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TESTIMONY IN SUPPORT OF
HB 1662 – RELATING TO WITNESSES

Justin F. Kollar, Prosecuting Attorney
County of Kaua'i

House Committee on Judiciary
February 9, 2016, 2:00 p.m., Conference Room 325

Chair Rhoads, Vice Chair San Buenaventura, and Members of the Committee:

The County of Kaua'i, Office of the Prosecuting Attorney, SUPPORTS HB 1662 – Relating to Witnesses.

Current per diem stipends for out-of-state and off-island witnesses have not increased in line with the costs of travel and subsistence in Hawai'i. This has the effect of discouraging participation in the criminal justice process and affects our ability to achieve justice for the victims of crime. Economic barriers should not factor into a person's ability to participate in the judicial process. This Bill represents a reasonable opportunity to ensure full and fair participation for crime victims and witnesses without imposing undue hardship.

Accordingly, we are in SUPPORT of HB 1662. We request that your Committee PASS the Bill.

Thank you very much for the opportunity to provide testimony on this Bill.

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THE HONORABLE KARL RHOADS, CHAIR
HOUSE COMMITTEE ON JUDICIARY
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawai'i

February 9, 2016

RE: H.B. 1662; RELATING TO WITNESSES.

Chair Rhoads, Vice-Chair San Buenaventura and members of the House Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in strong support of H.B. 1662.

The purpose of H.B. 1662 is to increase the amount of per diem stipends from \$145 to \$200 per 24-hour day for out-of-state witnesses, and to increase the overnight supplement from \$90 to \$145 per 24-hour day (in addition to the standard \$55 per diem) for inter-island witnesses who are required to stay overnight.

Increasing per diem stipends would greatly support and encourage victims and other witnesses to report and pursue charges against criminal offenses that occur in Hawai'i. These amounts were increased slightly in 2014, but had not changed in 25 years prior to that (last increased in 1989). Given recent increases in costs for lodging and food, the current per diem amount is insufficient to cover personal expenses, and many who return to testify as witnesses in state court proceedings are forced to pay money out of their own pocket in order to do so.

Because the witness per diem stipend has kept pace with the cost of living in Hawai'i, it has emerged as an economic "barrier" that either discourages or prevents an out-of-state witness from pursuing charges against offenders, due to economic considerations. Similarly, the per diem stipend amount provided to witnesses who must travel inter-island is insufficient to cover personal expenses, when witnesses are required to stay overnight.

Considering the Department's figures from 2015, the total number of per diem days for witnesses travelling from the mainland and foreign countries, to the City and County of Honolulu, was 218.75 days for 39 witnesses, for a total of \$11,082.50. The cost for 13 witnesses

who travelled from the neighbor islands to the City and County of Honolulu was \$1,526.25, with 5 requiring an overnight stay.

Based on these figures, the anticipated increase in per diem expenditures, if the amount were raised from \$145.00 to \$200.00 per day, would only be **\$12,485 per year**. Considering the importance of bringing back necessary witnesses, to successfully convict defendants who have caused harm to people and property here in Hawai'i, the Department strongly believes that this is a relatively modest fiscal impact, which would be entirely manageable for the State.

While the cost of increasing witness per diems as proposed in H.B. 1662 would be very minimal, the benefit to the public and to returning witnesses is exponentially greater, not only for their overall sense of public safety and welfare, but also for Hawai'i's reputation of maintaining a safe and hospitable environment. The proposed increase of \$55 per day in overnight witness per diems is a small investment with a significant return.

For these reasons, the Department of the Prosecuting Attorney strongly supports the passage of H.B. 1662. Thank you for this opportunity to testify.

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TESTIMONY IN SUPPORT OF HOUSE BILL 1662

A BILL FOR AN ACT RELATING TO WITNESSES

COMMITTEE ON JUDICIARY

Rep. Karl Rhoads, Chair

Rep. Joy A. San Buenaventura, Vice Chair

Tuesday, February 9, 2016, 2:00 PM
State Capitol, Conference Room 325

Honorable Chair Rhoads, Vice Chair San Buenaventura, and Members of the Committee Judiciary, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in support of House Bill No. 1662.

This measure increases the per diem payments for out-of-state witnesses in criminal cases from \$145 to \$200, and increases the per diem payment supplement from \$90 to \$145, for witnesses from any island other than the island on which the court is located, when that witness is required to stay overnight.

The current per diem stipend amounts for out-of-state witnesses in criminal cases is generally inadequate to cover personal expenses, such as lodging and food. Many witnesses who return to testify as witnesses in court proceedings are forced to take money out of their own pocket to cover necessary personal expenses. These economic barriers can prevent out-of-state witnesses from pursuing charges against offenders. Likewise, when a witness must travel inter-island and stay overnight, the per diem stipend amount is insufficient to cover personal expenses.

The proposed increase in witness per diem is a small investment with a significant return. Considering the importance of bringing back necessary witnesses, to successfully convict defendants who have caused harm to people and property, Hawai'i County Office of the Prosecuting Attorney strongly believes that the fiscal impact is entirely manageable by the State.

The Hawai'i County Office of the Prosecuting Attorney supports the passage of House Bill No. 1662. Thank you for the opportunity to testify on this matter.