

MAR 12 2021

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# SENATE CONCURRENT RESOLUTION

REQUESTING THE JUDICIARY TO CONSIDER WRITTEN STATEMENTS FROM  
VICTIMS OR FAMILIES OF VICTIMS WHEN APPROVING A PLEA-  
BARGAIN.

1           WHEREAS, the Legislature has recognized the rights of  
2 victims and witnesses in criminal proceedings since 1988; and  
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4           WHEREAS, the Legislature and the courts have continued to  
5 improve upon the rights of victims; and  
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7           WHEREAS, the intent of the Legislature is to ensure that  
8 all victims and witnesses of crimes are treated with dignity,  
9 respect, courtesy, and sensitivity; and  
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11           WHEREAS, the State has placed the standard of care and  
12 protection toward victims by law enforcement agencies,  
13 prosecutors, and the courts to be of the same vigor as those for  
14 the defendant; and  
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16           WHEREAS, victims and witnesses remain a vulnerable  
17 population that continues to require dignity and protection; and  
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19           WHEREAS, under the basic bill of rights for victims and  
20 witnesses, the victim or a surviving immediate family member is  
21 required to be notified of major developments in a criminal  
22 case; and  
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24           WHEREAS, in circumstances in which the defendant has  
25 already been convicted and is eligible for release, the victim  
26 has the opportunity to be heard by the judge or Parole Board;  
27 and  
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29           WHEREAS, given the nature of felony crimes, it is  
30 appropriate for the victim to have the same opportunity with  
31 regard to plea-bargains; now, therefore,  
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# S.C.R. NO. 170

1 BE IT RESOLVED by the Senate of the Thirty-first  
 2 Legislature of the State of Hawaii, Regular Session of 2021, the  
 3 House of Representatives concurring, that the Judiciary is  
 4 requested to instruct judges to accept, receive, and consider a  
 5 written statement from the victim or victim's immediate family  
 6 member in regard to a felony crime, if such a statement has been  
 7 provided by the prosecuting attorney, prior to rendering a  
 8 decision on a plea-bargain agreement; and

9  
 10 BE IT FURTHER RESOLVED that the departments or offices of  
 11 the prosecuting attorney for the counties are requested to offer  
 12 a victim or the victim's immediate family member the choice of  
 13 providing the judge with a written statement when consulting and  
 14 advising the victim whenever a plea-bargain agreement is being  
 15 negotiated; and

16  
 17 BE IT FURTHER RESOLVED that certified copies of this  
 18 Concurrent Resolution be transmitted to the Chief Justice of the  
 19 Supreme Court of the State of Hawaii, Prosecuting Attorney of  
 20 the City and County of Honolulu, Prosecuting Attorney of the  
 21 County of Hawai'i, Prosecuting Attorney of the County of Mau'i,  
 22 and Prosecuting Attorney of the County of Kaua'i.

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OFFERED BY: Karl Rhoads

