting the Compensation Fee. For fiscal years 1999, 2001, and 2002 combined, the Judiciary fell nearly one million dollars short of its own estimates for Compensation Fee collections. After 2002, the Judiciary simply ceased providing estimates for Compensation Fee collections. At that time, courtroom surveys revealed that judges were not ordering the Compensation Fee in all eligible cases. For example, judges were (1) waiving the Compensation Fee but assessing fines with lower priority; (2) not assessing the Compensation Fee for each eligible offense committed by the same defendant; or (3) unaware of the Compensation Fee altogether.

When attempts to collaborate with the Judiciary failed in 2005, the Legislature acted by increasing the Crime Victim Compensation Fee by five dollars (\$5.00) in all crime categories. The Judiciary's collection of the Compensation Fee again fell short of anticipated collection increases. Concerned that insufficient funds were being collected, the Legislature passed a resolution in 2007 requiring the Judiciary to report its progress in ordering and collecting the Compensation Fee. According to the Judiciary's response, the Compensation Fee was ordered in 79%, and waived in 21%, of eligible cases.

As a result of the Legislature holding the Judiciary accountable, collections from the Compensation Fee increased in FY 2008 and FY 2009. However, collections dropped off in FY 2010, FY 2011 and FY 2012. In FY 2013, collections dropped to a ten-year low of \$788,139.00. In FY 2014, collections increased slightly to \$811,806.41; since then, collections have continued to drop.

In FY 2020, the Judiciary collected \$509,822.67 in Compensation Fees - the lowest collection since FY 2001. In FY 2021, Compensation Fee collections rose slightly to \$533,611.91.

Because Compensation Fee collection shortfalls had so imperiled the Commission's very existence, the Commission reached out to the Administrative Director of the Courts in a December 22, 2020, letter urgently requesting his assistance in addressing this issue. The Administrative Director of the Courts responded via email on January 12, 2021, assuring the Commission that the Judiciary would be taking appropriate measures to update all judges regarding the applicable statutory provisions pertaining to the Compensation Fee.

While we expected to see an increase in Compensation Fee collections after the Judiciary's assurances, the Commission instead saw an 8% reduction in Compensation Fee collections for the first half of the current fiscal year. The Commission conducted a brief survey of misdemeanor cases from the District Family Court of the First and Fifth Circuits due to concerns about the unanticipated decline in Compensation Fee collections.

District Family Court of the First Circuit (Honolulu):

The Commission surveyed misdemeanor abuse cases sentenced between October 1, 2021, and December 29, 2021 (including revocation re-sentencings where the original sentencing was after the Judiciary's assurances of January 12, 2021).

Of the 75 cases surveyed, the Compensation Fee was ordered in only 24% of the cases.

In the 76% of the cases where the Compensation Fee was not ordered, the record was silent in 19% of the cases. The statute requires that the Compensation Fee be ordered, or specifically waived, only if the defendant is not able to pay now or in the future.

District Family Court of the Fifth Circuit (Kauai):

The Commission surveyed misdemeanor abuse cases with sentencing in September and October 2021 for the District Family Court of the Fifth Circuit (Kauai).

The survey included 12 cases sentenced in September and October 2021. The Compensation Fee was ordered in 100% of the cases.

The disparity in Compensation Fee orders between the First and Fifth District Family Court cases - 100% vs. 24% - suggests that the Judiciary has no uniform standards to determine whether the defendant is able to pay the Compensation Fee as required by statute. How can the Judiciary make progress on this issue without uniform standards?

The collection of the Compensation Fee by the Judiciary directly impacts the Commission's ability to remain self-sufficient and continue to assist violent crime victims. Without these funds, the Commission will be unable to provide financial assistance for Hawai'i's violent crime victims including medical expenses, rehabilitation services, counseling services, lost earnings, and funeral expenses.

Thank you for providing the Commission with the opportunity to testify in strong support of House Bill 1624.

HB-1624

Submitted on: 2/1/2022 1:45:33 PM

Testimony for JHA on 2/3/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Diana Gausepohl-White	County of Kauai Victim/Witness Program	Support	No

Comments:

I strongly support HB1624 which will require judges to order defendants to pay crime victim compensation (CVC) fees in all eligible cases.

The Commission fulfills a critically important role in helping victims and survivors of crime. They are the only agency that provides direct financial reimbursement to crime victims for out of pocket expenses such as medical and therapy copays, lost wages, and burial costs.

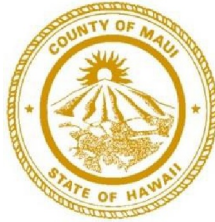
The failure to order CVC fees harms crime victims as it creates shortfalls in revenue for the Commission which is a nationally recognized pioneer, establishing innovative programs such as Restitution and Victim Services as well as facilitating collaborative projects like the Mass Violence Planning Workgroup.

I respectfully ask that your Committee PASS the Bill. Thank you for your time in this matter.

MICHAEL P. VICTORINO
Mayor

ANDREW H. MARTIN
Prosecuting Attorney

MICHAEL S. KAGAMI
First Deputy Prosecuting Attorney



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TESTIMONY
ON
H.B. 1624 RELATING TO
THE CRIME VICTIM COMPENSATION FEE

February 2, 2022

The Honorable Mark M. Nakashima
Chair
The Honorable Scot Z. Matayoshi
Vice Chair
and Members of the Committee on Judiciary & Hawaiian Affairs

Chair Nakashima, Vice Chair Matayoshi, and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui respectfully submits the following unified commentary concerning House Bill 1624 regarding the Crime Victim Compensation Fee, and House Bill 1625 regarding the Crime Victim Compensation Special Fund.

The Hawaii State Legislature established the Crime Victim Compensation Commission in 1967 as a safety net for violent crime victims. The Commission was only the third organization of its kind in the country when it was established; today, all 50 states have compensation programs.

State victim compensation programs play a critical role in all 50 states and provide benefits to victims of various violent crimes including homicide, domestic violence and sexual assault.

These programs are also essential for the response to mass violence incidents and provide immediate compensation for funeral and burial expenses, medical and mental health treatment, lost wages and other needs not covered by other sources. Without these compensation programs, many victims and survivors would have an extremely limited path to healing and recovery. Victims would not be able to receive rehabilitation services, counseling services, or bury a loved one without compensation awarded by the Commission.

CVCC is the lead agency for mobilizing victim service agencies in the State of Hawaii when mass violence strikes and has played an exemplary role in planning and preparedness for the State to respond to such incidents. The leadership and resources they provide are essential services for your constituencies.

The Hawaii Crime Victim Compensation Commission believes these bills will help to address the Commission's current funding shortfalls by increasing Compensation Fee revenue and reducing Commission expenses. The first bill mandates the Compensation Fee and the second bill exempts the Commission from the payment of central service expense fees and administrative expense fees.

The Compensation Fee was created by the legislature in 1998 to act as the primary funding source for the Commission. Compensation Fee collection shortfalls over these many years effectively deprived the Commission of the funding reserve it needed to survive the pandemic and pandemic-related court closures. These funding shortfalls so limited the Commission's funding reserve that the Commission was in danger of closing had the legislature not provided an emergency infusion of funding last year.

While the Judiciary pledged to address issues relating to judges failing to order the fee in all eligible cases, Compensation Fee revenue has again declined during the first half of FY22 and is 8% lower than revenue for the same period in FY21.

We hope you will work to support the Commission's critical funding needs so it can continue to provide essential services to victims of crime.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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STEVEN S. ALM
PROSECUTING ATTORNEY

THOMAS J. BRADY
FIRST DEPUTY
PROSECUTING ATTORNEY



THE HONORABLE MARK M. NAKASHIMA, CHAIR
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS
Thirty-First State Legislature
Regular Session of 2022
State of Hawai'i

February 3, 2022

RE: H.B. 1624; RELATING TO CRIME VICTIM COMPENSATION SPECIAL FUND.

Chair Nakashima, Vice-Chair Matayoshi and members of the House Committee on Judiciary and Hawaiian Affairs, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in **support** of H.B. 1624.

The Department greatly appreciates the support of the Crime Victim Compensation Commission ("the Commission"). The Commission serves an important role in assisting the victims of violent crimes with medical costs, counseling costs, lost wages, and funeral and burial expenses that are not covered by other sources.

The Commission is funded via the Criminal Injuries Compensation Special Fund which was created by the legislature in 1998. Since 2003, the Commission has been funded by the crime victim compensation fee that is attached to the adjudication of criminal cases, as well as matching federal Victims of Crime Act (VOCA) funds. The Department understands that the Commission has been struggling financially due to the COVID pandemic which caused numerous court closures and prolonged adjudication of cases. Loss of the Commission would be an immense loss for the victims we work with on a daily basis, many of whom have sudden large expenses that are the direct result of criminal activity and who have no extra income to deal with them. Therefore, the Department believes that H.B. 1624, requiring judges to impose the statutory compensation fee commensurate to the level of offense would greatly ease the financial burden and allow the Commission to continue to fulfill their mission of help victims of crime in the State of Hawai'i.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu **supports** the passage of H.B. 1624. Thank you for the opportunity to testify on this matter.

Hawai'i Association of Criminal Defense Lawyers

Testimony of the Hawai'i Association of Criminal Defense Lawyers to
Senate Committee on Judiciary

February 1, 2022

H. B. 1624: RELATING TO THE CRIME VICTIM COMPENSATION FEE

Chair Rep. Mark M. Nakashima
Vice Chair Rep. Scot Z. Matayoshi
Honorable Committee Members:

The Hawai'i Association of Criminal Defense Attorneys (HACDL) is an organization comprised of members of the bar practicing criminal defense in state, federal, and appellate courts throughout the State of Hawai'i. HACDL members include public defenders, private counsel, and other attorneys asserting the rights of the accused in criminal cases.

HACDL strongly **OPPOSES** H.B. No. 1624 because it will cost the taxpayers more money, keep the indigent locked down in Court debt, and will not actually add more money to the crime victim compensation fund (CVCF).

Taking away the Judge's discretion to impose or NOT impose the fee when sentencing the thousands and thousands of people appearing before them each year, by making the fees mandatory, will not actually fill up the CVCF.

The main reason the judges often don't impose it is because the defendants before them, *really can't afford* to pay the fees. Just because a Judge will now HAVE to impose the fee, doesn't make the defendants all of a sudden, ABLE TO PAY. Then, they will have to keep coming back to court for proof of payment. If they miss, they get a bench warrant. That means the prosecutors now have to generate the complaints for Contempt of Court, the police departments now have to serve the warrants and the indigent defendant will get hauled back to court to say they still can't afford to pay and we will have wasted more taxpayer money and created a new debtor's prison. **This bill should not be passed.**



HAWAI'I STATE
COALITION AGAINST
DOMESTIC VIOLENCE

February 3, 2022

Members of the House Committee on Judiciary and Hawaiian Affairs:

Chair Mark M. Nakashima
Vice Chair Scot Z. Matayoshi
Rep. Linda Ichiyama
Rep. Dale T. Kobayashi
Rep. Matthew S. LoPresti
Rep. Nicole E. Lowen
Rep. Angus L.K. McKelvey
Rep. Nadine K. Nakamura
Rep. Roy M. Takumi
Rep. Chris Todd
Rep. James Kunane Tokioka
Rep. Gene Ward

Re: HB1624 relating to Crime Victim Compensation Fee

Dear Chair Nakashima, Vice Chair Matayoshi, and Members of the House Committee on Judiciary and Hawaiian Affairs:

The Hawai'i State Coalition Against Domestic Violence (HSCADV) advances the safety and healing of victims, survivors and their families. We are the collective voice of a diverse network of organizations and individuals, working to eliminate all forms of domestic violence in Hawai'i by fostering partnership, increasing awareness of domestic violence, developing the capacity our member programs and community partners to address the needs of survivors and their families, and advocating for social justice and change. On behalf of HSCADV and our 25 member programs statewide, I respectfully submit testimony in support of HB1624.

Fees collected by the Crime Victims Compensation Commission (Commission) help to provide a critical safety net for crime victims, including domestic violence, through reimbursement for medical care, trauma counseling, funeral and burial costs, plus. Collection shortfalls over the years and the COVID-19 related court closures continues to exacerbate funding problems faced by the Commission and their ability to serve victims of domestic violence. In 2021, the funding shortfalls so limited the Commission's funding reserve that the Commission was in danger of closing had the legislature not provided an emergency infusion of funding.

The Commission is an important part of the system that serves victims of domestic violence. As a community, we should ensure that all facets of that system are well funded to meet their needs. For this reason, we are in support of HB1624. Thank you for the opportunity to testify on this important matter.

Sincerely,

Angelina Mercado
Executive Director, HSCADV



LATE *Testimony submitted late may not be considered by the Committee for decision making purposes.

Mothers Against Drunk Driving
MADD Hawaii
madd.org

MADD
745 Fort Street, Suite 303
Honolulu, HI 96813

808-532-6232
877.ASK.MADD
877.MADD.HELP Victim Support

To: Representative Mark M. Nakashima, Chair
Representative Scot Z. Matayoshi, Vice Chair
Members of the House Committee on Judiciary & Hawaiian Affairs

From: Theresa Paulette
Mothers Against Drunk Driving
Victims Services

Date: February 3, 2022

RE: HB 1624 Relating to the Crime Victim Compensation Fee

Good afternoon Chair Nakashima, Vice Chair Matayoshi, and Members of the House Committee on Judiciary & Hawaiian Affairs. Thank you for providing Mothers Against Drunk Driving (MADD) the opportunity to testify in strong support of House Bill 1624. The bill repeals the discretion of the Court to waive payment of the Crime Victim Compensation Fee due to the defendant's inability to pay.

The Hawaii State Legislature established the Crime Victim Compensation Commission in 1967 as a safety net for violent crime victims. In 1968, the Legislature created a Crime Victim Compensation Fee to act as the primary funding source for the Commission's Compensation Program, so the Commission would be fiscally self-sufficient.

No one believe they will be a victim of a violent crime. When someone suffers a violent crime they're suddenly thrust into shock, pain, trauma, and grief. Within a short time they're also faced with the stress of how they will pay for the unexpected expenses...medical, lost wages, funeral, burial, counseling, and more. They are distraught and concerned about the impact on themselves, their families, and their children. Victims are from various socio-economic backgrounds, some even homeless. In the case of impaired driving victims, when they reach out to MADD they are relieved to learn that if they don't have insurance or if the expenses aren't covered by insurance, we will assist them in applying to the Crime Victim Compensation Commission for financial help. It's a welcome safety net in their time of greatest need!

While the Judiciary pledged to address judges failing to order the fee in all eligible cases, Compensation Fee collections have again declined during the first half of FY 2022 and are 8% lower than collections for the same period in FY 2021. MADD believes that in order to address the funding shortfalls created by judges not ordering the fee in all eligible cases, the Compensation Fee must be mandated.

MADD believes the Compensation Fee should be mandated and strongly supports HB 1624 in repealing the discretion of the Court to waive payment of the Crime Victim Compensation Fee due to the defendant's inability to pay.

Thank you for the opportunity for MADD to testify in strong support of House Bill 1624.

HB-1624

Submitted on: 2/2/2022 7:57:34 AM

Testimony for JHA on 2/3/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jeffrey A Tice	Individual	Oppose	No

Comments:

I own a business on Main St and oppose this bill as I do not believe it would fairly and effectively utilize my tax dollars to chase money from individuals unlikely or unable to pay a fee, solely to fund a single agency.