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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           "System" means the statewide automated victim information  
7 and 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-B 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 or electronic mail  
16 transmission when the offender is 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 released on temporary leave or for other  
4 reasons;

5 (D) Is discharged; or

6 (E) Has escaped;

7 (2) Automatically notify a registered victim via the  
8 victim's choice of telephone or electronic mail  
9 transmission when the offender has:

10 (A) An upcoming parole hearing; or

11 (B) A change in the offender's parole status,  
12 including a change in the offender's supervision  
13 status;

14 (3) Permit a victim to receive the most recent status  
15 report for the offender in the custody of the  
16 department by calling the system on a toll-free  
17 telephone number, as well as by accessing the system  
18 via a public web site;

19 (4) Provide all victims calling the system with the option  
20 to receive live operator assistance with the system on  
21 a twenty-four-hour per day, three-hundred-sixty-five-  
22 day per year basis; and



1           (5) Permit a victim to register or update the victim's  
2           registration information for the system by calling a  
3           toll-free telephone number or accessing a public web  
4           site.

5           (b) The prosecuting agency shall notify the victim of the  
6           victim's right to register in the system. It shall be the  
7           responsibility of the victim to register with the system.

8           §353-C Rights of victims in criminal proceedings.

9           Participation in the system and making offender data available  
10          on a timely basis to the system shall be deemed compliance with  
11          the obligations set forth in chapter 801D-4 of:

12          (1) The department to notify the victim of changes in the  
13          offender's custodial status; and

14          (2) The police and prosecuting attorney to notify the  
15          victim of the offender's release from custody.

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

20          However, failure of the system to provide notice to the victim  
21          shall not establish a separate cause of action by the victim



1 against the State, any county, or any state or county agency,  
2 officer, or employee.

3 §353-E Law enforcement cooperation. The attorney general,  
4 chiefs of police, and county prosecuting attorneys shall  
5 cooperate with the department in establishing and maintaining  
6 the system."

7 SECTION 2. There is appropriated out of the general  
8 revenues of the State of Hawaii the sum of \$400,000, or so much  
9 thereof as may be necessary for fiscal year 2011-2012, and  
10 \$289,000, or so much thereof as may be necessary for fiscal year  
11 2012-2013, to establish and maintain the Hawaii statewide  
12 automated victim information and notification system.

13 The sums appropriated shall be expended by the department  
14 of public safety for the purposes of this Act.

15 SECTION 3. In codifying the new sections added by section  
16 1 of this Act, the revisor of statutes shall substitute  
17 appropriate section numbers for the letters used in designating  
18 the new sections in this Act.

19 SECTION 4. This Act shall take effect on July 1, 2011.  
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JAN 20 2011



**Report Title:**

Crime Victims; Notification

**Description:**

Requires department of public safety to establish a statewide automated victim notification system to provide crime victims with current information regarding the offender's custodial status.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

