

STAND. COM. REP. NO.

1334

Honolulu, Hawaii

MAR 18 , 2025

RE: S.B. No. 1316  
S.D. 1  
H.D. 1

Honorable Nadine K. Nakamura  
Speaker, House of Representatives  
Thirty-Third State Legislature  
Regular Session of 2025  
State of Hawaii

Madame:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 1316, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO COURT-ORDERED PAYMENTS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Require the Judiciary to contract with a collection agency or licensed attorney to collect delinquent court-ordered fees, fines, sanctions, and court costs;
- (2) Repeal the authority of the Judiciary to contract with a collection agency or licensed attorney to collect delinquent restitution;
- (3) Expressly allow courts to specify a period of time or installments for payment of fees and restitution; and
- (4) Require district courts to hold payment compliance hearings once per year or as soon as practicable, until all fees, fines, and restitution are fully paid, and requires a defendant to appear and show cause if the defendant fails to pay in full within a time specified

2025-2535 SB1316 HD1 HSCR HMSO



by the court or fails to pay three consecutive installments.

Your Committee received testimony in support of this measure from the Crime Victim Compensation Commission and one individual. Your Committee received testimony in opposition to this measure from the Office of the Public Defender. Your Committee received comments on this measure from the Judiciary and Department of the Attorney General.

Your Committee finds that the Hawaii Supreme Court interpreted section 706-644, Hawaii Revised Statutes, to mean that courts can only hold compliance hearings for restitution payments if the defendant is on probation or defaults on payments. If the defendant is not on probation, the court cannot hold compliance hearings unless the defendant defaults, making it harder for victims to ensure they are compensated. This measure would provide victims with a clearer court procedure to enforce restitution orders and prevent them from having to pursue restitution through civil lawsuits.

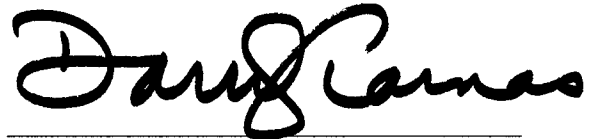
Your Committee has amended this measure by:

- (1) Specifying that when restitution is not ordered by a court, the fines or fees are referred to a collection agency and no proof of compliance hearing is required; and
- (2) 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 S.B. No. 1316, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1316, S.D. 1, 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,

A handwritten signature in black ink, reading "David Tarnas". The signature is fluid and cursive, with the first name "David" and last name "Tarnas" clearly distinguishable.

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DAVID A. TARNAS, Chair



HSCR 1334

Bill/Resolution No.: SB1310 SDI		Committee Referral: JHA, FIN		Date: 3/11/25
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)	✓			
2. POEPOE, Mahina (VC)	✓			
3. BELATTI, Della Au	✓			
4. COCHRAN, Elle				✓
5. HASHEM, Mark J.	✓			
6. KAHALOA, Kirstin	✓			
7. PERRUSO, Amy A.	✓			
8. TAKAYAMA, Gregg	✓			
9. TODD, Chris	✓			
10. GARCIA, Diamond	✓			
11. SHIMIZU, Garner M.	✓			
TOTAL (11)	10	0	0	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: _____				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				