

Honolulu, Hawaii

FEB 08 2011

RE: S.B. No. 82  
S.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committee on Health, to which was referred S.B. No. 82 entitled:

"A BILL FOR AN ACT RELATING TO THE RIGHTS OF VICTIMS,"

begs leave to report as follows:

The purpose and intent of this measure is to amend the crime victims' bill of rights to include notice of an offender's unfitness to stand trial, transfer to the state hospital or other psychiatric facility, or regaining of fitness to stand trial to give victims increased notice of changes to their offender's status.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu. Your Committee received testimony in opposition to this measure from the Department of Health.

Your Committee finds that, in addition to the current notification requirements, it is also important for the State to provide notification to victims and their families when a decision is made regarding an offender's unfitness to stand trial, transfer to the state hospital or other psychiatric facility, or when an offender regains fitness to proceed.

Your Committee further finds that it is already difficult for a person to move on and regain a sense of security once the person has been victimized by a crime and it can be even more emotionally draining when that person has no idea about the status of the



offender. By expanding the circumstances under which notification is required to be given, victims and their families will be provided with an increased sense of security, safety, and peace of mind. Based on testimony received, your Committee further finds that the language of S.B. No. 1019 is more clearly defined and better addresses the notification issue under this measure.

Your Committee has amended this measure by replacing its contents with the contents of S.B. No. 1019. Specifically, your Committee has amended this measure by:

- (1) Eliminating the option for a victims, surviving immediate family members, or witnesses to waive, by written request, their basic bill of rights granted under section 801-D, Hawaii Revised Statutes;
- (2) Requiring the Department of the Prosecuting Attorney in the county where the crime was committed, instead of the crime victim or surviving immediate family, to initiate the request for notification of certain changes regarding an offender's custodial status on behalf of the crime victim or surviving immediate family;
- (3) Allowing certain confidential records regarding the offender to be given to any crime victim or surviving immediate family upon request through the Department of the Prosecuting Attorney in the county where the crime was committed; and
- (4) Requiring the Department of Health to notify the Department of the Prosecuting Attorney in the county where the crime was committed of any changes in the custodial status of the offender, instead of requiring such notification to be given by the Department of Health directly to the crime victim or surviving immediate family.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 82, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 82, S.D. 1, and be referred to the Committee on Judiciary and Labor.



Respectfully submitted on  
behalf of the members of the  
Committee on Health,



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JOSH GREEN, M.D., Chair



The Senate  
 Twenty-Sixth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Health**  
**HTH**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB82	HTH, JDL	01/31/11		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
GREEN, M.D., Josh (C)	✓			
NISHIHARA, Clarence K. (VC)				✓
BAKER, Rosalyn H.	✓			
CHUN OAKLAND, Suzanne	✓			
SHIMABUKURO, Maile	✓			
WAKAI, Glenn	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	6	-	-	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Rosalyn H Baker</div>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes