
HOUSE CONCURRENT RESOLUTION

REQUESTING THE JUDICIARY TO CONVENE A WORKING GROUP TO DEVELOP
AND IMPLEMENT PROTOCOLS FOR HANDLING CRIMINAL CASES
INVOLVING VULNERABLE VICTIMS AND WITNESSES.

1 WHEREAS, a primary goal of the criminal justice system is
2 to hold offenders accountable and impose punishment where
3 appropriate, while ensuring that they receive the support
4 necessary for their rehabilitation, including substance abuse or
5 mental health treatment, domestic violence intervention, or
6 anger management or parenting classes; and
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8 WHEREAS, congestion in the State's courts and a host of
9 other factors have led to the setting of trial dates that are
10 further into the future, repeated delays in the commencement of
11 trial, and in some cases, eventual dismissal of cases based on
12 the age of the case and resulting violation of the defendant's
13 right to a speedy trial under the federal and state
14 constitutions and Rule 48 of the Hawaii Rules of Penal
15 Procedure; and
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17 WHEREAS, while these issues tend to negatively impact all
18 parties involved, the impacts are especially felt by victims and
19 witnesses in criminal cases, who are often required to appear in
20 court, in person, multiple times before trial has even begun;
21 and
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23 WHEREAS, certain victims of and witnesses to particular
24 types of crimes, including children, the elderly, and survivors
25 of sexual assault and domestic violence, are especially
26 vulnerable with respect to the stress and trauma of having to
27 repeatedly appear in court, only to learn that trial in their
28 case is being delayed yet again; and
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1 WHEREAS, a number of these vulnerable victims and
2 witnesses, having been subjected to repeated delays in the
3 commencement of trial, may: begin to view the court system as
4 an obstacle to their healing as opposed to a venerable
5 institution that serves the interests of justice; become
6 discouraged; be more reluctant to report future crimes; or in
7 some cases, ultimately refuse to comply with a court order to
8 return for trial; and
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10 WHEREAS, a palpable consequence of failing to adequately
11 consider the perspectives and experiences of vulnerable victims
12 and witnesses is the frustration of the criminal justice
13 system's goal of holding offenders accountable, which then
14 intensifies the difficulty of reducing and preventing such
15 crimes as child abuse, elder abuse, sexual assault, and domestic
16 violence; and
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18 WHEREAS, it would therefore be in the State's best interest
19 to minimize the disruption and trauma to vulnerable victims and
20 witnesses in criminal cases that are caused by avoidable delays
21 in the commencement of trials and unnecessary appearances at
22 court prior to trial, without unduly burdening the speedy trial
23 rights and other constitutional rights of defendants; now,
24 therefore,
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26 BE IT RESOLVED by the House of Representatives of the
27 Twenty-ninth Legislature of the State of Hawaii, Regular Session
28 of 2018, the Senate concurring, that the Judiciary is requested
29 to convene a working group to develop and implement protocols
30 for handling criminal cases involving vulnerable victims and
31 witnesses; and
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33 BE IT FURTHER RESOLVED that the working group is requested
34 to consider adjustments to scheduling practices and other
35 procedures by courts, prosecutors, and defense attorneys that
36 would help to reduce the frequency and number of avoidable
37 delays in the commencement of trial and minimize the number of
38 occasions that a vulnerable victim or witness in a criminal case
39 is required to appear in court prior to trial; provided that the
40 constitutional rights of defendants are not unduly burdened; and
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BE IT FURTHER RESOLVED that the working group is requested to consist of the following members:

- (1) The Chief Justice or the Chief Justice's designee, who is requested to serve as the chairperson of the working group;
- (2) A judicial officer from each judicial circuit;
- (3) A court administrator from each judicial circuit;
- (4) A representative of the Department of the Attorney General;
- (5) A member of the House of Representatives, appointed by the Speaker of the House of Representatives;
- (6) A member of the Senate, appointed by the President of the Senate;
- (7) A representative of the Prosecuting Attorney's Office of each county;
- (8) A representative of the Office of the Public Defender for the State of Hawaii;
- (9) Four representatives appointed by the Hawaii Association of Criminal Defense Lawyers, including one representative from each county; and
- (10) A member of a victim advocacy organization, to be invited by the Chief Justice; and

BE IT FURTHER RESOLVED that no member be made subject to Chapter 84, Hawaii Revised Statutes, solely because of that member's participation as a member of the working group; and

BE IT FURTHER RESOLVED that the Judiciary is requested to provide administrative support to the working group; and

BE IT FURTHER RESOLVED that the working group is requested to submit a report of its findings and recommendations,



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1 including any proposed legislation, to the Legislature no later
2 than twenty days prior to the convening of the Regular Session
3 of 2020; and
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5 BE IT FURTHER RESOLVED that certified copies of this
6 Concurrent Resolution be transmitted to the Chief Justice of the
7 Supreme Court of Hawaii, the Administrative Director of the
8 Courts, the Attorney General, the President of the Senate, the
9 Speaker of the House of Representatives, the Prosecuting
10 Attorney of each county, the Public Defender of the State of
11 Hawaii, and the President of the Hawaii Association of Criminal
12 Defense Lawyers.
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OFFERED BY:

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