

ACT 236

H.B. NO. 3539

A Bill for an Act Relating to Criminal Injuries Compensation.

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

SECTION 1. The purpose of this Act is to provide for the mechanism to recover compensation that the applicant was not entitled to.

SECTION 2. Chapter 351, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§351- Recovery of compensation paid. (a) Any person who has received under this chapter any amount as compensation to which the person was not entitled shall be liable for that amount unless the overpayment was received without fault on the part of the recipient and its recovery would be against equity and good conscience. The order or decision shall specify that the person is liable to repay to the fund the amount of overpaid compensation and the basis of the overpayment.

(b) The person liable shall, in the discretion of the commission, either repay any amount to the criminal injuries compensation fund or have such amount deducted from any future compensation payable to the person under this chapter.

(c) Failure to comply with the provisions of this section by the person liable to repay overpaid compensation may at the discretion of the commission, result in civil action in the name of the State by the attorney general.”

SECTION 3.¹ This Act shall take effect July 1, 1996.

(Approved June 18, 1996.)

Note

1. No Ramseyer clause. Edited pursuant to HRS §23G-16.5.