

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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Report Title:

Crime Victims; Constitutional Amendment

Description:

Proposes a constitutional amendment to establish crime victim rights.

