

JAN 15 2025

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# A BILL FOR AN ACT

RELATING TO SPEEDY TRIALS.

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

1       SECTION 1. The legislature finds that victims of sexual  
2 offenses may endure harmful effects from court proceedings that  
3 require victims to relive their trauma. These effects include  
4 depression, emotional distress, and post-traumatic stress  
5 disorder (PTSD). Young victims are particularly vulnerable to  
6 developing disorders as a result of participating in court  
7 proceedings.

8       To address these effects, many states have passed "speedy  
9 trial" statutes to minimize the length of the proceedings. The  
10 legislature further finds that Hawaii remains one of the few  
11 states that lack a "speedy trial" statute for victims. The  
12 purpose of this Act is to adopt a "speedy trial" requirement as  
13 an appropriate solution to better support victims of sexual  
14 offenses.

15       SECTION 2. Chapter 571, Hawaii Revised Statutes, is  
16 amended by adding a new section to part VIII to be appropriately  
17 designated and to read as follows:



1        "§571-        Victims and witnesses; right to speedy trial in  
2 certain adult cases.    Victims and witnesses in cases involving  
3 an offense charged under part V of chapter 707 shall have the  
4 right to a speedy trial that is subordinate only to a  
5 defendant's state and federal constitutional rights.    When  
6 considering a motion to postpone a trial in any of these cases  
7 involving an adult defendant, the court shall consider the  
8 totality of the circumstances, including:

9        (1)    The defendant's right to a speedy trial;

10       (2)    A victim's or witness's right to a speedy trial,  
11       including any substantial adverse impact that  
12       postponing the trial may have on the victim or  
13       witness, particularly if the trial has previously been  
14       postponed; and

15       (3)    The requirements of section 806-B, if applicable."

16       SECTION 3. Chapter 604, Hawaii Revised Statutes, is  
17 amended by adding a new section to be appropriately designated  
18 and to read as follows:

19       "§604-        Victims and witnesses; right to speedy trial in  
20 certain cases.    Victims and witnesses in cases involving an  
21 offense charged under part V of chapter 707 shall have the right



1 to a speedy trial that is subordinate only to a defendant's  
2 state and federal constitutional rights. When considering a  
3 motion to postpone a trial in any of these cases, the court  
4 shall consider the totality of the circumstances, including:

5 (1) The defendant's right to a speedy trial;

6 (2) A victim's or witness' right to a speedy trial,  
7 including any substantial adverse impact that  
8 postponing the trial may have on the victim or  
9 witness, particularly if the trial has previously been  
10 postponed; and

11 (3) The requirements of section 806-B, if applicable."

12 SECTION 4. Chapter 806, Hawaii Revised Statutes, is  
13 amended by adding two new sections to be appropriately  
14 designated and to read as follows:

15 **"§806-A Victims and witnesses; right to speedy trial in**  
16 **certain cases.** Victims and witnesses in cases involving an  
17 offense charged under part V of chapter 707 shall have the right  
18 to a speedy trial that is subordinate only to a defendant's  
19 state and federal constitutional rights. When considering a  
20 motion to postpone a trial in any of these cases, the court  
21 shall consider the totality of the circumstances, including:



1        (1) The defendant's right to a speedy trial;

2        (2) A victim's or witness' right to a speedy trial,  
3        including any substantial adverse impact that  
4        postponing the trial may have on the victim or  
5        witness, particularly if the trial has previously been  
6        postponed; and

7        (3) The requirements of section 806-B, if applicable.

8        **§806-B Expedited proceedings; continuances; trial.**    (a)

9        In all criminal proceedings of criminal offenses perpetrated  
10       against a minor, or any other criminal proceedings involving a  
11       minor victim or minor witness of any physical abuse, the court  
12       and the prosecution shall take appropriate action, including  
13       setting the case for priority in the court docket, to ensure a  
14       prompt trial in order to minimize the length of time that the  
15       minor endures the stress of the minor's involvement in the  
16       proceedings.

17       (b) In deciding whether to grant a continuance, the court  
18       shall take into consideration the age of the minor and the  
19       potential adverse impact that the delay may have on the minor's  
20       well-being; provided that no more than three continuances shall  
21       be permissible by either party, unless good cause is shown;



1 provided further that a trial shall commence within twelve  
2 months of the charge or indictment, unless good cause is shown."

3 SECTION 5. Section 801D-4, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 **"§801D-4 Basic bill of rights for victims and witnesses.**

6 (a) Upon written request, victims and surviving immediate  
7 family members of crime shall have the following rights:

8 (1) To be informed by the police and the prosecuting  
9 attorney of the final disposition of the case. If the  
10 crime charged is a felony, the victim or a surviving  
11 immediate family member shall be notified of major  
12 developments in the case and whenever the defendant or  
13 perpetrator is released from custody. The victim or a  
14 surviving immediate family member shall also be  
15 consulted and advised about plea bargaining by the  
16 prosecuting attorney;

17 (2) To be notified by the prosecuting attorney if a court  
18 proceeding to which they have been subpoenaed will not  
19 proceed as scheduled;

20 (3) To receive protection from threats or harm;



- 1           (4) To be informed by the police, victim/witness  
2           counselor, or other criminal justice personnel, of  
3           financial assistance and other social services  
4           available as a result of being a witness to or a  
5           victim of crime, including information on how to apply  
6           for the assistance and services;
- 7           (5) To be provided by the court, whenever possible, with a  
8           secure waiting area during court proceedings that does  
9           not require them to be in close proximity to  
10          defendants and families and friends of defendants;
- 11          (6) To have any stolen or other personal property  
12          expeditiously returned by law enforcement agencies  
13          when the property is no longer needed as evidence. If  
14          feasible, all the property, except weapons, currency,  
15          contraband, property subject to evidentiary analysis,  
16          and property, the ownership of which is disputed,  
17          shall be returned to the person within ten days of  
18          being taken; and
- 19          (7) To be informed by the department of corrections and  
20          rehabilitation of changes planned by the department in  
21          the custodial status of the offender that allows or



1 results in the release of the offender into the  
2 community, including escape, furlough, work release,  
3 placement on supervised release, release on parole,  
4 release on bail bond, release on appeal bond, and  
5 final discharge at the end of the prison term.

6 (b) Upon written request, the victim or the parent or  
7 guardian of a minor or incapacitated victim of an offense under  
8 section 707-730, 707-731, or 707-732(1)(a) shall have the right  
9 to be informed of the human immunodeficiency virus (HIV) status  
10 of the person who has been convicted or a juvenile who has been  
11 adjudicated under that section and to receive counseling  
12 regarding HIV. The testing shall be performed according to the  
13 protocols set forth in section 325-17. Upon request of the  
14 victim, or the parent or guardian of a minor or incapacitated  
15 victim, the department of health shall provide counseling.

16 (c) Notwithstanding any law to the contrary, the  
17 department of corrections and rehabilitation, the Hawaii  
18 paroling authority, the judiciary probation divisions and  
19 branches, and the department of the attorney general shall make  
20 good faith efforts to notify the victim of a crime, or surviving  
21 immediate family members of a victim, of income received by a



1 person imprisoned for that crime when the imprisoned person has  
2 received a civil judgment that exceeds \$10,000, a civil  
3 settlement that exceeds \$10,000, or any income that exceeds  
4 \$10,000 in one fiscal year, whenever the income is known to the  
5 agency, and, in addition, the department of corrections and  
6 rehabilitation shall make good faith efforts to notify the  
7 victim of a crime or surviving immediate family members of a  
8 victim, whenever it is known to the agency that a person  
9 imprisoned for that crime has a financial account, of which the  
10 department of corrections and rehabilitation is aware, of a  
11 value exceeding \$10,000.

12 (d) Notwithstanding any law to the contrary, payment of  
13 restitution and judgments to victims, or surviving immediate  
14 family members of a victim, shall be a precondition for release  
15 on parole for any imprisoned person whom the Hawaii paroling  
16 authority determines has the financial ability to make complete  
17 or partial restitution payments or complete or partial judgment  
18 payments to the victim of the person's crime, or to the  
19 surviving immediate family members of a victim.

20 (e) Notwithstanding any law to the contrary, the State of  
21 Hawaii, any political subdivision of the State of Hawaii, any





1 department or agency of the State, any officer of the State, and  
2 any employee of the State shall be immune from damages in any  
3 lawsuit based on noncompliance with subsection (c) or (d).

4 Nothing in this subsection shall be construed to prevent  
5 disciplinary action against any employee of the State who  
6 intentionally fails to comply with subsection (c) or (d) after  
7 being warned that compliance is required.

8 (f) Victims and witnesses in cases involving an offense  
9 charged under part V of chapter 707 shall have the right to a  
10 speedy trial that is subordinate only to a defendant's state and  
11 federal constitutional rights. When considering a motion to  
12 postpone a trial in any of these cases involving an adult  
13 defendant, the court shall consider the totality of the  
14 circumstances, including:

15 (1) The defendant's right to a speedy trial;

16 (2) A victim's or witness' right to a speedy trial,  
17 including any substantial adverse impact that  
18 postponing the trial may have on the victim or  
19 witness, particularly if the trial has previously been  
20 postponed; and

21 (3) The requirements of section 806-B, if applicable."



# S.B. NO. 200

1       SECTION 6. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4       SECTION 7. In codifying the new sections added by  
5 section 4 of this Act, the revisor of statutes shall substitute  
6 appropriate section numbers for the letters used in designating  
7 the new sections in this Act.

8       SECTION 8. New statutory material is underscored.

9       SECTION 9. This Act shall take effect on July 1, 2025.

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INTRODUCED BY:

Kurt Fevella



# S.B. NO. 200

**Report Title:**

Penal Code; Criminal Procedure; Victims and Witnesses of Sexual Offenses; Right to Speedy Trial; Child Abuse; Expedited Criminal Proceedings

**Description:**

Creates a statutory right of victims and witnesses of sexual offenses under part V of chapter 707, Hawaii Revised Statutes, to a speedy trial in criminal cases involving adult defendants. Requires the court and the prosecution to take appropriate action to ensure a prompt trial to minimize the length of time a child abuse victim or minor witness must endure the stress of the proceedings.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

