

ACT 184

H.B. NO. 663

A Bill for an Act Relating to Victims.

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

SECTION 1. **Purpose.** The legislature declares its intent to have victims of crimes treated with fairness and respect by providing that they be informed, whenever possible, of the final disposition of the case by the police, prosecuting attorneys, and courts. Victims should also be notified, whenever possible, of actions resulting in the defendant or convicted person being released into the community. Furthermore, victims should be provided basic services whenever possible.

The legislature wishes to encourage the police, prosecuting attorneys, courts, victim assistance programs in each county, the department of social services and housing, and the paroling authority to fully cooperate with each other in assisting victims in providing information and assistance to victims. The legislature expects all agencies to serve and assist victims with respect and acknowledgement of their role and needs in the criminal justice system.

Therefore, as a first step the legislature has in this Act required written notification to victims in post-conviction actions.

SECTION 2. Chapter 706, Hawaii Revised Statutes, is amended as follows:

1. By adding a new section to part II to be appropriately designated and to read:

“§706- Notice of suspended sentence or probation. (a) Whenever the court suspends the sentence of a defendant convicted of an offense against the person as described in chapter 707, or of an attempt to commit such an offense, or places such defendant on probation without requiring the serving of a term of

imprisonment, the court shall provide written notice to each victim of such offense of the suspension of sentence or probation, as the case may be, whenever the victim has made a written request for such notice. Notice shall be given to the victim at the address given on the request for notice or such other address as may be provided to the court by the victim from time to time.

(b) Neither the failure of any state officer or employee to carry out the requirements of this section nor compliance with it shall subject the State or the officer or employee to liability in any civil action. However, such failure may provide a basis for such disciplinary action as may be deemed appropriate by competent authority."

2. By adding a new section to part IV to be appropriately designated and to read:

"§706- Notice of parole or final unconditional release. (a) As used in this section, the following terms have the following meanings:

"Offense against the person" means any of the offenses described in chapter 707 and includes any attempt to commit any of those offenses.

"Prisoner" or "parolee" mean a person who has been convicted of an offense against the person.

"Victim" means the person who was the victim of the offense against the person for which the prisoner or parolee was convicted and has submitted a written request for notice of the parole or final unconditional release of the prisoner or parolee.

(b) Upon placing a prisoner on parole or upon the release of a parolee from parole, the authority shall give written notice of the parole or release from parole to each victim.

(c) Upon the final unconditional release from a correctional facility of a prisoner who has not been paroled or earlier discharged, the department of social services and housing shall give written notice of the release to each victim.

(d) The authority or department, as the case may be, shall provide written notice to the victim at the address given on the request for notice or such other address as may be provided by the victim from time to time.

(e) Neither the failure of any state officer or employee to carry out the requirements of this section nor compliance with it shall subject the State or the officer or employee to liability in any civil action. However, such failure may provide a basis for such disciplinary action as may be deemed appropriate by competent authority."

SECTION 3. Section 353-22, Hawaii Revised Statutes, is amended to read as follows:

"§353-22 Establishment of conditional release centers for committed persons. (a) The director of social services may establish and operate facilities to be known as conditional release centers, either operated separately, or as part of community correctional centers.

(b) The purpose of such facilities is to provide housing, meals, supervision, guidance, furloughs, and other correctional programs for persons committed to the department of social services and housing and to give committed persons, in

selected cases, a chance to begin adjustment to life in a free society and to serve as a test of an individual's fitness for release on parole.

(c) The department shall notify the county prosecutors and police chiefs whenever a prisoner is admitted to participate in a work furlough program, conditional release program, or other similar programs and that such notification shall be made in writing to the county prosecutors and police chiefs listing the conditions of such work furlough programs, conditional releases, or such similar programs thirty days prior to the commencement of the work furlough program, conditional release, or other such program.

(d) Additionally, whenever the department admits a prisoner who has been convicted of an offense against the person as described in chapter 707, or of an attempt to commit such an offense, to a work furlough program, conditional release program, or other similar programs, it shall give written notice to each victim of the offense, who had made written request for such notice, of the admission of the prisoner to the program. Notice shall be given to the victim at the address given on the request for notice or such address as may be provided to the department by the victim from time to time. Neither the failure of any state officer or employee to carry out the requirements of this section nor compliance with it shall subject the State or the officer or employee to liability in any civil action. However, such failure may provide a basis for such disciplinary action as may be deemed appropriate by competent authority."

SECTION 4. Statutory material to be repealed is bracketed.¹ New material is underscored.²

SECTION 5. This Act shall take effect upon its approval.

(Approved June 6, 1983.)

Notes

1. No bracketed material.

2. Edited pursuant to HRS §23G-16.5.