

ACT 227

H.B. NO. 1162

A Bill for an Act Relating to Rights of Victims and Surviving Immediate Family Members to Notification of Parole or Release of a Prisoner.

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

SECTION 1. Section 706-670.5, Hawaii Revised Statutes, is amended to read as follows:

“[[]§706-670.5[]] Notice of parole or final unconditional release. (1) 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] means a person who has been convicted of an offense against the person.

“Surviving immediate family member” means a person who is a surviving grandparent, parent, sibling, spouse, child, or legal guardian of a deceased victim.

“Victim” means a 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.]

(2) [Upon placing a prisoner on parole or upon the release of a parolee from parole, the] The Hawaii paroling authority shall give written notice of the parole or release from parole of a prisoner or parolee to each victim[.] who has submitted a written request for notice or to a surviving immediate family member who has submitted a written request for notice.

(3) [Upon the final unconditional release from a correctional facility of a prisoner who has not been paroled or earlier discharged, the] The department of social services and housing shall give written notice of the final unconditional release of a prisoner or parolee, who has not been previously paroled or discharged, to each victim[.] who has submitted a written request for notice or to a surviving immediate family member who has submitted a written request for notice.

(4) The authority or department, as the case may be, shall provide written notice to the victim or surviving immediate family member at the address given on the written request for notice or such other address as may be provided by the victim [from time to time.] or surviving immediate family member, not less than ten days prior to parole or final unconditional release. The authority or department, in its discretion, may instead give written notice to the witness or victim counselor programs in the prosecuting attorney’s office in the county where the victim or the surviving immediate family member resides.

(5) 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 a competent authority.”

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 Statutory material to be repealed is bracketed.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

SECTION 3. This Act shall take effect upon its approval.

(Approved June 4, 1985.)