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# A BILL FOR AN ACT

RELATING TO A BASIC BILL OF RIGHTS FOR VICTIMS AND WITNESSES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 801D-4, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3           "(a) Upon written request, victims and surviving immediate  
4 family members of crime shall have the following rights:

5           (1) 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;

14           (2) To be notified by the prosecuting attorney if a court  
15 proceeding to which they have been subpoenaed will not  
16 proceed as scheduled;

17           (3) To receive protection from threats or harm;



- 1 (4) To be informed by the police, victim/witness  
2 counselor, or other criminal justice personnel, of  
3 financial assistance and other social services  
4 available as a result of being a witness to or a  
5 victim of crime, including information on how to apply  
6 for the assistance and services;
- 7 (5) To be provided by the court, whenever possible, with a  
8 secure waiting area during court proceedings that does  
9 not require them to be in close proximity to  
10 defendants and families and friends of defendants;
- 11 (6) To have any stolen or other personal property  
12 expeditiously returned by law enforcement agencies  
13 when the property is no longer needed as evidence. If  
14 feasible, all the property, except weapons, currency,  
15 contraband, property subject to evidentiary analysis,  
16 and property, the ownership of which is disputed,  
17 shall be returned to the person within ten days of  
18 being taken; [~~and~~]
- 19 (7) To be informed by the department of public safety of  
20 changes planned by the department in the custodial  
21 status of the offender that allows or results in the  
22 release of the offender into the community, including



1 escape, furlough, work release, placement on  
2 supervised release, release on parole, release on bail  
3 bond, release on appeal bond, and final discharge at  
4 the end of the prison term[-]; and

5 (8) To be given priority over other pending criminal  
6 prosecutions on the court's criminal case calendar for  
7 the prosecution of any offense under sections 707-701  
8 to 707-704, 707-710 to 707-712, 707-720 to 707-721,  
9 707-730 to 707-734, 709-903.5, and 709-904(1) in which  
10 the victim is:

11 (A) Under fourteen years of age at the time of the  
12 alleged offense; or

13 (B) Developmentally disabled and a minor at the time  
14 of the alleged offense;

15 unless the court determines, sua sponte or upon motion  
16 by a party pursuant to court rules, that justice will  
17 be better served by permitting a delay in the  
18 proceedings.

19 A request for priority pursuant to this paragraph  
20 may be made by any victim, parent or guardian of a  
21 victim, or counselor or forensic interviewer of a  
22 victim; provided that the person making the request is



1           not the named defendant in the relevant criminal  
2           prosecution.

3           As used in this section, "priority" means being  
4           placed first on the court's calendar for the next  
5           sitting immediately following thirty days from the  
6           date of written request for prosecution. If there is  
7           more than one case requesting priority status, then  
8           the request for prosecution of an offense with the  
9           earliest date of commission shall have priority over  
10           cases with more recent dates of commission, unless  
11           otherwise shown to be in the interests of justice."

12           SECTION 2. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14           SECTION 3. This Act shall take effect on July 1, 2050.



**Report Title:**

Judicial Court Calendars; Priority for Child Victims of Serious Crimes

**Description:**

Provides that child victims of serious crimes shall obtain priority on court calendars to minimize the psychological effects of the crime and the associated re-traumatization of child victims. Minimizes the loss of evidence associated with time lapse memory losses of young children. Effective July 1, 2050. (HB1981 HD1)

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

