

STAND. COM. REP. NO. 2127

Honolulu, Hawaii

FEB 09 2018

RE: S.B. No. 2177  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawaii

Sir:

Your Committees on Judiciary and Labor, to which was referred S.B. No. 2177 entitled:

"A BILL FOR AN ACT RELATING TO COLLECTION OF RESTITUTION FOR CRIME VICTIMS,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Create standards and procedures for income withholding for the purpose of enforcing restitution orders; and
- (2) Appropriate monies to the Department of the Attorney General.

Your Committees received testimony in support of this measure from the Crime Victim Compensation Commission, Department of the Prosecuting Attorney of the City and County of Honolulu, Department of the Prosecuting Attorney of the County of Maui, and one individual. Your Committees received testimony in opposition to this measure from the Office of the Public Defender. Your Committees received comments on this measure from the Department of the Attorney General.

Your Committees find that many victims of crimes in the State have no effective means to collect restitution even if the offender has the ability to make restitution payments. Court-



ordered restitution payments are difficult to recover if an offender chooses not to cooperate with the payment order. This measure will authorize courts to order income withholding for the payment of restitution orders.

Your Committees note the testimony of the Department of the Attorney General that implementation of this measure will necessitate the Department to hire two additional staff and require at least \$180,000 in appropriations.


Your Committees have amended this measure by:

- (1) Changing the required time for the Department of the Attorney General to disburse withheld funds to the victim after receipt of the funds from the employer from five business days to ten business days; and
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the records of votes of the members of your Committees on Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2177, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2177, S.D. 1, and be referred to your Committee on Ways and Means.

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

  
\_\_\_\_\_  
JILL N. TOKUDA, Chair

  
\_\_\_\_\_  
BRIAN T. TANIGUCHI, Chair



The Senate  
Twenty-Ninth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|------------------------|----------|----------|
| Bill / Resolution No.:*<br><b>SB 2177</b>                                                                                                                                                                                | Committee Referral:<br><b>JDC/LBR, WAM</b> | Date:<br><b>2/1/18</b> |          |          |
| <input type="checkbox"/> The Committee is reconsidering its previous decision on this measure.<br>If so, then the previous decision was to: _____                                                                        |                                            |                        |          |          |
| The Recommendation is:<br><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  |
| TANIGUCHI, Brian T. (C)                                                                                                                                                                                                  | ✓                                          |                        |          |          |
| RHOADS, Karl (VC)                                                                                                                                                                                                        | ✓                                          |                        |          |          |
| GABBARD, Mike                                                                                                                                                                                                            |                                            |                        |          | ✓        |
| KIM, Donna Mercado                                                                                                                                                                                                       | ✓                                          |                        |          |          |
| THIELEN, Laura H.                                                                                                                                                                                                        | ✓                                          |                        |          |          |
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| <b>TOTAL</b>                                                                                                                                                                                                             | <b>4</b>                                   | <b>0</b>               | <b>0</b> | <b>1</b> |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted                                                                                                                         |                                            |                        |          |          |
| Chair's or Designee's Signature: <i>Karl Rhoads</i>                                                                                                                                                                      |                                            |                        |          |          |
| <b>Distribution:</b> Original                      Yellow                      Pink                      Goldenrod<br>File with Committee Report    Clerk's Office            Drafting Agency        Committee File Copy |                                            |                        |          |          |

\*Only one measure per Record of Votes

The Senate  
 Twenty-Ninth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Labor**  
**LBR**

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|------------------------------------------|--------------------------------------------|--------------------------|
| Bill / Resolution No.:*<br><i>SB2177</i> | Committee Referral:<br><i>JDC/LBR, WAM</i> | Date:<br><i>02/01/18</i> |
|------------------------------------------|--------------------------------------------|--------------------------|

The Committee is reconsidering its previous decision on this measure.  
 If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312    
  Pass, with amendments 2311    
 Hold 2310    
 Recommit 2313

| Members                 | Aye      | Aye (WR) | Nay      | Excused  |
|-------------------------|----------|----------|----------|----------|
| TOKUDA, Jill N. (C)     | ✓        |          |          |          |
| ENGLISH, J. Kalani (VC) |          |          |          | ✓        |
| CHANG, Stanley          |          |          |          | ✓        |
| IHARA, Jr., Les         | ✓        |          |          |          |
| TANIGUCHI, Brian T.     | ✓        |          |          |          |
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| <b>TOTAL</b>            | <i>3</i> | <i>0</i> | <i>0</i> | <i>2</i> |

Recommendation:  Adopted      Not Adopted

Chair's or Designee's Signature: 

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