

JAN 20 2012

S.B. NO. 2581

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 "Department" means the department of public safety.

7 "System" means the statewide automated victim information
8 and notification system.

9 "Victim" means the same as defined in section 801D-2 and
10 includes, in homicide cases, surviving immediate family members,
11 as defined in section 801D-2.

12 **§353-B System; requirements.** (a) The department shall
13 establish a statewide automated victim information and
14 notification system to:

15 (1) Automatically notify a registered victim or concerned
16 member of the community, via the person's choice of
17 telephone, text message, or electronic mail



1 transmission when the offender who is in the custody
2 of the department:

3 (A) Is transferred or assigned to another facility;

4 (B) Is transferred to the custody of another agency
5 outside the State;

6 (C) Is released on temporary leave or for other
7 reasons;

8 (D) Is discharged; or

9 (E) Has escaped;

10 (2) Automatically notify a registered victim or concerned
11 member of the community via the person's choice of
12 telephone, text message, or electronic mail
13 transmission when:

14 (A) The offender has an upcoming parole hearing; or

15 (B) There is a change in the offender's parole
16 status, including a change in the offender's
17 supervision status;

18 (3) Permit a victim or concerned member of the community
19 to receive the most recent status report for the
20 offender in the custody of the department by calling
21 the system on a toll-free telephone number, as well as
22 by accessing the system via a public website;



1 (4) Provide all victims or concerned members of the
2 community calling the system with the option to
3 receive live operator assistance with the system on a
4 twenty-four-hour per day, three-hundred-sixty-five-day
5 per year basis; and

6 (5) Permit a victim or a concerned member of the community
7 to register or update the person's registration
8 information for the system by calling a toll-free
9 telephone number or accessing a public website.

10 (b) The prosecuting agency shall notify the victim of the
11 victim's right to register in the system. It shall be the
12 responsibility of the victim to register with the system.

13 **§353-C Rights of victims in criminal proceedings.**

14 Participation in the system and making offender data available
15 on a timely basis to the system shall be deemed to satisfy the
16 obligation of:

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

19 (2) The police and prosecuting attorney to notify the
20 victim of the offender's release from custody,
21 pursuant to section 801D-4.



1 **§353-D Compliance by department; no cause of action.** The
2 department shall ensure that the offender information contained
3 within the system is updated frequently enough to timely notify
4 a victim or a concerned member of the community of the
5 offender's release, discharge, or escape. However, failure of
6 the system to provide notice to the victim or a concerned member
7 of the community shall not establish a separate cause of action
8 by the victim or a concerned member of the community against the
9 State, any county, or any state or county agency, officer, or
10 employee.

11 **§353-E Law enforcement cooperation.** The attorney general,
12 and the chief of police and prosecuting attorney of each county
13 shall cooperate with the department in establishing and
14 maintaining the system.

15 **§353-F Automated victim notification system special fund;
16 authorization of payment.** (a) There is established a special
17 fund to be known as the automated victim notification system
18 special fund, to be administered by the department. Interest
19 and investment earnings credited to the assets of the fund shall
20 become part of the fund. Any remaining balance in the fund at
21 the end of any fiscal year shall be carried over to the next
22 fiscal year.



1 (b) Any item purchased by an inmate from a correctional
2 facility commissary shall be subject to a four per cent
3 surcharge on the item's price. The proceeds from the surcharge
4 shall be deposited into the automated victim notification system
5 special fund.

6 (c) All proceeds or revenues that are derived from any
7 commission that is realized by the department pursuant to a
8 telephone service agreement executed by the department for the
9 provision of telephone services for inmates shall be deposited
10 into the automated victim notification system special fund.

11 (d) Moneys received pursuant to subsections (b) and (c)
12 shall be used for the development and operating expenses,
13 including salaries and benefits of positions as authorized by
14 the legislature, of the automated victim notification system
15 established pursuant to this part.

16 **§353-G Automated victim notification system governance**
17 **committee.** (a) There is established an automated victim
18 notification system governance committee. The governance
19 committee members shall include:

20 (1) A crime victim or surviving immediate family member of
21 a crime victim, as defined in section 801D-2;



- 1 (2) One representative from a victim assistance program in
2 each county;
- 3 (3) One representative from the police department of each
4 county; and
- 5 (4) One representative from each of the following:
- 6 (A) Mothers Against Drunk Driving;
- 7 (B) The Hawaii State Coalition Against Domestic
8 Violence;
- 9 (C) Sex Abuse Treatment Center;
- 10 (D) Crime Victim Compensation Commission;
- 11 (E) The Hawaii paroling authority;
- 12 (F) The judiciary;
- 13 (G) The crime prevention and justice assistance
14 division of the department of the attorney
15 general; and
- 16 (H) The information technology section of the
17 department of public safety.
- 18 (b) The committee may advise the department on the
19 following issues:
- 20 (1) The implementation and operation of the system;
- 21 (2) The establishment of performance measures;



1 (3) Specifications and configuration parameters for the
2 operation of the system;

3 (4) Management of the system; and

4 (5) Policies and procedures governing the use of the
5 system, including policies to safeguard the safety,
6 confidentiality and autonomy of victims.

7 (c) Meetings shall be held on a quarterly basis during the
8 first year of implementation and no less than twice a year
9 thereafter."

10 SECTION 2. Section 36-27, Hawaii Revised Statutes, is
11 amended by amending subsection (a) to read as follows:

12 "(a) Except as provided in this section, and
13 notwithstanding any other law to the contrary, from time to
14 time, the director of finance, for the purpose of defraying the
15 prorated estimate of central service expenses of government in
16 relation to all special funds, except the:

17 (1) Special out-of-school time instructional program fund
18 under section 302A-1310;

19 (2) School cafeteria special funds of the department of
20 education;

21 (3) Special funds of the University of Hawaii;

22 (4) State educational facilities improvement special fund;



- 1 (5) Convention center enterprise special fund under
- 2 section 201B-8;
- 3 (6) Special funds established by section 206E-6;
- 4 (7) Housing loan program revenue bond special fund;
- 5 (8) Housing project bond special fund;
- 6 (9) Aloha Tower fund created by section 206J-17;
- 7 (10) Funds of the employees' retirement system created by
- 8 section 88-109;
- 9 (11) Unemployment compensation fund established under
- 10 section 383-121;
- 11 (12) Hawaii hurricane relief fund established under chapter
- 12 431P;
- 13 (13) Hawaii health systems corporation special funds and
- 14 the subaccounts of its regional system boards;
- 15 (14) Tourism special fund established under section 201B-
- 16 11;
- 17 (15) Universal service fund established under section 269-
- 18 42;
- 19 (16) Emergency and budget reserve fund under section 328L-
- 20 3;
- 21 (17) Public schools special fees and charges fund under
- 22 section 302A-1130;



- 1 (18) Sport fish special fund under section 187A-9.5;
- 2 (19) Glass advance disposal fee established by section
3 342G-82;
- 4 (20) Center for nursing special fund under section 304A-
5 2163;
- 6 (21) Passenger facility charge special fund established by
7 section 261-5.5;
- 8 (22) Court interpreting services revolving fund under
9 section 607-1.5;
- 10 (23) Hawaii cancer research special fund;
- 11 (24) Community health centers special fund;
- 12 (25) Emergency medical services special fund;
- 13 (26) Rental motor vehicle customer facility charge special
14 fund established under section 261-5.6; ~~and~~
- 15 (27) Shared services technology special fund under section
16 27-43[~~7~~]; and
- 17 (28) Automated victim notification system special fund
18 established under section 353-F, shall deduct five per
19 cent of all receipts of all special funds, which
20 deduction shall be transferred to the general fund of
21 the State and become general realizations of the
22 State. All officers of the State and other persons



1 having power to allocate or disburse any special funds
2 shall cooperate with the director in effecting these
3 transfers. To determine the proper revenue base upon
4 which the central service assessment is to be
5 calculated, the director shall adopt rules pursuant to
6 chapter 91 for the purpose of suspending or limiting
7 the application of the central service assessment of
8 any fund. No later than twenty days prior to the
9 convening of each regular session of the legislature,
10 the director shall report all central service
11 assessments made during the preceding fiscal year."

12 SECTION 3. Section 36-30, Hawaii Revised Statutes, is
13 amended by amending subsection (a) to read as follows:

- 14 "(a) Each special fund, except the:
- 15 (1) Transportation use special fund established by section
 - 16 261D-1;
 - 17 (2) Special out-of-school time instructional program fund
 - 18 under section 302A-1310;
 - 19 (3) School cafeteria special funds of the department of
 - 20 education;
 - 21 (4) Special funds of the University of Hawaii;
 - 22 (5) State educational facilities improvement special fund;



- 1 (6) Special funds established by section 206E-6;
- 2 (7) Aloha Tower fund created by section 206J-17;
- 3 (8) Funds of the employees' retirement system created by
- 4 section 88-109;
- 5 (9) Unemployment compensation fund established under
- 6 section 383-121;
- 7 (10) Hawaii hurricane relief fund established under section
- 8 431P-2;
- 9 (11) Convention center enterprise special fund established
- 10 under section 201B-8;
- 11 (12) Hawaii health systems corporation special funds and
- 12 the subaccounts of its regional system boards;
- 13 (13) Tourism special fund established under section 201B-
- 14 11;
- 15 (14) Universal service fund established under section 269-
- 16 42;
- 17 (15) Emergency and budget reserve fund under section 328L-
- 18 3;
- 19 (16) Public schools special fees and charges fund under
- 20 section 302A-1130;
- 21 (17) Sport fish special fund under section 187A-9.5;



- 1 (18) Center for nursing special fund under section 304A-
- 2 2163;
- 3 (19) Passenger facility charge special fund established by
- 4 section 261-5.5;
- 5 (20) Court interpreting services revolving fund under
- 6 section 607-1.5;
- 7 (21) Hawaii cancer research special fund;
- 8 (22) Community health centers special fund;
- 9 (23) Emergency medical services special fund;
- 10 (24) Rental motor vehicle customer facility charge special
- 11 fund established under section 261-5.6; [and]
- 12 (25) Shared services technology special fund under section
- 13 27-43[7] ; and
- 14 (26) Automated victim notification system special fund
- 15 established under section 353-F, shall be responsible
- 16 for its pro rata share of the administrative expenses
- 17 incurred by the department responsible for the
- 18 operations supported by the special fund concerned."

19 SECTION 4. There is appropriated out of the automated
20 victim notification special fund the sum of \$ or so
21 much thereof as may be necessary for fiscal year 2012-2013 to



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1 develop, establish, and operate an automated victim notification
2 system.

3 The sum appropriated shall be expended by the department of
4 public safety for the purposes of this Act.

5 SECTION 5. In codifying the new sections added by section
6 1 of this Act, the revisor of statutes shall substitute
7 appropriate section numbers for the letters used in designating
8 the new sections in this Act.

9 SECTION 6. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 7. This Act shall take effect on July 1, 2012;
12 provided that the amendments to sections 36-27(a) and 36-30(a),
13 Hawaii Revised Statutes, in sections 2 and 3 of this Act shall
14 not be repealed when sections 36-27 and 36-30, Hawaii Revised
15 Statutes, are reenacted on June 30, 2015, pursuant to section 34
16 of Act 79, Session Laws of Hawaii 2009.

17

INTRODUCED BY:

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Report Title:

Crime Victim Notification Special Fund

Description:

Establishes the crime victim notification special fund. Requires a 4% surcharge on all inmate commissary purchases, to be deposited into the fund. Requires commission revenue on inmate telephone usage to be deposited into the fund.

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

