
HOUSE RESOLUTION

ENSURING THAT CRIME VICTIMS AND THEIR FAMILIES AND CRIME
WITNESSES RECEIVE ALL THE RIGHTS TO WHICH THEY ARE ENTITLED
UNDER CHAPTER 801D, HAWAII REVISED STATUTES, INCLUDING
NOTICE OF SIGNIFICANT EVENTS REGARDING THE PERPETRATOR.

1 WHEREAS, because crime victims and their families and
2 witnesses of crimes often fear retribution from perpetrators,
3 timely access to relevant information about the perpetrator is
4 important for their safety and peace of mind; and
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6 WHEREAS, due to several factors, including a criminal
7 justice system that is often difficult to navigate, the receipt
8 of such information by crime victims and their families and
9 witnesses of crimes is often delayed or minimal, leading them to
10 experience uneasiness and confusion and sometimes exposing them
11 to dangerous situations involving released perpetrators; and
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13 WHEREAS, under the basic bill of rights for victims and
14 witnesses, as set forth in section 801D-4, Hawaii Revised
15 Statutes, these persons have the right, upon written request, to
16 be informed, among other things, of the final disposition of the
17 case, including major developments in the case and whenever the
18 defendant or perpetrator is released from custody; and
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20 WHEREAS, in passing section 801D-4, the Legislature
21 intended that these rights have broad application, including,
22 among other things:
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24 "(1) notification of the final disposition of a case to the
25 victim or his survivors; (2) notification of "major
26 developments" for felonies (such as police deferral, or
27 referral to the prosecutor, rejection by the prosecutor, or
28 grand jury, trial and other significant events), and
29 whenever the defendant is released from custody." [Emphasis
30 provided.]



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2 See House Standing Committee Report No. 459, Regular Session of
3 1987; and
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5 WHEREAS, significant events under section 801D-4 clearly
6 comprise, among other things, notification to crime victims and
7 their families and witnesses of crimes of when a perpetrator is
8 deemed unfit to stand trial; has a transfer of custody,
9 including to the state hospital, a psychiatric institution, or
10 other public or private facility; has a change in custodial
11 status; is rehabilitated and transferred back to the
12 jurisdiction of the county for resumption of penal proceedings
13 upon regaining fitness to proceed; is discharged or released for
14 whatever reason; or is absent without authority; however, such
15 notification as clearly required has not heretofore been
16 consistently provided; now, therefore,
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18 BE IT RESOLVED by the House of Representatives of the
19 Twenty-sixth Legislature of the State of Hawaii, Regular Session
20 of 2011, that the county prosecutors, Department of Health, law
21 enforcement, local social service agencies, the courts, and all
22 other agencies involved in the criminal justice system, as
23 mandated in section 801D-6, Hawaii Revised Statutes, shall
24 cooperate with each other to ensure that crime victims and their
25 families and witnesses of crime receive all rights to which they
26 are entitled under chapter 801D, including notification of,
27 among other things, when a perpetrator is deemed unfit to stand
28 trial; has a transfer of custody, including to the state
29 hospital, psychiatric institution, or other public or private
30 facility; has a change in custodial status; is rehabilitated and
31 transferred back to the jurisdiction of the county for
32 resumption of penal proceedings upon regaining fitness to
33 proceed; is released or discharged for whatever reason; or is
34 absent without authority; and
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36 BE IT FURTHER RESOLVED that certified copies of this
37 Resolution be transmitted to each County Prosecutor in the
38 State; the Chiefs of Police of the City and County of Honolulu
39 and the Counties of Maui, Kauai, and Hawaii; the Chief Justice
40 of the Hawaii Supreme Court; and the Administrative Director of
41 the Courts and Director of Health who shall in turn submit a

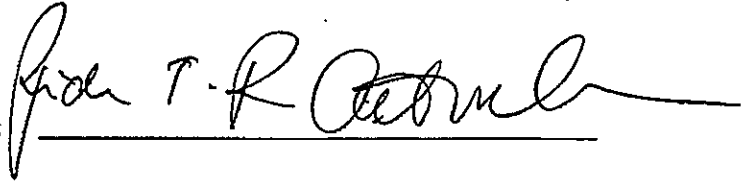


H.R. NO. 125

1 copy of this Resolution to all local social service and criminal
2 justice agencies encompassed under section 801D-6, Hawaii
3 Revised Statutes.

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OFFERED BY: _____



MAR 15 2011

