

STAND. COM. REP. NO.

2466

Honolulu, Hawaii

FEB 16 2018

RE: S.B. No. 2189

S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Labor, to which was referred S.B. No. 2189
entitled:

"A BILL FOR AN ACT RELATING TO VICTIM RIGHTS,"

begs leave to report as follows:

The purpose and intent of this measure is to provide that
failure of state and county officers and employees to carry out or
comply with provisions of the basic bill of rights for victims and
witnesses may subject them to civil liability or disciplinary
action, with certain exceptions.

Your Committee received testimony in support of this measure
from Ho'omana Pono, LLC; Ho'omanapono Political Action Committee;
Stolen Stuff Hawaii; and thirty-five individuals. Your Committee
received testimony in opposition to this measure from the Honolulu
Police Department and Hawaii Government Employees Association,
AFSCME Local 152, AFL-CIO.

Your Committee finds that all states, including Hawaii, have
established victims' rights laws that require that victims have
certain information, protections, and a limited role in the
criminal justice process. Generally, victims have the right to:

- (1) Be treated with dignity and respect;



- (2) Be informed of specific details of the case, including the prosecution, plea offers, court proceedings, and sentencing;
- (3) Protection from threats or harm;
- (4) Apply for compensation;
- (5) Restitution from the offender;
- (6) Prompt return of personal property;
- (7) Be informed of parole proceedings or release from incarceration; and
- (8) Enforcement of victims' rights.

Your Committee further finds that, to be meaningful, victims' legal rights must be enforced. Several states have created offices to receive and investigate reports of violations of victims' rights, while other states have laws that permit victims to assert their rights in court. Many states have included a victim's bill of rights within their state constitutions. This measure aims to increase enforcement of victims' rights in Hawaii by increasing the accountability of state and county officers and employees.

Your Committee has amended this measure by:

- (1) Repealing language that would have provided that failure of state and county officers and employees to carry out or comply with victims' rights provisions may subject them to civil liability;
- (2) Requiring, rather than allowing, failure of state and county officers and employees to carry out or comply with victims' rights provisions to provide a basis for disciplinary action;
- (3) Requiring competent authority to immediately report to the Legislature whenever a disciplinary action is taken due to failure of state and county officers and



employees to carry out or comply with victims' rights provisions;

- (4) Inserting an effective date of January 1, 2045, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2189, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2189, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Labor,




JILL N. TOKUDA, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Labor
LBR

Bill / Resolution No.:* SB2189	Committee Referral: LBR, JDC	Date: 2/13/18		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TOKUDA, Jill N. (C)	✓			
ENGLISH, J. Kalani (VC)	✓			
CHANG, Stanley	✓	✓	✓	
IHARA, Jr., Les	✓			
TANIGUCHI, Brian T.	✓			
TOTAL	4	1	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes