

LATE TESTIMONY

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**THE HONORABLE WILL ESPERO, CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND
MILITARY AFFAIRS**

**THE HONORABLE SUZANNE CHUN OAKLAND, CHAIR
SENATE COMMITTEE ON HUMAN SERVICES**

**Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawai'i**

January 28, 2014

RE: S.B. 2310; RELATING TO VICTIMS' RIGHTS.

Chairs Espero and Chun Oakland and members of the Senate Committees on Public Safety, Intergovernmental and Military Affairs and Human Services, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following comments in opposition to Senate Bill 2310.

Senate Bill 2310 is not necessary because HRS Section 353-132 (inserted below) already requires the notification of an offender's escape. This system is currently operational and actively notifying victims 24 hours a day. Registration and notification can be accomplished anonymously, while S.B. 2310 would require that Public Safety Department employees become actively involved in notifying victims, thus requiring the maintenance of records in PSD facilities containing sensitive confidential victim information.

[§353-132] System; requirements. (a) The department shall establish a statewide automated victim information and notification system to:

(1) Automatically notify a registered victim or concerned member of the community, via the person's choice of telephone, text message, or electronic mail transmission when the offender who is in the custody of the department:

(A) Is transferred or assigned to another facility;

- (B) *Is transferred to the custody of another agency outside the State;*
 - (C) *Is released on temporary leave or for other reasons;*
 - (D) *Is discharged; or*
 - (E) *Has escaped;*
- (2) *Automatically notify a registered victim or concerned member of the community via the person's choice of telephone, text message, or electronic mail transmission when:*
- (A) *The offender has an upcoming parole hearing; or*
 - (B) *There is a change in the offender's parole status, including a change in the offender's supervision status;*
- (3) *Permit a victim or concerned member of the community to receive the most recent status report for the offender in the custody of the department by calling the system on a toll-free telephone number, as well as by accessing the system via a public website;*
- (4) *Provide all victims or concerned members of the community calling the system with the option to receive live operator assistance with the system on a twenty-four-hours per day, three-hundred-sixty-five-days per year basis; and*
- (5) *Permit a victim or a concerned member of the community to register or update the person's registration information for the system by calling a toll-free telephone number or accessing a public website.*
- (b) *The prosecuting agency shall notify the victim of the victim's right to register in the system. It shall be the responsibility of the victim to register with the system. [L 2012, c 190, pt of S1]*

For the reasons cited above, the Department of the Prosecuting Attorney of the City and County of Honolulu opposes the passage of Senate Bill 2310 as it is duplicates current statutory requirements that already provide the rights and benefits proposed in this bill. Thank you for the opportunity to testify on this matter.