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## HOUSE CONCURRENT RESOLUTION

ENSURING THAT CRIME VICTIMS AND THEIR FAMILIES AND CRIME  
WITNESSES RECEIVE ALL THE RIGHTS TO WHICH THEY ARE ENTITLED  
UNDER CHAPTER 801D, HAWAII REVISED STATUTES, INCLUDING  
NOTICE OF SIGNIFICANT EVENTS REGARDING THE PERPETRATOR.

1           WHEREAS, because crime victims and their families and  
2 witnesses of crimes often fear retribution from perpetrators,  
3 timely access to relevant information about the perpetrator is  
4 important for their safety and peace of mind; and  
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6           WHEREAS, due to several factors, including a criminal  
7 justice system that is often difficult to navigate, the receipt  
8 of such information by crime victims and their families and  
9 witnesses of crimes is often delayed or minimal, leading them to  
10 experience uneasiness and confusion and sometimes exposing them  
11 to dangerous situations involving released perpetrators; and  
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13           WHEREAS, under the basic bill of rights for victims and  
14 witnesses, as set forth in section 801D-4, Hawaii Revised  
15 Statutes, these persons have the right, upon written request, to  
16 be informed, among other things, of the final disposition of the  
17 case, including major developments in the case and whenever the  
18 defendant or perpetrator is released from custody; and  
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20           WHEREAS, in passing section 801D-4, the Legislature  
21 intended that these rights have broad application, including,  
22 among other things:  
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24           "(1) notification of the final disposition of a case to the  
25 victim or his survivors; (2) notification of "major  
26 developments" for felonies (such as police deferral, or  
27 referral to the prosecutor, rejection by the prosecutor, or  
28 grand jury, trial and other significant events), and



1 whenever the defendant is released from custody." [Emphasis  
2 provided.]

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4 See House Standing Committee Report No. 459, Regular Session of  
5 1987; and

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7 WHEREAS, significant events under section 801D-4 clearly  
8 comprise, among other things, notification to crime victims and  
9 their families and witnesses of crimes of when a perpetrator is  
10 deemed unfit to stand trial; has a transfer of custody,  
11 including to the state hospital, a psychiatric institution, or  
12 other public or private facility; has a change in custodial  
13 status; is rehabilitated and transferred back to the  
14 jurisdiction of the county for resumption of penal proceedings  
15 upon regaining fitness to proceed; is discharged or released for  
16 whatever reason; or is absent without authority; however, such  
17 notification as clearly required has not heretofore been  
18 consistently provided; now, therefore,

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20 BE IT RESOLVED by the House of Representatives of the  
21 Twenty-sixth Legislature of the State of Hawaii, Regular Session  
22 of 2011, the Senate concurring, that the county prosecutors,  
23 Department of Health, law enforcement, local social service  
24 agencies, the courts, and all other agencies involved in the  
25 criminal justice system, as mandated in section 801D-6, Hawaii  
26 Revised Statutes, shall cooperate with each other to ensure that  
27 crime victims and their families and witnesses of crime receive  
28 all rights to which they are entitled under chapter 801D,  
29 including notification of, among other things, when a  
30 perpetrator is deemed unfit to stand trial; has a transfer of  
31 custody, including to the state hospital, psychiatric  
32 institution, or other public or private facility; has a change  
33 in custodial status; is rehabilitated and transferred back to  
34 the jurisdiction of the county for resumption of penal  
35 proceedings upon regaining fitness to proceed; is released or  
36 discharged for whatever reason; or is absent without authority;  
37 and

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39 BE IT FURTHER RESOLVED that certified copies of this  
40 Concurrent Resolution be transmitted to each County Prosecutor  
41 in the State; the Chiefs of Police of the City and County of  
42 Honolulu and the Counties of Maui, Kauai, and Hawaii; the Chief  
43 Justice of the Hawaii Supreme Court; and the Administrative  
44 Director of the Courts and Director of Health who shall in turn



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1 submit a copy of this Concurrent Resolution to all local social  
2 service and criminal justice agencies encompassed under section  
3 801D-6, Hawaii Revised Statutes.

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OFFERED BY:

*Piie Ohtani*  
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*on*  
*Kaewalana*

MAR 15 2011

