

**ACT 189**

H.B. NO. 3542

A Bill for an Act Relating to Garnishment of Inmate Moneys.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The legislature finds that the current law severely limits garnishment, levy, or any like process of attachment to moneys earned by inmates while incarcerated, whether through employment while incarcerated or by windfall. Yet, inmates often have outstanding financial obligations or incur new financial obligations while incarcerated. To ensure that inmates accept responsibility for their actions, financial obligations for certain debts should not be suspended during the period of incarceration.

The purpose of this Act is to permit the director of public safety to garnish committed persons' funds that are held by the department for claims related to restitution to victims, child support payments, expenses, and damages caused by the inmate at the correctional facility.

SECTION 2. Chapter 353, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§353- Garnishment to cover nonbudgeted costs.** All moneys received by windfall or earned by a committed person shall be subject to garnishment, levy, or any like process of attachment by the director for a cause of action or claim against the committed person in the following order of priority:

- (1) Restitution to victims;
- (2) Child support payments by order of the court;
- (3) Replacement costs for any facility damage that may have been caused by the committed person and all other costs associated with the facility damage; and
- (4) Reimbursement for the extraordinary cost of photocopying or postage which has been advanced by the department for litigation purposes.

All moneys collected by the department pursuant to paragraph (3) or (4) shall be used to reimburse, in whole or in part, the nonbudgeted costs and expenses.”

SECTION 3. Section 353-22, Hawaii Revised Statutes, is amended to read as follows:

**“§353-22 Earnings exempt from garnishment, etc.** No moneys earned by a committed person and held by the department, to any amount whatsoever, shall be subject to garnishment, levy, or any like process of attachment for any cause or claim against the committed person, except [for restitution to victims and child support payments by order of the court.] as provided for in section 353-\_\_\_\_.”

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.<sup>1</sup>

SECTION 5. This Act shall take effect upon its approval.

(Approved June 17, 1996.)

**Note**

1. Edited pursuant to HRS §23G-16.5.