



The Judiciary, State of Hawai'i

Testimony to the House Committee on Judiciary
Representative Scott Y. Nishimoto, Chair
Representative Joy A. San Buenaventura, Vice Chair

Tuesday, March 27, 2018, 2:00 PM
State Capitol, Conference Room 325

by
Rodney A. Maile
Administrative Director of the Courts

WRITTEN TESTIMONY ONLY

Bill No. and Title: H.C.R. 107, Proposed H.D. 1 / H.R. 93, Proposed H.D. 1: Requesting Prosecutors from the Various Counties and the Attorney General to the Legislature as to Their Victim Protocols.

Judiciary's Position:

The Judiciary appreciates the opportunity to comment on this measure.

The Judiciary respectfully suggests the following revision to H.C.R. 107, Proposed H.D. 1 / H.R. 93, Proposed H.D. 1, page 1, lines 24–25, to read in pertinent part:

WHEREAS, congestion in the State's courts can lead [~~is one of the most cited reasons for delays that have led~~] to the setting of trial dates that are further into the future...

Thank you for the opportunity to comment on this measure.

HR-93

Submitted on: 3/23/2018 3:39:38 PM

Testimony for JUD on 3/27/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Golojuch Jr	LGBT Caucus of the Democratic Party of Hawaii	Support	Yes

Comments:

HR-93

Submitted on: 3/25/2018 10:03:19 PM

Testimony for JUD on 3/27/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Ho'omanapono Political Action Committee (HPAC)	Support	Yes

Comments:

We STRONGLY SUPPORT this resolution. Mahalo.

HR-93

Submitted on: 3/26/2018 11:27:07 AM

Testimony for JUD on 3/27/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i	Support	No

Comments:

To the Honorable Scott Y. Nishimoto, Chair; the Honorable Joy A. San Buenaventura, Vice-Chair and the Members of the Committee on Judiciary:

Good afternoon, my name is Melodie Aduja. I serve as Chair of the Oahu County Committee ("OCC") on Legislative Priorities of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on **HCR107 / HR 93 Proposed HD1** relating to the Judiciary; Vulnerable Victims and Witnesses; and a Working Group

The OCC on Legislative Priorities is in favor of / **HR 93 Proposed HD1** and supports its passage.

HCR107 / HR 93 Proposed HD1 is in alignment with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it requests the county prosecutors and the Attorney General to report to the Legislature of their respective victim protocols, including but not limited to: (1) how they implement the rights specified in chapter 801D, Hawaii Revised Statutes, within their offices; (2) how soon they inform witnesses and victims that a court proceeding will not proceed as scheduled under section 801D-4(2), Hawaii Revised Statutes; (3) whether they inform victims and witnesses as to reasons for delay; (4) whether they inform victims and witnesses as to any reason not to prosecute, should a case be dismissed due to delay; and (5) any recommendations in further implementing victims' and witnesses' rights under chapter 801D, Hawaii Revised Statutes.

Specifically, the Platform of the DPH provides that "We support restorative justice that repairs the harm caused by criminal behaviors and reintegrates the offenders as contributing members of society. " (Platform of the DPH, P. 5, Lines 273-274 (2016)).

We believe in women's equality and right to privacy, including but not limited to equal access to reproductive services and care, shelter and counseling for victims of

domestic violence, and the right of rape victims to emergency contraception in the emergency room. (Platform of the DPH, P. 4, Lines 170-172 (2016)).

We believe that all families should have an equal opportunity to build their assets and become self-sufficient, and we support a strong safety net of programs that will afford them the opportunity to do so. We must protect our children, our future, from violence and neglect and provide them with a safe and healthy environment in which to grow and thrive. (Platform of the DPH, P. 4, Lines 184-187 (2016)).

We support legislation and best practice policies that prioritize the safety, security and well-being of our foster children, who are our most vulnerable keiki in our community. This is the paramount consideration when making decisions regarding the time frame, criteria and justification for reunification and family placement. We will always respect family and familial bonds, but reunification with every biological family is not always the safest, most secure or in the best interests of every child. This is especially true in aggravated circumstances cases involving drug use history, physical abuse, sexual abuse and unstable housing. We strongly support the efforts of parents and all people to recover and reorganize their lives for the better, but our ultimate concern must also be for the short and long term safety and wellbeing of our foster children. (Platform of the DPH, P. 4, Lines 193-201 (2016)).

We support the efforts of our Congressional Delegation to extend benefits for our Reservists and National Guard who have suffered brain injury and/or PTSD. We support efforts to protect our troops from sexual predators who commit sexual assault and command rape within their service branches and support specialized treatment for victims of such crimes. (Platform of the DPH, P. 10, Lines 536-539 (2016)).

Given that **HCR107 / HR 93 Proposed HD1** requests the county prosecutors and the Attorney General to report to the Legislature of their respective victim protocols, including but not limited to: (1) how they implement the rights specified in chapter 801D, Hawaii Revised Statutes, within their offices; (2) how soon they inform witnesses and victims that a court proceeding will not proceed as scheduled under section 801D-4(2), Hawaii Revised Statutes; (3) whether they inform victims and witnesses as to reasons for delay; (4) whether they inform victims and witnesses as to any reason not to prosecute, should a case be dismissed due to delay; and (5) any recommendations in further implementing victims' and witnesses' rights under chapter 801D, Hawaii Revised Statutes, it is the position of the OCC Legislative Priorities Committee to support this measure.

Thank you very much for your kind consideration.

Sincerely yours,
/s/ Melodie Aduja

Melodie Aduja, Chair, OCC on Legislative Priorities of the DPH

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