

JAN 23 2006

S.B. NO. 2131

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# A BILL FOR AN ACT

RELATING TO AN AUTOMATED VICTIM NOTIFICATION SYSTEM.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 353, Hawaii Revised Statutes, is  
2 amended by adding a new part to be appropriately designated and  
3 to read as follows:

4           **"PART . AUTOMATED VICTIM NOTIFICATION SYSTEM**

5           **§353-A Definitions.** For purposes of this part:

6           "Department" means the department of public safety.

7           "System" means the statewide victim information and  
8 notification system.

9           "Victim" means the same as defined in section 801D-2 and  
10 includes, in homicide cases, surviving immediate family members,  
11 as defined in section 801D-2.

12           **§353-B System; requirements.** (a) The department shall  
13 establish a statewide-automated victim information and  
14 notification system that will do the following:

15           (1) Automatically notify a registered victim via the  
16 victim's choice of telephone, letter, or electronic  
17 mail transmission when any of the following events  
18 affect an offender in the custody of the department:



- 1 (A) The offender is transferred or assigned to
- 2 another facility;
- 3 (B) The offender is transferred to the custody of
- 4 another agency outside the state;
- 5 (C) The offender is given a different security
- 6 classification;
- 7 (D) The offender is released on temporary leave or
- 8 otherwise;
- 9 (E) The offender is discharged;
- 10 (F) The offender has escaped; or
- 11 (G) The offender has been served with a protective
- 12 order that was requested by the victim.
- 13 (2) Automatically notify a registered victim via the
- 14 victim's choice of telephone, letter, or email, when
- 15 an offender has:
  - 16 (A) An upcoming court event where the victim is
  - 17 entitled to be present;
  - 18 (B) An upcoming parole or pardon hearing;
  - 19 (C) A change in the offender's parole or probation
  - 20 status including:
    - 21 (i) A change in the offender's supervision
    - 22 status; or



- 1           (ii) A change in the offender's address.
- 2       (3) Automatically notify a registered victim via the  
3       victim's choice of telephone, letter, or email when a  
4       sex offender has:
- 5           (A) Updated the offender's profile information with  
6           the state sex offender registry pursuant to  
7           chapter 846E; or
- 8           (B) Become noncompliant with the state sex offender  
9           registry.
- 10       (4) Permit a crime victim to receive the most recent  
11       status report for an offender in the department or sex  
12       offender registry by calling the system on a toll-free  
13       telephone number as well as by accessing the system  
14       via a public web site.
- 15       (5) Provide all victims calling the system with the option  
16       to receive live operator assistance with the system on  
17       a twenty-four-hour per day, three hundred sixty-five-  
18       day per year basis.
- 19       (6) Permit a crime victim to register or update the  
20       victim's registration information for the system by  
21       calling a toll-free telephone number or accessing a  
22       public web site.



1 (b) The prosecuting agency shall notify the victim of the  
2 victim's right to register in the system established pursuant to  
3 this part. It shall be the responsibility of the victim to  
4 register with the system.

5 **§353-C Rights of victims in criminal proceedings.**

6 Participation in the system and making offender and case data  
7 available on a timely basis to the system shall be deemed  
8 compliance with the obligation of the department, the police,  
9 and the prosecuting attorney's obligation to notify the crime  
10 victim of an offender's custody status and the status of the  
11 offender's upcoming court events pursuant to chapter 801D.

12 **§353-D Compliance by department; no cause of action.** The  
13 department shall ensure that the offender information contained  
14 within the system is updated frequently enough to timely notify  
15 a crime victim that an offender has been released, has been  
16 discharged, or has escaped. However, the failure of the system  
17 to provide notice to the victim shall not establish a separate  
18 cause of action by the victim against the State, county  
19 officials, or against the department.

20 **§353-E Law enforcement cooperation.** The attorney general,  
21 the chiefs of police, and the county prosecuting attorneys shall



1 cooperate with the department in establishing and maintaining  
2 the automated victim notification system.

3 **§353-F Funding.** The department shall administer the  
4 system. The cost of administering the system shall be paid with  
5 appropriations made to the department and from federal grants  
6 and contracts."

7 SECTION 2. In codifying the new sections added by section  
8 1 of this Act, the revisor of statutes shall substitute  
9 appropriate section numbers for the letters used in designating  
10 the new sections in this Act.

11 SECTION 3. This Act shall take effect on July 1, 2006.

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SB2131

**Report Title:**

Crime Victims; Notification

**Description:**

Establishes a statewide automated victim notification system to provide victims of crime with current information regarding the custody status of the defendant in the victim's case.

