
HOUSE RESOLUTION

URGING THE CRIMINAL JUSTICE SYSTEM TO PROVIDE ADDITIONAL RIGHTS TO VICTIMS OF, SURVIVING IMMEDIATE FAMILY MEMBERS OF, AND WITNESSES TO A CRIME.

1 WHEREAS, victims of crime, despite the rights currently
2 afforded to them, still require additional assistance in their
3 time of need; and
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5 WHEREAS, the criminal justice system has a responsibility
6 to help crime victims, who seek information on their cases and
7 restitution from convicted persons, among other important
8 issues; and
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10 WHEREAS, victims, surviving immediate family members of,
11 and witnesses to a crime will be more cooperative if they trust
12 law enforcement will protect them from harm; and
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14 WHEREAS, the criminal justice system will be viewed by the
15 public as more lawful and compassionate when additional rights
16 and protections are provided to crime victims; and
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18 WHEREAS, additional rights and protections are needed to
19 alleviate the continuing injustice done to victims after the
20 crime has been committed; now, therefore,
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22 BE IT RESOLVED by the House of Representatives of the
23 Twenty-sixth Legislature of the State of Hawaii, Regular Session
24 of 2011, that upon a written request, a victim of, a surviving
25 immediate family member of, or, where specifically provided
26 below, a witness to a crime have the following rights:
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- 28 (1) To be informed of the rights as set forth herein that
29 are applicable to a victim of, surviving immediate
30 family member of, or witness to a crime;
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- 1 (2) To be treated with fairness, respect, and dignity, and
2 to be free from intimidation, harassment, or abuse,
3 throughout the criminal justice process;
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- 5 (3) To be informed by the police and the prosecuting
6 attorney of the final disposition of the case. If the
7 crime charged is a felony, the victim or a surviving
8 immediate family member shall be notified of major
9 developments in the case and whenever the defendant or
10 perpetrator is released from custody. The victim or a
11 surviving immediate family member shall also be
12 consulted and advised about plea bargaining by the
13 prosecuting attorney;
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- 15 (4) To be present at and to be informed of all criminal
16 proceedings where the defendant has the right to be
17 present;
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- 19 (5) To be heard at any proceeding involving a post-arrest
20 release decision, a negotiated plea, or sentencing;
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- 22 (6) To be notified by the prosecuting attorney if a court
23 proceeding to which a victim, surviving immediate
24 family member, or witness has been subpoenaed will not
25 proceed as scheduled;
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- 27 (7) To receive protection from threats or harm;
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- 29 (8) To be informed by the police, victim/witness
30 counselor, or other criminal justice personnel, of
31 financial assistance and other social services
32 available as a result of being a witness to or a
33 victim of a crime, including information on how to
34 apply for the assistance and services;
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- 36 (9) To be provided by the court, whenever possible, with a
37 secure waiting area during court proceedings that does
38 not require a victim or surviving immediate family
39 member to be in close proximity to defendants and
40 families and friends of defendants;



- 1 (10) To have any stolen or other personal property
2 expeditiously returned by law enforcement agencies
3 when the property is no longer needed as evidence. If
4 feasible, all the property, except weapons, currency,
5 contraband, property subject to evidentiary analysis,
6 and property, the ownership of which is undisputed,
7 shall be returned to the person within ten days of
8 being taken;
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- 10 (11) To receive prompt restitution from the person or
11 persons convicted of the crime that resulted in the
12 victim's or surviving immediate family member's loss
13 or injury;
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- 15 (12) To be informed by the Department of Public Safety of
16 changes planned by the department in the custodial
17 status of the offender that allows or results in the
18 release of the offender into the community, including
19 escape, furlough, work release, placement on
20 supervised release, release on parole, release on bail
21 bond, release on appeal bond, and final discharge at
22 the end of the prison term; and
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- 24 (13) To be heard at any proceeding when any post-conviction
25 release from confinement is being considered;
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27 and
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29 BE IT FURTHER RESOLVED that the Department of Public
30 Safety, the Hawaii Paroling Authority, the judiciary probation
31 divisions and branches, and the Department of the Attorney
32 General shall make good faith efforts to notify the victim of a
33 crime, or a surviving immediate family member, that:
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- 35 (1) Income received by an imprisoned person exceeds
36 \$10,000; and
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- 38 (2) Payment of restitution and judgments to a victim or
39 surviving immediate family member shall be a
40 precondition for release on parole for any imprisoned
41 person whom the Hawaii Paroling Authority determines



1 has the financial ability to pay restitution and
2 judgments;

3
4 and

5 BE IT FURTHER RESOLVED that a victim shall have these
6 rights and be eligible for services if the victim reported the
7 crime to police even more than three months after its occurrence
8 or discovery; and

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10 BE IT FURTHER RESOLVED that certified copies of this
11 Resolution be transmitted to the Director of Public Safety,
12 Chairperson and Administrator of the Hawaii Paroling Authority,
13 Chief Justice of the Hawaii Supreme Court and judiciary
14 probation divisions and branches, Attorney General, Chiefs of
15 Police of the City and County of Honolulu, Maui County, Kauai
16 County, and County of Hawaii, and victim/witness counselors.

