

STAND. COM. REP. NO.

1465

Honolulu, Hawaii

MAR 30 2021

RE: S.C.R. No. 170

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.C.R. No. 170 entitled:

"SENATE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO CONSIDER WRITTEN STATEMENTS FROM VICTIMS OR FAMILIES OF VICTIMS WHEN APPROVING A PLEA-BARGAIN,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Request the Judiciary to consider written statements from victims or families of victims when approving a plea-bargain; and
- (2) Request the departments or offices of the prosecuting attorney for the counties to offer a victim or the victim's immediate family member the choice of providing a written statement when consulting and advising the victim whenever a plea-bargain agreement is being negotiated.

Your Committee received testimony in support of this measure from Mothers Against Drunk Driving and three individuals.

Your Committee finds that the rights of victims in criminal proceedings are well established in the State, and that the standard of care toward victims by law enforcement agencies, prosecutors, and the courts has been placed at the same level as



that for the defendant. Your Committee further finds that, under the basic bill of rights for victims and witnesses, the victim or a surviving family member is required to be notified of major developments in a criminal case. Your Committee additionally finds that, although the victim has an opportunity to submit a statement in situations where a defendant has already been convicted and is eligible for release, there is no such opportunity provided with regards to plea-bargains being considered. This measure requests prosecutors and courts to solicit and consider statements from a victim or the immediate family member of a victim when plea-bargain agreements are being negotiated or approved.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 170 and recommends its adoption.

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



KARL RHOADS, Chair



