

STAND. COM. REP. NO. 2062

Honolulu, Hawaii

FEB 08 2012

RE: H.B. No. 245
H.D. 1
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 245, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO WITNESSES,"

begs leave to report as follows:

The purpose and intent of this measure is to increase the per diem payments of out-of-state witnesses in criminal cases to support and encourage out-of-state witnesses to return to Hawaii to participate in the prosecution of those cases.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu; and Department of the Prosecuting Attorney of the County of Maui. The Department of Budget and Finance submitted comments.

Your Committee finds that the last time the Legislature increased the per diem payment for out-of-state witnesses was in 1989. This amount is no longer sufficient for out-of-state witnesses to pay for their personal expenses, such as for food and lodging, and discourages or prevents out-of-state witnesses from returning to the State to testify against offenders. Furthermore, the per diem amount for witnesses who are required to travel to and stay overnight on another island to attend a state court is also insufficient. Increasing the per diem payment for out-of-state witnesses from \$110 to \$145 per day and providing an additional \$90 per day for witnesses who are required to travel



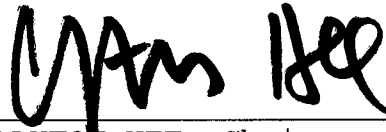
and stay overnight on another island will support and encourage out-of-state witnesses to testify and enable the prosecution of important cases.

Your Committee believes that the sufficiency of the increased per diem payments for out-of-state witnesses is an issue that merits further discussion by the Committee on Ways and Means.

Your Committee has amended this measure by changing the effective date from January 7, 2050, to July 1, 2012.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 245, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 245, H.D. 1, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,

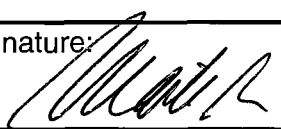


CLAYTON HEE, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 245, HD 1	JDL, WAM	1/31/12		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les				✓
SLOM, Sam	✓			
TOTAL	4			1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes