
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 also confers a right to a
16 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; trial. (a)
8 In all criminal proceedings of criminal offenses perpetrated
9 against a minor, or any other criminal proceedings involving a
10 minor victim or minor witness of any physical abuse, the court
11 and the prosecution shall take appropriate action, including
12 setting the case for priority in the court docket, to ensure a
13 prompt trial in order to minimize the length of time a minor
14 must endure the stress of the minor's involvement in the
15 proceedings.

16 (b) In deciding whether to grant a continuance, the court
17 shall take into consideration the age of the minor and the
18 potential adverse impact the delay may have on the minor's well-
19 being; provided that no more than three continuances shall be
20 permissible by either party, unless good cause is shown;



1 provided further that a trial shall commence within twelve
2 months of the charge or indictment, unless good cause is shown.

3 (c) The court shall impose sanctions against an attorney
4 for the defense who is unprepared to commence trial, unless good
5 cause is shown."

6 SECTION 3. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun before its effective date.

9 SECTION 4. If any provision of this Act, or the
10 application thereof to any person or circumstance, is held
11 invalid, the invalidity does not affect other provisions or
12 applications of the Act that can be given effect without the
13 invalid provision or application, and to this end the provisions
14 of this Act are severable.

15 SECTION 5. New statutory material is underscored.

16 SECTION 6. This Act shall take effect upon its approval.



Report Title:

Child Abuse; Expedited Criminal Proceedings

Description:

Requires the court and the prosecution to take appropriate action to ensure a prompt trial in order to minimize the length of time a child abuse victim or minor witness must endure the stress of the child's involvement in the proceedings. (SD1)

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