
A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE I OF THE HAWAII CONSTITUTION
TO ESTABLISH RIGHTS OF CRIME VICTIMS.

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

1 SECTION 1. The legislature finds that although accused
2 perpetrators of crime are granted certain constitutional rights,
3 crime victims and their survivors are not similarly conferred
4 rights under the constitution. The legislature further finds
5 that crime victims should be treated with dignity, respect, and
6 courtesy by protecting their rights under the constitution.
7 Other states have also adopted crime victim rights in their
8 constitution.

9 SECTION 2. The purpose of this Act is to propose an
10 amendment to article I of the Constitution of the State of
11 Hawaii to establish constitutional rights for victims of crime
12 and their survivors.

13 SECTION 3. Article I of the Constitution of the State of
14 Hawaii is amended by adding a new section be appropriately
15 designated and to read as follows:

16 "RIGHTS OF CRIME VICTIMS



1 Section . A crime victim, as defined by law, or the
2 victim's surviving immediate family members, shall have the
3 following rights, subject to provisions of statutory law:

4 (1) To be treated with courtesy, fairness, and respect for
5 their dignity and privacy throughout the criminal
6 justice process;

7 (2) To receive protection from threats of harm;

8 (3) To be informed of a victim's constitutional rights,
9 financial assistance, and other services available for
10 crime victims and witnesses;

11 (4) To a speedy trial or disposition of their case;

12 (5) To be notified in a timely manner, upon written
13 request, of all public court proceedings related to
14 the offense, major developments in the case, and the
15 final disposition of the case;

16 (6) To be present at all public court proceedings related
17 to the offense unless the court determines that the
18 victim's presence would materially affect the victim's
19 testimony;

20 (7) To be consulted with, and advised of, any plea
21 agreement by the prosecuting attorney;



- 1 (8) To be notified in a timely manner of, provide input
2 at, and participate in, any process or deliberation
3 that may result in a post-arrest release decision, a
4 negotiated plea, or sentencing of the offender;
- 5 (9) To be notified in a timely manner of, provide input
6 at, and participate in, any process or deliberation
7 that may result in the offender's post-conviction
8 release from confinement, including, any type of
9 release by the department of public safety;
- 10 (10) To be notified in a timely manner of, and provide
11 input regarding, any developments relating to the
12 release, discharge, commitment, or unauthorized
13 absence of the offender who was committed or
14 involuntarily hospitalized pursuant to criminal
15 commitment;
- 16 (11) To be notified in a timely manner of changes in the
17 offender's custodial status, including, but not
18 limited to, transfer between facilities, escape,
19 furlough, work release, placement on supervised
20 release, release on parole, release on bail bond,
21 release on appeal bond, any type of release by the



- 1 department of public safety, and final discharge at
- 2 the end of the prison term;
- 3 (12) To have property expeditiously returned by law
- 4 enforcement agencies when the property is no longer
- 5 needed as evidence; and
- 6 (13) To receive prompt restitution from the person or
- 7 persons convicted."

8 SECTION 4. The question to be printed on the ballot shall
 9 be as follows:

10 "Shall crime victims and their surviving immediate family
 11 members be provided specified rights in the Constitution of
 12 the State of Hawai'i?"

13 SECTION 5. New constitutional material is underscored.

14 SECTION 6. This amendment shall take effect upon
 15 compliance with article XVII, section 3, of the Constitution of
 16 the State of Hawaii.

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INTRODUCED BY:

Marilyn B. Lee
John M. Brown
Tom Brown
M. A.
Joseph Wang
[Signature]



Report Title:

Crime Victims; Constitutional Amendment

Description:

Proposes a constitutional amendment to establish crime victim rights.

