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# HOUSE CONCURRENT RESOLUTION

URGING THE CRIMINAL JUSTICE SYSTEM TO PROVIDE ADDITIONAL RIGHTS  
TO VICTIMS OF, SURVIVING IMMEDIATE FAMILY MEMBERS OF, AND  
WITNESSES TO A CRIME.

1           WHEREAS, victims of crime, despite the rights currently  
2 afforded to them, still require additional assistance in their  
3 time of need; and  
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5           WHEREAS, the criminal justice system has a responsibility  
6 to help crime victims, who seek information on their cases and  
7 restitution from convicted persons, among other important  
8 issues; and  
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10           WHEREAS, victims, surviving immediate family members of,  
11 and witnesses to a crime will be more cooperative if they trust  
12 law enforcement will protect them from harm; and  
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14           WHEREAS, the criminal justice system will be viewed by the  
15 public as more lawful and compassionate when additional rights  
16 and protections are provided to crime victims; and  
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18           WHEREAS, additional rights and protections are needed to  
19 alleviate the continuing injustice done to victims after the  
20 crime has been committed; now, therefore,  
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22           BE IT RESOLVED by the House of Representatives of the  
23 Twenty-sixth Legislature of the State of Hawaii, Regular Session  
24 of 2011, the Senate concurring, that upon a written request, a  
25 victim of, a surviving immediate family member of, or, where  
26 specifically provided below, a witness to a crime have the  
27 following rights:  
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- 29           (1) To be informed of the rights as set forth herein that  
30 are applicable to a victim of, surviving immediate  
31 family member of, or witness to a crime;  
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- 1 (2) To be treated with fairness, respect, and dignity, and  
2 to be free from intimidation, harassment, or abuse,  
3 throughout the criminal justice process;  
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- 5 (3) To be informed by the police and the prosecuting  
6 attorney of the final disposition of the case. If the  
7 crime charged is a felony, the victim or a surviving  
8 immediate family member shall be notified of major  
9 developments in the case and whenever the defendant or  
10 perpetrator is released from custody. The victim or a  
11 surviving immediate family member shall also be  
12 consulted and advised about plea bargaining by the  
13 prosecuting attorney;  
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- 15 (4) To be present at and to be informed of all criminal  
16 proceedings where the defendant has the right to be  
17 present;  
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- 19 (5) To be heard at any proceeding involving a post-arrest  
20 release decision, a negotiated plea, or sentencing;  
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- 22 (6) To be notified by the prosecuting attorney if a court  
23 proceeding to which a victim, surviving immediate  
24 family member, or witness has been subpoenaed will not  
25 proceed as scheduled;  
26
- 27 (7) To receive protection from threats or harm;  
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- 29 (8) To be informed by the police, victim/witness  
30 counselor, or other criminal justice personnel, of  
31 financial assistance and other social services  
32 available as a result of being a witness to or a  
33 victim of a crime, including information on how to  
34 apply for the assistance and services;  
35
- 36 (9) To be provided by the court, whenever possible, with a  
37 secure waiting area during court proceedings that does  
38 not require a victim or surviving immediate family  
39 member to be in close proximity to defendants and  
40 families and friends of defendants;  
41
- 42 (10) To have any stolen or other personal property  
43 expeditiously returned by law enforcement agencies  
44 when the property is no longer needed as evidence. If



1 feasible, all the property, except weapons, currency,  
2 contraband, property subject to evidentiary analysis,  
3 and property, the ownership of which is undisputed,  
4 shall be returned to the person within ten days of  
5 being taken;  
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7 (11) To receive prompt restitution from the person or  
8 persons convicted of the crime that resulted in the  
9 victim's or surviving immediate family member's loss  
10 or injury;  
11

12 (12) To be informed by the Department of Public Safety of  
13 changes planned by the department in the custodial  
14 status of the offender that allows or results in the  
15 release of the offender into the community, including  
16 escape, furlough, work release, placement on  
17 supervised release, release on parole, release on bail  
18 bond, release on appeal bond, and final discharge at  
19 the end of the prison term; and  
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21 (13) To be heard at any proceeding when any post-conviction  
22 release from confinement is being considered;  
23

24 and  
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26 BE IT FURTHER RESOLVED that the Department of Public  
27 Safety, the Hawaii Paroling Authority, the judiciary probation  
28 divisions and branches, and the Department of the Attorney  
29 General shall make good faith efforts to notify the victim of a  
30 crime, or a surviving immediate family member, that:  
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32 (1) Income received by an imprisoned person exceeds  
33 \$10,000; and  
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35 (2) Payment of restitution and judgments to a victim or  
36 surviving immediate family member shall be a  
37 precondition for release on parole for any imprisoned  
38 person whom the Hawaii Paroling Authority determines  
39 has the financial ability to pay restitution and  
40 judgments;  
41

42 and



1 BE IT FURTHER RESOLVED that a victim shall have these  
2 rights and be eligible for services if the victim reported the  
3 crime to police even more than three months after its occurrence  
4 or discovery; and  
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6 BE IT FURTHER RESOLVED that certified copies of this  
7 Concurrent Resolution be transmitted to the Director of Public  
8 Safety, Chairperson and Administrator of the Hawaii Paroling  
9 Authority, Chief Justice of the Hawaii Supreme Court and  
10 judiciary probation divisions and branches, Attorney General,  
11 Chiefs of Police of the City and County of Honolulu, Maui  
12 County, Kauai County, and County of Hawaii, and victim/witness  
13 counselors.

