

JAN 23 2015

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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(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;



- 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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# S.B. NO. 953

**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.

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

