
A BILL FOR AN ACT

RELATING TO CHILDREN.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that child abuse victims
2 have as much a right to a speedy trial as do defendants. The
3 speedy trial clause of the sixth amendment to the United States
4 Constitution provides in pertinent part as follows: "In all
5 criminal prosecutions, the accused shall enjoy the right to a
6 speedy and public trial . . ." This is to protect the defendant
7 from delay between the presentation of the indictment or similar
8 charging instrument and the beginning of trial.

9 The website of the Hawaii family courts states,
10 "Established by statute in 1965, the Family Court's mission is
11 to provide a fair, *speedy*, economical, and accessible forum for
12 the resolution of matters involving families and children."
13 (Emphasis added.) The legislature further finds that the term
14 "speedy" is not limited to the right to a speedy trial for adult
15 perpetrators of child abuse, but should also recognize a right
16 to a speedy trial for child abuse victims.



1 The purpose of this Act is to require an expedited
2 disposition of cases in all criminal proceedings involving abuse
3 of minors.

4 SECTION 2. Chapter 806, Hawaii Revised Statutes, is
5 amended by adding a new section to be appropriately designated
6 and to read as follows:

7 "§806- Expedited proceedings; continuances. (a) In any
8 criminal proceeding for a sexual offense under part V of chapter
9 707 perpetuated against a minor or child abuse under part VI of
10 chapter 707, the court and the prosecution shall set the case
11 for priority in the court docket, to ensure a prompt trial in
12 order to minimize the length of time a minor must endure the
13 stress of the minor's involvement in the proceedings.

14 (b) In deciding whether to grant a continuance, the court
15 shall take into consideration the potential adverse impact the
16 delay may have on the minor's well-being; provided that a
17 continuance shall not be granted unless not doing so would
18 result in a state or federal constitutional violation."

19 SECTION 3. New statutory material is underscored.

20 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Child Abuse; Sexual Offenses; Minors; Expedited Criminal Proceedings

Description:

Requires the court and the prosecution to take appropriate action to ensure a prompt trial to minimize the length of time a child sexual offense or child abuse victim must endure the proceedings. (SD1)

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