JAN 28 2009

A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE I OF THE HAWAII CONSTITUTION TO ESTABLISH RIGHTS OF CRIME VICTIMS.

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

- 1 SECTION 1. The legislature finds that although accused
- 2 perpetrators of crime are granted certain constitutional rights,
- 3 crime victims and their survivors are not similarly conferred
- 4 rights under the constitution. The legislature further finds
- 5 that crime victims should be treated with dignity, respect, and
- 6 courtesy by protecting their rights under the constitution.
- 7 Other states have also adopted crime victim rights in their
- 8 constitution.
- 9 SECTION 2. The purpose of this Act is to propose an
- 10 amendment to article I of the Constitution of the State of
- 11 Hawaii to establish constitutional rights for victims of crime
- 12 and their survivors.
- 13 SECTION 3. Article I of the Constitution of the State of
- 14 Hawaii is amended by adding a new section be appropriately
- 15 designated and to read as follows:
- 16 "RIGHTS OF CRIME VICTIMS



1	<u>Sect</u>	ion . A crime victim, as defined by law, or the
2	victim's	surviving immediate family members, shall have the
3	following	rights, subject to provisions of statutory law:
4	(1)	To be treated with courtesy, fairness, and respect for
5		their dignity and privacy throughout the criminal
6		justice process;
7	(2)	To receive protection from threats of harm;
8	(3)	To be informed of a victim's constitutional rights,
9		financial assistance, and other services available for
10		crime victims and witnesses;
11	(4)	To a speedy trial or disposition of their case;
12	(5)	To be notified in a timely manner, upon written
13		request, of all public court proceedings related to
14		the offense, major developments in the case, and the
15		final disposition of the case;
16	<u>(6)</u>	To be present at all public court proceedings related
17		to the offense unless the court determines that the
18		victim's presence would materially affect the victim's
19		testimony;
20	(7)	To be consulted with, and advised of, any plea
21		agreement by the prosecuting attorney;

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1	(8)	To be notified in a timely manner of, provide input
2		at, and participate in, any process or deliberation
3		that may result in a post-arrest release decision, a
4		negotiated plea, or sentencing of the offender;
5	(9)	To be notified in a timely manner of, provide input
6		at, and participate in, any process or deliberation
7		that may result in the offender's post-conviction
8		release from confinement, including, any type of
9		release by the department of public safety;
10	(10)	To be notified in a timely manner of, and provide
11		input regarding, any developments relating to the
12		release, discharge, commitment, or unauthorized
13		absence of the offender who was committed or
14		involuntarily hospitalized pursuant to criminal
15		<pre>commitment;</pre>
16	(11)	To be notified in a timely manner of changes in the
17		offender's custodial status, including, but not
18		limited to, transfer between facilities, escape,
19		furlough, work release, placement on supervised
20		release, release on parole, release on bail bond,
21		release on appeal bond, any type of release by the

1		department of public safety, and final discharge at
2		the end of the prison term;
3	(12)	To have property expeditiously returned by law
4		enforcement agencies when the property is no longer
5		needed as evidence; and
6	(13)	To receive prompt restitution from the person or
7		persons convicted."
8	SECTI	ON 4. The question to be printed on the ballot shall
9	be as follows:	
10	"Shal	l crime victims and their surviving immediate family
11	members be provided specified rights in the Constitution of	
12	the State of Hawaiʻi?"	
13	SECT	ION 5. New constitutional material is underscored.
14	SECT	ION 6. This amendment shall take effect upon
15	compliance	e with article XVII, section 3, of the Constitution of
16	the State	of Hawaii.
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Report Title:

Crime Victims; Constitutional Amendment

Description:

Proposes a constitutional amendment to establish crime victim rights.