
A BILL FOR AN ACT

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

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

1 SECTION 1. The legislature finds that victims of crime
2 should be treated with dignity, respect, and courtesy and their
3 rights should be protected throughout the criminal justice
4 process. The legislature further finds that while those accused
5 of crimes have various rights specified in article I, section 14
6 of the Constitution of the State of Hawaii, victims of crime
7 have no express constitutional protections.

8 The purpose of this Act is to propose an amendment to
9 article I of the Constitution of the State of Hawaii to provide
10 recognized and protected constitutional rights for victims of
11 crime from the time of their victimization and continuing
12 throughout the criminal justice process, to be known as "Marsy's
13 Law".

14 SECTION 2. Article I of the Constitution of the State of
15 Hawaii is amended by adding a new section to be appropriately
16 designated and to read as follows:



1 "RIGHTS OF VICTIMS OF CRIME

2 Section . A victim of crime shall enjoy the following
3 rights beginning at the time of the victim's victimization and
4 continuing throughout the criminal justice process:

5 1. To be reasonably protected from the accused;

6 2. To reasonable, accurate and timely notice of all
7 proceedings related to the criminal conduct;

8 3. To not be excluded from any proceeding related to the
9 criminal conduct, unless the court, after receiving clear and
10 convincing evidence, determines that testimony by the victim
11 would be materially altered if the victim heard other testimony
12 at that proceeding;

13 4. To be reasonably heard at all proceedings related to
14 the criminal conduct;

15 5. To the reasonable right to confer with the attorney for
16 the State in the case;

17 6. To full and timely restitution as provided in law;

18 7. To proceedings free from unreasonable delay;

19 8. To be treated with fairness and with respect for the
20 victim's dignity and privacy;



1 9. To be informed in a timely manner of any plea bargain,
2 deferred prosecution agreement or final disposition; and

3 10. To be informed of these rights and other services
4 available for crime victims.

5 In any proceeding related to the criminal conduct, the
6 court shall ensure that the crime victim is afforded these
7 rights.

8 The crime victim, or the crime victim's lawful
9 representative, and the attorney for the State may assert these
10 rights.

11 A person accused of the crime may not obtain any form of
12 relief established by this section.

13 No right in this section shall be construed to supersede
14 the constitutional rights of the offender.

15 The legislature may enact laws to further define, implement
16 and preserve the rights established by this section.

17 Nothing in this section shall be construed to create a
18 cause of action against the State or counties, or any of their
19 agencies, officials or employees.

20 As used herein, "a victim of crime", "crime victim", or
21 "victim" means any person who suffers direct, proximate or



1 threatened physical, psychological or financial harm as a result
2 of the commission or attempted commission of a crime, and shall
3 include the lawful representative of a victim who is a minor,
4 incompetent, physically or mentally incapacitated or deceased.
5 The term does not include the accused or a person whom the court
6 finds would not act in the best interests of a minor,
7 incompetent, incapacitated or deceased victim."

8 SECTION 3. The question to be printed on the ballot shall
9 be as follows:

10 "Shall victims of crime be provided rights in the
11 Constitution of the State of Hawaii, including fair and
12 respectful treatment throughout the criminal justice
13 process; notification of critical proceedings, possible
14 plea agreements and case dispositions; proceedings free
15 from unreasonable delay; the opportunity to be present at
16 all proceedings related to the criminal conduct; the
17 opportunity to speak at the sentencing hearing; financial
18 reimbursement from the offender; and notification of the
19 offender's release from custody?"

20 SECTION 4. New constitutional material is underscored.



1 SECTION 5. This amendment shall take effect upon
2 compliance with article XVII, section 3, of the Constitution of
3 the State of Hawaii.



Report Title:

Constitutional Amendment; Rights of Victims of Crime

Description:

Proposes an amendment to the Hawaii State Constitution to provide victims of crime with specific rights related to the criminal justice process. (HB1144 HD1)

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