
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 INFORMATION AND**
5 **NOTIFICATION SYSTEM**

6 **§353-A Definitions.** For purposes of this part:

7 "Offender" means a committed person, as defined in section
8 353-1.

9 "System" means the statewide automated victim information
10 and notification system.

11 "Victim" means a person against whom a crime has been
12 committed by the offender and includes, in homicide cases,
13 surviving immediate family members.

14 **§353-B System; requirements.** (a) The department shall
15 establish a statewide automated victim information and
16 notification system to:

17 (1) Automatically notify a registered victim or concerned
18 member of the community, via the person's choice of



- 1 telephone, text message, or electronic mail
2 transmission when the offender who is in the custody
3 of the department:
- 4 (A) Is transferred or assigned to another facility;
 - 5 (B) Is transferred to the custody of another agency
6 outside the State;
 - 7 (C) Is released on temporary leave or for other
8 reasons;
 - 9 (D) Is discharged; or
 - 10 (E) Has escaped;
- 11 (2) Automatically notify a registered victim or concerned
12 member of the community via the person's choice of
13 telephone, text message, or electronic mail
14 transmission when:
- 15 (A) The offender has an upcoming parole hearing; or
 - 16 (B) There is a change in the offender's parole
17 status, including a change in the offender's
18 supervision status;
- 19 (3) Permit a victim or concerned member of the community
20 to receive the most recent status report for the
21 offender in the custody of the department by calling



1 the system on a toll-free telephone number, as well as
2 by accessing the system via a public website;

3 (4) Provide all victims or concerned members of the
4 community calling the system with the option to
5 receive live operator assistance with the system on a
6 twenty-four-hours per day, three-hundred-sixty-five-
7 days per year basis; and

8 (5) Permit a victim or a concerned member of the community
9 to register or update the person's registration
10 information for the system by calling a toll-free
11 telephone number or accessing a public website.

12 (b) The prosecuting agency shall notify the victim of the
13 victim's right to register in the system. It shall be the
14 responsibility of the victim to register with the system.

15 **§353-C Satisfaction of victims' rights to notification.**

16 Participation in the system and making offender data available
17 on a timely basis to the system shall be deemed to satisfy the
18 obligations of:

19 (1) The department to notify the victim of changes in the
20 offender's custodial status pursuant to section 801D-
21 4(a)(7); and

1 (2) The police and prosecuting attorney to notify the
2 victim of the offender's release from custody pursuant
3 to section 801D-4(a)(1).

4 **§353-D Compliance by department; no cause of action.** The
5 department shall ensure that the offender information contained
6 within the system is updated on a regular basis sufficient to
7 timely notify a victim or a concerned member of the community of
8 the offender's release, discharge, or escape. However, failure
9 of the system to provide notice to the victim or a concerned
10 member of the community shall not establish a separate cause of
11 action by the victim or a concerned member of the community
12 against the State, any county, or any state or county agency,
13 officer, or employee.

14 **§353-E Law enforcement cooperation.** The attorney general,
15 and the chief of police and prosecuting attorney of each county,
16 shall cooperate with the department in establishing and
17 maintaining the system.

18 **§353-F Automated victim information and notification**
19 **system special fund; authorization of payment.** (a) There is
20 established a special fund to be known as the automated victim
21 information and notification system special fund, to be
22 administered by the department. Interest and investment



1 earnings credited to the assets of the fund shall become part of
2 the fund. Any remaining balance in the fund at the end of any
3 fiscal year shall be carried over to the next fiscal year.

4 (b) Any item purchased by an in-state or out-of-state
5 inmate from a correctional facility commissary shall be subject
6 to a four per cent surcharge on the item's price. The proceeds
7 from the surcharge shall be deposited into the automated victim
8 information and notification system special fund.

9 (c) All proceeds or revenues that are derived from any
10 commission that is realized pursuant to a telephone service
11 agreement executed by the department for the provision of
12 telephone services for inmates shall be deposited into the
13 automated victim information and notification system special
14 fund.

15 (d) Moneys received pursuant to subsections (b) and (c)
16 shall be used for the development and operating expenses,
17 including salaries and benefits of positions as authorized by
18 the legislature, of the system.

19 **§353-G Automated victim information and notification**
20 **system governance committee.** (a) There is established an
21 automated victim information and notification system governance
22 committee. The governance committee members shall include:



- 1 (1) A victim;
- 2 (2) One representative from a victim assistance program in
3 each county;
- 4 (3) One representative from the police department of each
5 county; and
- 6 (4) One representative from each of the following:
 - 7 (A) Mothers Against Drunk Driving shall be requested
8 to serve;
 - 9 (B) The Hawaii State Coalition Against Domestic
10 Violence shall be requested to serve;
 - 11 (C) Sex Abuse Treatment Center shall be requested to
12 serve;
 - 13 (D) Crime victim compensation commission;
 - 14 (E) The Hawaii paroling authority;
 - 15 (F) The judiciary;
 - 16 (G) The crime prevention and justice assistance
17 division of the department of the attorney
18 general; and
 - 19 (H) The information technology section of the
20 department.
- 21 The committee members shall elect a member who shall serve as
22 the chairperson.



1 (b) The committee may advise the department on the
2 following issues:

- 3 (1) The implementation and operation of the system;
- 4 (2) The establishment of performance measures;
- 5 (3) Specifications and configuration parameters for the
6 operation of the system;
- 7 (4) Management of the system; and
- 8 (5) Policies and procedures governing the use of the
9 system, including policies to safeguard the safety,
10 confidentiality, and autonomy of victims.

11 (c) Meetings shall be held on a quarterly basis during the
12 system's first year of implementation and no less than twice a
13 year thereafter.

14 (d) The members of the governance committee shall serve
15 without compensation but shall be reimbursed for expenses,
16 including travel expenses, necessary for the performance of
17 their duties."

18 SECTION 2. Section 36-27, Hawaii Revised Statutes, is
19 amended by amending subsection (a) to read as follows:

20 "(a) Except as provided in this section, and
21 notwithstanding any other law to the contrary, from time to
22 time, the director of finance, for the purpose of defraying the

1 prorated estimate of central service expenses of government in
2 relation to all special funds, except the:

3 (1) Special out-of-school time instructional program fund
4 under section 302A-1310;

5 (2) School cafeteria special funds of the department of
6 education;

7 (3) Special funds of the University of Hawaii;

8 (4) State educational facilities improvement special fund;

9 (5) Convention center enterprise special fund under
10 section 201B-8;

11 (6) Special funds established by section 206E-6;

12 (7) Housing loan program revenue bond special fund;

13 (8) Housing project bond special fund;

14 (9) Aloha Tower fund created by section 206J-17;

15 (10) Funds of the employees' retirement system created by
16 section 88-109;

17 (11) Unemployment compensation fund established under
18 section 383-121;

19 (12) Hawaii hurricane relief fund established under chapter
20 431P;

21 (13) Hawaii health systems corporation special funds and
22 the subaccounts of its regional system boards;



- 1 (14) Tourism special fund established under section
- 2 201B-11;
- 3 (15) Universal service fund established under section
- 4 269-42;
- 5 (16) Emergency and budget reserve fund under section
- 6 328L-3;
- 7 (17) Public schools special fees and charges fund under
- 8 section 302A-1130;
- 9 (18) Sport fish special fund under section 187A-9.5;
- 10 (19) Glass advance disposal fee established by section
- 11 342G-82;
- 12 (20) Center for nursing special fund under section
- 13 304A-2163;
- 14 (21) Passenger facility charge special fund established by
- 15 section 261-5.5;
- 16 (22) Court interpreting services revolving fund under
- 17 section 607-1.5;
- 18 (23) Hawaii cancer research special fund;
- 19 (24) Community health centers special fund;
- 20 (25) Emergency medical services special fund;
- 21 (26) Rental motor vehicle customer facility charge special
- 22 fund established under section 261-5.6; [~~and~~]



1 (27) Shared services technology special fund under section
2 27-43[7]; and
3 (28) Automated victim information and notification system
4 special fund established under section 353-F,
5 shall deduct five per cent of all receipts of all special funds,
6 which deduction shall be transferred to the general fund of the
7 State and become general realizations of the State. All
8 officers of the State and other persons having power to allocate
9 or disburse any special funds shall cooperate with the director
10 in effecting these transfers. To determine the proper revenue
11 base upon which the central service assessment is to be
12 calculated, the director shall adopt rules pursuant to chapter
13 91 for the purpose of suspending or limiting the application of
14 the central service assessment of any fund. No later than
15 twenty days prior to the convening of each regular session of
16 the legislature, the director shall report all central service
17 assessments made during the preceding fiscal year."

18 SECTION 3. Section 36-30, Hawaii Revised Statutes, is
19 amended by amending subsection (a) to read as follows:

20 "(a) Each special fund, except the:

21 (1) Transportation use special fund established by section
22 261D-1;



- 1 (2) Special out-of-school time instructional program fund
- 2 under section 302A-1310;
- 3 (3) School cafeteria special funds of the department of
- 4 education;
- 5 (4) Special funds of the University of Hawaii;
- 6 (5) State educational facilities improvement special fund;
- 7 (6) Special funds established by section 206E-6;
- 8 (7) Aloha Tower fund created by section 206J-17;
- 9 (8) Funds of the employees' retirement system created by
- 10 section 88-109;
- 11 (9) Unemployment compensation fund established under
- 12 section 383-121;
- 13 (10) Hawaii hurricane relief fund established under section
- 14 431P-2;
- 15 (11) Convention center enterprise special fund established
- 16 under section 201B-8;
- 17 (12) Hawaii health systems corporation special funds and
- 18 the subaccounts of its regional system boards;
- 19 (13) Tourism special fund established under section
- 20 201B-11;
- 21 (14) Universal service fund established under section
- 22 269-42;



- 1 (15) Emergency and budget reserve fund under section
2 328L-3;
- 3 (16) Public schools special fees and charges fund under
4 section 302A-1130;
- 5 (17) Sport fish special fund under section 187A-9.5;
- 6 (18) Center for nursing special fund under section
7 304A-2163;
- 8 (19) Passenger facility charge special fund established by
9 section 261-5.5;
- 10 (20) Court interpreting services revolving fund under
11 section 607-1.5;
- 12 (21) Hawaii cancer research special fund;
- 13 (22) Community health centers special fund;
- 14 (23) Emergency medical services special fund;
- 15 (24) Rental motor vehicle customer facility charge special
16 fund established under section 261-5.6; [and]
- 17 (25) Shared services technology special fund under section
18 27-43[τ]; and
- 19 (26) Automated victim information and notification system
20 special fund established under section 353-F,



1 shall be responsible for its pro rata share of the
2 administrative expenses incurred by the department responsible
3 for the operations supported by the special fund concerned."

4 SECTION 4. There is appropriated out of the automated
5 victim information and notification special fund the sum of
6 \$ or so much thereof as may be necessary for fiscal
7 year 2012-2013 to develop, establish, and operate the automated
8 victim information and notification system established by this
9 Act.

10 The sum appropriated shall be expended by the department of
11 public safety for the purposes of this Act.

12 SECTION 5. In codifying the new sections added by section
13 1 of this Act, the revisor of statutes shall substitute
14 appropriate section numbers for the letters used in designating
15 the new sections in this Act.

16 SECTION 6. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 7. This Act shall take effect on July 1, 2050;
19 provided that the amendments to sections 36-27(a) and 36-30(a),
20 Hawaii Revised Statutes, in sections 2 and 3 of this Act shall
21 not be repealed when sections 36-27 and 36-30, Hawaii Revised



1 Statutes, are reenacted on June 30, 2015, pursuant to section 34
2 of Act 79, Session Laws of Hawaii 2009.



Report Title:

Automated Victim Information and Notification System; Automated
Victim Information and Notification System Special Fund

Description:

Codifies the statewide automated victim information and
notification system and establishes an automated victim
information and notification system special fund. Effective
07/01/2050. (SD2)

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

