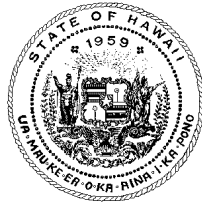


DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
**CRIME VICTIM COMPENSATION
COMMISSION**

1164 Bishop Street, Suite 1530
Honolulu, Hawai'i 96813
Telephone: 808 587-1143
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MARTHA ROSS
Chair

CLIFTON Y.S. CHOY
Commissioner

MARI McCAIG BELLINGER
Commissioner

PAMELA FERGUSON-BREY
Executive Director

TESTIMONY ON HB 1625
RELATING TO THE CRIME VICTIM COMPENSATION SPECIAL FUND
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 1625. The bill exempts the Crime Victim Compensation Special Fund from transfers for central service expenses and from paying reimbursements for departmental administrative expenses.

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

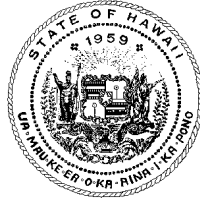
In 1998, the Legislature established the Commission's special fund and created a compensation fee to act as the primary source of funding for the Commission to eliminate the need for general funds. Prior to last year's general fund infusion required due to the failure of the Judiciary to collect the compensation fee in all eligible cases and exacerbated by the Covid-19 pandemic court closures, the Commission had not received general funds since fiscal year 2003.

While the legislature created the compensation fee to act as the funding source for the Commission, over the years, falling revenue collections caused by the failure of judges to order the compensation fee in all eligible cases has resulted in significant compensation fee revenue shortfalls for the Commission. Concerns about compensation fee revenue shortfalls brought about by judges failing to order the compensation fee in all eligible cases and the resulting negative impact on the financial stability of the Commission have been the subject of the Commission's budget testimony and annual report every year.

The Commission is required to pay two assessments to the Department of Budget and Finance on all non-tax revenue collected by, or on behalf of, the Commission. The first assessment is a 5% central service expense fee and the second assessment is the Commission's pro-rata share of administrative expenses incurred by the Department of Public Safety. The Commission paid \$66,293 for these two expenses in fiscal year 2021 and \$86,793 in fiscal year 2020. Payments of these two assessments limits the Commission funds available to pay other operating expenses and victim compensation awards and, in turn, limits the Commission's ability to achieve and maintain fiscal self-sufficiency.

Thank you for providing the Commission with the opportunity to testify in strong support of House Bill 1625.

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
1177 Alakea Street, 6th Floor
Honolulu, Hawaii 96813

MAX N. OTANI
DIRECTOR

Maria C. Cook
Deputy Director
Administration

Tommy Johnson
Deputy Director
Corrections

Jordan Lowe
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON HOUSE BILL 1625
RELATING TO THE CRIME VICTIM COMPENSATION SPECIAL FUND
by
Max N. Otani, Director

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

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

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

House Bill (HB) 1625, seeks to exempt the Crime Victim Compensation Special Fund from transfers for central service expenses and from paying reimbursements for departmental administrative expenses.

The Department of Public Safety (PSD) supports this measure unamended and urges the legislature to pass HB 1625. The Crime Victim Compensation Special Fund should be exempted as cited in this measure.

Thank you for the opportunity to submit testimony in support of HB 1625.

HB-1625

Submitted on: 2/1/2022 3:17:16 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 HB1625 which will exempt the Crime Victim Compensation Commission (CVCC) from payments of central service expense fees and administrative expense fees.

Requiring the Commission to pay these costs has a negative impact on victims, especially in light of decreased revenue caused by the lack of compensation fees being ordered in eligible cases.

CVCC 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.

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

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 768-7400 • FAX: (808) 768-7515

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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. 1625; 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. 1625.

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.

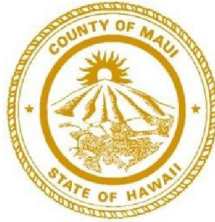
The Commission is funded via the Criminal Injuries Compensation Special Fund which was created by the legislature in 1998. Since 2003, the Commission has been funded by the crime victim compensation fee that is attached to the adjudication of criminal cases, as well as matching federal Victims of Crime 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. 1625, exempting the CVCC from State special fund assessments 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. 1625. Thank you for the opportunity to testify on this matter.

MICHAEL P. VICTORINO
Mayor

ANDREW H. MARTIN
Prosecuting Attorney

MICHAEL S. KAGAMI
First Deputy Prosecuting Attorney



DEPARTMENT OF THE PROSECUTING ATTORNEY
COUNTY OF MAUI
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TESTIMONY
ON
H.B. 1625 RELATING TO
THE CRIME VICTIM COMPENSATION FUND

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.

HB-1625

Submitted on: 2/2/2022 12:24:29 PM

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

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Angelina Mercado	Hawaii State Coalition Against Domestic Violence	Support	No

Comments:

HSCADV supports this measure.



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 Specialist & Program Manager

Date: February 3, 2022

RE: HB 1625 Relating to the Crime Victim Compensation Special Fund

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 1625. The bill exempts the Crime Victim Compensation Special Fund from transfers for central service expenses and from paying reimbursements for departmental administrative expenses.

The Hawaii State Legislature established the Crime Victim Compensation Commission in 1967 as a safety net for victims of violent crime. 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.

Compensation Fee collections have declined over the years and again during the first half of FY 2022 and are 8% lower than collections for the same period in FY 2021. Declining collections and payments of two required assessments to the Department of Budget and Finance on all non-tax revenue collected by, or on behalf of, the Commission limit the availability of funds the Commission is able to pay other operating expenses and victim compensation awards.

MADD strongly supports HB 1625 to exempt the Crime Victim Compensation Special Fund from transfer for central service expenses and from paying reimbursements for departmental administrative expenses.

Thank you for the opportunity for MADD to testify in strong support of House Bill 1625.