
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- Definitions. For purposes of this part:

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

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

11 §353- System; requirements. (a) The department shall
12 establish a statewide-automated victim information and
13 notification system to:

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

18 (A) Is transferred or assigned to another facility;



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



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



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

4 §353- Rights of victims in criminal proceedings.

5 Participation in the system and making offender and case data
6 available on a timely basis to the system shall be deemed
7 compliance with the obligations set forth in chapter 801D of:

8 (1) The department to notify the victim of an offender's
9 custody status; and

10 (2) The police and prosecuting attorney to notify the
11 victim of major developments in the case, the final
12 disposition of the offender's case, and the offender's
13 release from custody.

14 §353- Compliance by department; no cause of action. The
15 department shall ensure the offender information contained
16 within the system is updated frequently enough to timely notify
17 a victim of an offender's release, discharge, or escape.

18 However, failure of the system to provide notice to the victim
19 shall not establish a separate cause of action by the victim
20 against the State, any county, or any state or county agency,
21 officer, or employee.



1 §353- **Law enforcement cooperation.** The attorney
2 general, chiefs of police, and county prosecuting attorneys
3 shall cooperate with the department in establishing and
4 maintaining the automated victim notification system.

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

9 SECTION 2. This Act shall take effect on July 1, 2010.



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 offender and upcoming court events in the victim's case. Effective July 1, 2010. (HB335 HD1)

