

JAN 21 2011

A BILL FOR AN ACT

RELATING TO AN AUTOMATED VICTIM NOTIFICATION SYSTEM.

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

1 SECTION 1. Chapter 353, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 "PART . AUTOMATED VICTIM NOTIFICATION SYSTEM

5 §353-A Definitions. For purposes of this part:

6 "System" means the statewide automated victim information
7 and notification system.

8 "Victim" means the same as defined in section 801D-2 and
9 includes, in homicide cases, surviving immediate family members,
10 as defined in section 801D-2.

11 §353-B System; requirements. (a) The department shall
12 establish a statewide automated victim information and
13 notification system to:

14 (1) Automatically notify a registered victim via the
15 victim's choice of telephone or electronic mail
16 transmission when the offender is in the custody of
17 the department:

18 (A) Is transferred or assigned to another facility;



- 1 (B) Is transferred to the custody of another agency
- 2 outside the State;
- 3 (C) Is released on temporary leave or for other
- 4 reasons;
- 5 (D) Is discharged; or
- 6 (E) Has escaped;
- 7 (2) Automatically notify a registered victim via the
- 8 victim's choice of telephone or electronic mail
- 9 transmission when the offender has:
- 10 (A) An upcoming parole hearing; or
- 11 (B) A change in the offender's parole status,
- 12 including a change in the offender's supervision
- 13 status;
- 14 (3) Permit a victim to receive the most recent status
- 15 report for the offender in the custody of the
- 16 department by calling the system on a toll-free
- 17 telephone number, as well as by accessing the system
- 18 via a public web site;
- 19 (4) Provide all victims calling the system with the option
- 20 to receive live operator assistance with the system on
- 21 a twenty-four-hour per day, three-hundred-sixty-five-
- 22 day per year basis; and



1 (5) Permit a victim to register or update the victim's
2 registration information for the system by calling a
3 toll-free telephone number or accessing a public web
4 site.

5 (b) The prosecuting agency shall notify the victim of the
6 victim's right to register in the system. It shall be the
7 responsibility of the victim to register with the system.

8 **§353-C Rights of victims in criminal proceedings.**

9 Participation in the system and making offender data available
10 on a timely basis to the system shall be deemed compliance with
11 the obligations set forth in chapter 801D-4 of:

12 (1) The department to notify the victim of changes in the
13 offender's custodial status; and

14 (2) The police and prosecuting attorney to notify the
15 victim of the offender's release from custody.

16 **§353-D Compliance by department; no cause of action.** The
17 department shall ensure the offender information contained
18 within the system is updated frequently enough to timely notify
19 a victim of the offender's release, discharge, or escape.

20 However, failure of the system to provide notice to the victim
21 shall not establish a separate cause of action by the victim



1 against the State, any county, or any state or county agency,
2 officer, or employee.

3 §353-E Law enforcement cooperation. The attorney general,
4 chiefs of police, and county prosecuting attorneys shall
5 cooperate with the department in establishing and maintaining
6 the system."

7 SECTION 2. There is appropriated out of the general
8 revenues of the State of Hawaii the sum of \$400,000, or so much
9 thereof as may be necessary for fiscal year 2011-2012, and
10 \$289,000, or so much thereof as may be necessary for fiscal year
11 2012-2013, to establish and maintain the Hawaii statewide
12 automated victim information and notification system.

13 The sums appropriated shall be expended by the department
14 of public safety for the purposes of this Act.

15 SECTION 3. In codifying the new sections added by section
16 1 of this Act, the revisor of statutes shall substitute
17 appropriate section numbers for the letters used in designating
18 the new sections in this Act.

19 SECTION 4. This Act shall take effect on July 1, 2011.

20

INTRODUCED BY:

Rosely H. Baker



S.B. NO. 220

Michelle Fedani

Polina Ryan

Anna Mercado K

M. M. M.

David F. M.

Erzanne Chun Alalana

Jim



Report Title:

Crime Victims; Notification

Description:

Requires department of public safety to establish a statewide automated victim notification system to provide crime victims with current information regarding the offender's custodial status.

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

