

STAND. COM. REP. NO.

2212

Honolulu, Hawaii

FEB 12 2010

RE: S.B. No. 2162  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2010  
State of Hawaii

Madam:

Your Committee on Health, to which was referred S.B. No. 2162  
entitled:

"A BILL FOR AN ACT RELATING TO THE RIGHTS OF VICTIMS,"

begs leave to report as follows:

The purpose of this measure is to amend the Crime Victims' Bill of Rights to include notice as to an offender's unfitness to stand trial, transfer to the state hospital or other psychiatric facility, or regaining fitness to proceed.

This measure further requires the Department of Health to provide notice to victims requesting notice in writing of an offender's unauthorized absences from a Department of Health facility or services.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney Victim/Witness Assistance Division, County of Maui and the Crime Victim Compensation Commission. Your Committee received testimony in opposition to this measure from the Department of Health. The Department of the Prosecuting Attorney, City and County of Honolulu, provided testimony in support of the intent of the measure with amendments. Written testimony presented to the Committee may be reviewed on the Legislature's website.

Your Committee finds that this measure provides an important, and previously lacking, means of notifying victims and victims' families of major developments regarding the defendant or

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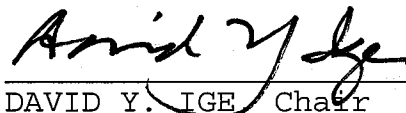
perpetrator of a crime against them, particularly in instances where the offender has an unauthorized absence from a facility or services contracted for or operated by the Department of Health and when there are changes in custody, including escape and discharge.

Your Committee has amended this measure by:

- (1) Requiring the Department of Health to provide the foregoing notification to the County Victim Witness Assistance Divisions of the applicable county Department of the Prosecuting Attorney so that these Divisions can assist with providing direct notification to victims and others; and
- (2) Making technical, nonsubstantive changes to ensure clarity and accuracy in the language of this measure.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2162, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2162, S.D. 1, and be referred to the Committee on Judiciary and Government Operations.

Respectfully submitted on  
behalf of the members of the  
Committee on Health,



DAVID Y. IGE Chair



The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Health**  
**HTH**

Bill / Resolution No.:* <b>SB 2162</b>	Committee Referral: <b>HTH, J60</b>	Date: <b>2/8/10</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
IGE, David Y. (C)	✓			
GREEN, M.D., Josh (VC)	✓			
BAKER, Rosalyn H.	✓			
ESPERO, Will	✓			
NISHIHARA, Clarence K.	✓			
HEMMINGS, Fred	✓			
<b>TOTAL</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>0</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.5em; margin-top: 10px;"> </div>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes