

JAN 17 2013

A BILL FOR AN ACT

RELATING TO VICTIMS OF CRIMES.

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 informed by the police or the prosecuting
6 attorney of their rights to participate in restorative
7 justice processes, in the event that the criminal case
8 that harmed them does not result in criminal charges
9 being brought against a person or entity, to allow the
10 victim and any loved ones who accompany them to
11 discuss and address how they were affected by the
12 wrongful act that harmed them, and what might possibly
13 be done to try and help repair the harm or make things
14 right. Victim participation includes the victim
15 meeting directly with the defendant or perpetrator, if
16 the defendant or perpetrator is identified and is
17 willing to meet, or the victim or the victim's
18 representative may meet with a representative of the
19 defendant or perpetrator.

20 For the purposes of this paragraph, restorative
21 justice processes include restorative dialogues,
22 restorative conferences, restorative justice circles,



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1 restorative sessions, or any type of restorative
2 justice group process where victims meet individually
3 or with their loved ones, with a trained restorative
4 justice facilitator. The restorative justice
5 processes shall be held at places and times that are
6 convenient and respectful for victims."

7 SECTION 2. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

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

10

INTRODUCED BY: 



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Report Title:

Bill of Rights for Victims; Restorative Justice

Description:

Requires victims of crimes and surviving immediate family members to be notified of their right to participate in the restorative justice process.

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