

MAR 12 2021

SENATE RESOLUTION

REQUESTING THE JUDICIARY TO CONSIDER WRITTEN STATEMENTS FROM
VICTIMS OR FAMILIES OF VICTIMS WHEN APPROVING A PLEA-
BARGAIN.

1 WHEREAS, the Legislature has recognized the rights of
2 victims and witnesses in criminal proceedings since 1988; and
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4 WHEREAS, the Legislature and the courts have continued to
5 improve upon the rights of victims; and
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7 WHEREAS, the intent of the Legislature is to ensure that
8 all victims and witnesses of crimes are treated with dignity,
9 respect, courtesy, and sensitivity; and
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11 WHEREAS, the State has placed the standard of care and
12 protection toward victims by law enforcement agencies,
13 prosecutors, and the courts to be of the same vigor as those for
14 the defendant; and
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16 WHEREAS, victims and witnesses remain a vulnerable
17 population that continues to require dignity and protection; and
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19 WHEREAS, under the basic bill of rights for victims and
20 witnesses, the victim or a surviving immediate family member is
21 required to be notified of major developments in a criminal
22 case; and
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24 WHEREAS, in circumstances in which the defendant has
25 already been convicted and is eligible for release, the victim
26 has the opportunity to be heard by the judge or Parole Board;
27 and
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29 WHEREAS, given the nature of felony crimes, it is
30 appropriate for the victim to have the same opportunity with
31 regard to plea-bargains; now, therefore,
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33 BE IT RESOLVED by the Senate of the Thirty-first
34 Legislature of the State of Hawaii, Regular Session of 2021,
35 that the Judiciary is requested to instruct judges to accept,



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1 receive, and consider a written statement from the victim or
2 victim's immediate family member in regard to a felony crime, if
3 such a statement has been provided by the prosecuting attorney,
4 prior to rendering a decision on a plea-bargain agreement; and
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6 BE IT FURTHER RESOLVED that the departments or offices of
7 the prosecuting attorney for the counties are requested to offer
8 a victim or the victim's immediate family member the choice of
9 providing the judge with a written statement when consulting and
10 advising the victim whenever a plea-bargain agreement is being
11 negotiated; and
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13 BE IT FURTHER RESOLVED that certified copies of this
14 Resolution be transmitted to the Chief Justice of the Supreme
15 Court of the State of Hawaii, Prosecuting Attorney of the City
16 and County of Honolulu, Prosecuting Attorney of the County of
17 Hawai'i, Prosecuting Attorney of the County of Mau'i, and
18 Prosecuting Attorney of the County of Kaua'i.
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OFFERED BY: Kal Nhoah

