

JAN 16 2014

S.B. NO. 2145

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(a), Hawaii Revised
2 Statutes, is amended to read as follows:

3 "**§801D-4 Basic bill of rights for victims and**
4 **witnesses.** (a) Upon written request, victims and surviving
5 immediate family members of crime shall have the following
6 rights:

7 (1) To be informed by the police and the
8 prosecuting attorney of the final disposition of the
9 case. If the crime charged is a felony, the victim or
10 a surviving immediate family member shall be notified
11 of major developments in the case and whenever the
12 defendant or perpetrator is released from custody.
13 The victim or a surviving immediate family member
14 shall also be consulted and advised about plea
15 bargaining by the prosecuting attorney;

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



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

2 (4) To be informed by the police, victim/witness
3 counselor, or other criminal justice personnel, of
4 financial assistance and other social services
5 available as a result of being a witness to or a
6 victim of crime, including information on how to apply
7 for the assistance and services;

8 (5) To be provided by the court, whenever
9 possible, with a secure waiting area during court
10 proceedings that does not require them to be in close
11 proximity to defendants and families and friends of
12 defendants;

13 (6) To have any stolen or other personal
14 property expeditiously returned by law enforcement
15 agencies when the property is no longer needed as
16 evidence. If feasible, all the property, except
17 weapons, currency, contraband, property subject to
18 evidentiary analysis, and property, the ownership of
19 which is disputed, shall be returned to the person
20 within ten days of being taken; [and]

21 (7) To be informed by the department of public
22 safety of changes planned by the department in the



1 custodial status of the offender that allows or
2 results in the release of the offender into the
3 community, including escape, furlough, work release,
4 placement on supervised release, release on parole,
5 release on bail bond, release on appeal bond, and
6 final discharge at the end of the prison term[-]; and

7 (8) To be given priority on courts' criminal
8 case calendars over other pending criminal
9 prosecutions for any case of a prosecution of an
10 offense if the victim is:

11 (a) Under 14 years of age at the time alleged
12 offense; or

13 (b) Is a minor who is developmentally disabled;
14 and

15 (c) Is the alleged victim of any crime in HRS,
16 \$701-701 to \$701-704, HRS \$701-710 to \$701-712, HRS
17 \$707-720 to \$701-721, \$707-730 to \$707-734, and \$709-
18 903.5 to \$709-904(1) inclusive, and which is a subject
19 of the relevant prosecution;

20 (d) Unless the court determines, sua sponte or
21 upon motion by a party pursuant to court rules, that

1 justice will be served by permitting a delay in
2 proceedings.

3 (e) Definitions - "Priority" as used in this
4 section is defined as being placed first on the
5 court's calendar for next sitting immediately
6 following 30 days after any written request under sub-
7 section(a) above, and if there is more than one case
8 which may determined as having priority then the
9 matter with the oldest date of the commission of the
10 offense shall have priority over the later date of a
11 commission an offense with priority within this
12 section unless otherwise in the interests of justice.

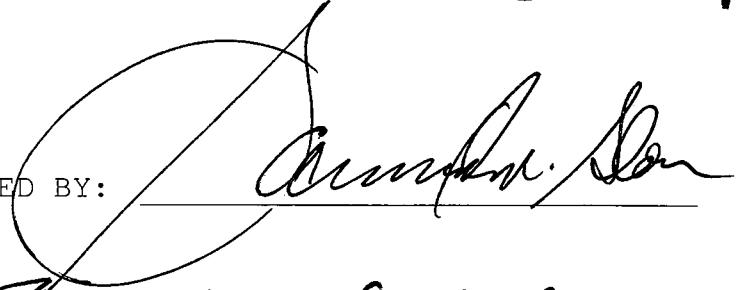
13 (f) Any request for priority may be made by any
14 victim, parent or guardian of victim, or by the
15 victim's counselor or forensic interviewer, provided
16 the person making the request is not the named
17 defendant in the relevant criminal prosecution.

18 SECTION 2. Statutory material to be repealed is bracketed.
19 New statutory material is underscored.

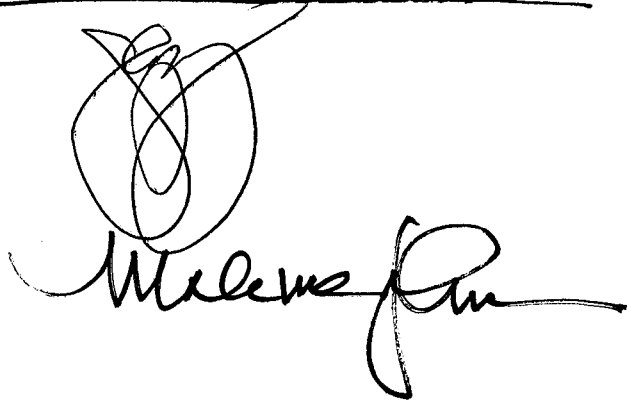
20 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:



Frzanne Chun Oakland





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Report Title:

Judicial court calendars; priority for child victims of serious crimes

Description:

Provides for child victims of serious crimes to 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.

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