

JAN 23 2009

A BILL FOR AN ACT

RELATING TO AN AUTOMATED VICTIM NOTIFICATION SYSTEM.

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

1 SECTION 1. Chapter 353, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 **"PART . AUTOMATED VICTIM NOTIFICATION SYSTEM**

5 **§353-A Definitions.** For purposes of this part:

6 "Department" means the department of public safety.

7 "System" means the statewide victim information and
8 notification system.

9 "Victim" means the same as defined in section 801D-2 and
10 includes, in homicide cases, surviving immediate family members,
11 as defined in section 801D-2.

12 **§353-B System; requirements.** (a) The department shall
13 establish a statewide-automated victim information and
14 notification system to do the following:

- 15 (1) Automatically notify a registered victim via the
16 victim's choice of telephone, letter, or electronic
17 mail transmission when an offender in the custody of
18 the department:



- 1 (A) Is transferred or assigned to another facility;
- 2 (B) Is transferred to the custody of another agency
- 3 outside the State;
- 4 (C) Is given a different security classification;
- 5 (D) Is released on temporary leave or other reason;
- 6 (E) Is discharged;
- 7 (F) Has escaped; or
- 8 (G) Has been served with a protective order requested
- 9 by the victim;
- 10 (2) Automatically notify a registered victim via the
- 11 victim's choice of telephone, letter, or email, when
- 12 an offender has:
- 13 (A) An upcoming court event where the victim is
- 14 entitled to be present;
- 15 (B) An upcoming parole or probation hearing; or
- 16 (C) A change in the offender's parole or probation
- 17 status including:
- 18 (i) A change in the offender's supervision
- 19 status; or
- 20 (ii) A change in the offender's address;



- 1 (3) Automatically notify a registered victim via the
2 victim's choice of telephone, letter, or email when a
3 sex offender has:
 - 4 (A) Updated the offender's profile information with
5 the state sex offender registry pursuant to
6 chapter 846E; or
 - 7 (B) Become noncompliant with the state sex offender
8 registry;
- 9 (4) Permit a crime victim to receive the most recent
10 status report for an offender in the department or sex
11 offender registry by calling the system on a toll-free
12 telephone number as well as by accessing the system
13 via a public web site;
- 14 (5) Provide all victims calling the system with the option
15 to receive live operator assistance with the system on
16 a twenty-four-hour per day, three hundred sixty-five-
17 day per year basis; and
- 18 (6) Permit a crime victim to register or update the
19 victim's registration information for the system by
20 calling a toll-free telephone number or accessing a
21 public web site.



1 (b) The prosecuting agency shall notify the victim of the
2 victim's right to register in the system established pursuant to
3 this part. It shall be the responsibility of the victim to
4 register with the system.

5 **§353-C Rights of victims in criminal proceedings.**

6 Participation in the system and making offender and case data
7 available on a timely basis to the system shall be deemed
8 compliance with the obligation of the department, the police,
9 and the prosecuting attorney to notify the crime victim of an
10 offender's custody status and the status of the offender's
11 upcoming court events pursuant to chapter 801D.

12 **§353-D Compliance by department; no cause of action.** The
13 department shall ensure the offender information contained
14 within the system is updated frequently enough to timely notify
15 a crime victim of an offender's release, discharge, or escape.
16 However, failure of the system to provide notice to the victim
17 shall not establish a separate cause of action by the victim
18 against the State, any county, or any state or county agency,
19 officer, or employee.

20 **§353-E Law enforcement cooperation.** The attorney general,
21 chiefs of police, and county prosecuting attorneys shall



1 cooperate with the department in establishing and maintaining
2 the automated victim notification system.

3 **§353-F Funding.** The department shall administer the
4 system. The cost of establishing and administering the system
5 shall be paid with appropriations made to the department and
6 from federal grants and contracts."

7 SECTION 2. In codifying the new sections added by section
8 1 of this Act, the revisor of statutes shall substitute
9 appropriate section numbers for the letters used in designating
10 the new sections in this Act.

11 SECTION 3. This Act shall take effect on July 1, 2009.
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Report Title:

Crime Victims; Notification

Description:

Establishes a statewide automated victim notification system to provide victims of crime with current information regarding the custody status of the offender in the victim's case.

