

ACT 231

H.B. NO. 2359-82

A Bill for an Act Relating to Witness Security and Protection.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER
WITNESS SECURITY**

§ -1 **Witness security and protection.** (a) The attorney general shall establish a statewide witness program through which he may fund or provide for the security and protection of a government witness or a potential government witness in an official proceeding or investigation where the attorney general determines that an offense such as those described in sections 710-1071 (Intimidating a witness), 710-1072 (Tampering with a witness), or 710-1072.2 (Retaliating against a witness) is likely to be committed or which involves great public interest. The attorney general may also fund or provide for the security and protection of the immediate family of, or a person otherwise closely associated with, such witness or potential witness if the family or person may also be endangered. In determining whether such security and protection or funds are to be provided, the attorney general shall give greatest priority to official proceedings or investigations involving pending or potential organized crime, racketeering activity or career criminal prosecutions.

(b) In connection with the security and protection of a witness, a potential witness, or an immediate family member or close associate of a witness or potential witness, the attorney general may fund or take any action he determines to be necessary to protect such person from bodily injury, or to assure his health, safety, and welfare, for as long as, in the judgment of the attorney general, such danger exists.

(c) Any county or state prosecuting attorney or law enforcement agency may request the security and protection provided by the attorney general or funding from the attorney general for the purpose of implementing county witness security and protection, or for contracting or arranging for security provided by other state or federal agencies such as the United States Marshals Service. Requests shall be made and approved in a timely and equitable manner as established by the attorney general.

(d) The attorney general may condition the provision of security and protection or funding upon a county matching basis or reimbursement in whole or in part by a county government to the State for the cost of such witness security and protection or for the funds granted. Such reimbursement shall be appropriate when security and protection are provided or funding is granted on an emergency basis where the provision of such protection is primarily a county responsibility.

(e) The county prosecuting attorneys, the county police departments, and all other law enforcement agencies in the State shall cooperate with the attorney general to implement a statewide witness security program. Appropriations for the purposes authorized by this section shall be made to and administered by the attorney general, who may also receive and use gifts, moneys, services, or assistance from any private source to implement the purposes of this section."

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$750,000, or so much thereof as may be necessary to carry out the purposes of this Act. The sum appropriated shall be expended by the department of the attorney general for the purposes of this Act. Any unexpended or unencumbered balance of any appropriations made by this Act as of the close of business on June 30, 1983 shall lapse into the general fund.

SECTION 3. This Act shall take effect on July 1, 1982.

(Approved June 14, 1982.)