

STAND. COM. REP. NO. 986

Honolulu, Hawaii

March 15, 2013

RE: S.B. No. 509
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committee on Public Safety, to which was referred S.B. No. 509 entitled:

"A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO RIGHTS OF CRIME VICTIMS,"

begs leave to report as follows:

The purpose of this measure is to propose a constitutional amendment to guarantee crime victims and their immediate surviving family members specific rights related to the information pertaining to and participation in the criminal justice process.

The Crime Victim Compensation Commission, Office of the Prosecuting Attorney of the County of Hawaii, Office of the Prosecuting Attorney of the County of Kauai, Department of the Prosecuting Attorney of the City and County of Honolulu, The Sex Abuse Treatment Center, Mothers Against Drunk Driving HAWAII, and two concerned individuals supported this measure. The Department of the Attorney General, Department of Public Safety, Maui Police Department, Department of the Prosecuting Attorney of the County of Maui, and American Civil Liberties Union of Hawaii opposed this measure. The Department of Health, Hawaii Paroling Authority, and a concerned individual offered comments on the measure.



Your Committee has amended this measure by:

- (1) Providing that a crime victim or a deceased victim's surviving immediate family members be offered the opportunity to participate in any process or deliberation that may result in a post-arrest release decision, a negotiated plea, or sentencing of the offender, and the offender's post-conviction release from confinement, including any type of release by the Department of Public Safety;
- (2) Deleting timeliness requirements when referring to decisions on the release of offenders, a negotiated plea, or sentencing of offenders, and the offender's post-conviction release from confinement, including any type of release by the Department of Public Safety;
- (3) Deleting the timeframe regarding restitution for crime victims;
- (4) Inserting provisions to protect the State, counties, and their officials and employees from potential liability; and
- (5) Changing the effective date to July 1, 2050, to promote further discussion.

As affirmed by the record of votes of the members of your Committee on Public Safety that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 509, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 509, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,



HENRY J.C. AQUINO, Chair



