
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 or concerned
15 member of the community, via the person's choice of
16 telephone, text message, or electronic mail
17 transmission, when the offender who is in the custody
18 of the department:



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



1 receive live operator assistance with the system on a
2 twenty-four-hour per day, three-hundred-sixty-five-day
3 per year basis; and

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

8 (b) The prosecuting agency shall notify the victim of the
9 victim's right to register in the system. It shall be the
10 responsibility of the victim to register with the system.

11 **§353-C Rights of victims in criminal proceedings.**

12 Participation in the system and making offender data available
13 on a timely basis to the system shall be deemed to satisfy the
14 obligation of:

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

17 (2) The police and prosecuting attorney to notify the
18 victim of the offender's release from custody,
19 pursuant to section 801D-4.

20 **§353-D Compliance by department; no cause of action.** The
21 department shall ensure that the offender information contained
22 within the system is updated frequently enough to timely notify



1 a registered victim or a concerned member of the community of
2 the offender's transfer, release, discharge, or escape.
3 However, failure of the system to provide notice to the
4 registered victim or concerned member of the community shall not
5 establish a separate cause of action by the registered victim or
6 concerned member of the community against the State, any county,
7 or any state or county agency, officer, or employee.

8 **§353-E Law enforcement cooperation.** The attorney general,
9 and the chief of police and prosecuting attorney of each county
10 shall cooperate with the department in establishing and
11 maintaining the system.

12 **§353-F Automated victim notification system special fund;**
13 **authorization of payment.** (a) There is established a special
14 fund to be known as the automated victim notification system
15 special fund, to be administered by the department. Interest
16 and investment earnings credited to the assets of the fund shall
17 become part of the fund. Any remaining balance in the fund at
18 the end of any fiscal year shall be carried over to the next
19 fiscal year.

20 (b) Any item purchased by an inmate from a correctional
21 facility commissary shall be subject to a four per cent
22 surcharge on the item's price. The proceeds from the surcharge



1 shall be deposited into the automated victim notification system
2 special fund.

3 (c) All proceeds or revenues that are derived from any
4 commission that is realized by the department pursuant to a
5 telephone service agreement executed by the department for the
6 provision of telephone services for inmates shall be deposited
7 into the automated victim notification system special fund.

8 (d) Moneys received pursuant to subsections (b) and (c)
9 shall be used for the development and operating expenses,
10 including salaries and benefits of positions as authorized by
11 the legislature, of the automated victim notification system
12 established pursuant to this part.

13 **§353-G Automated victim notification system governance**
14 **committee.** (a) There is established an automated victim
15 notification system governance committee. The governance
16 committee members shall include:

- 17 (1) A crime victim or surviving immediate family member of
18 a crime victim, as defined in section 801D-2;
- 19 (2) One representative from a victim assistance program in
20 each county;
- 21 (3) One representative from the police department of each
22 county; and



- 1 (4) One representative from each of the following:
- 2 (A) Mothers Against Drunk Driving;
- 3 (B) The Hawaii State Coalition Against Domestic
- 4 Violence;
- 5 (C) Sex Abuse Treatment Center;
- 6 (D) Crime Victim Compensation Commission;
- 7 (E) The Hawaii paroling authority;
- 8 (F) The judiciary;
- 9 (G) The crime prevention and justice assistance
- 10 division of the department of the attorney
- 11 general; and
- 12 (H) The information technology section of the
- 13 department of public safety.
- 14 (b) The committee may advise the department on the
- 15 following issues:
- 16 (1) The implementation and operation of the system;
- 17 (2) The establishment of performance measures;
- 18 (3) Specifications and configuration parameters for the
- 19 operation of the system;
- 20 (4) Management of the system; and



1 (5) Policies and procedures governing the use of the
2 system, including policies to safeguard the safety,
3 confidentiality and autonomy of victims.

4 (c) Meetings shall be held on a quarterly basis during the
5 first year of implementation and no less than twice a year
6 thereafter."

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

9 "(a) Except as provided in this section, and
10 notwithstanding any other law to the contrary, from time to
11 time, the director of finance, for the purpose of defraying the
12 prorated estimate of central service expenses of government in
13 relation to all special funds, except the:

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

16 (2) School cafeteria special funds of the department of
17 education;

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

19 (4) State educational facilities improvement special fund;

20 (5) Convention center enterprise special fund under
21 section 201B-8;

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



- 1 (7) Housing loan program revenue bond special fund;
- 2 (8) Housing project bond special fund;
- 3 (9) Aloha Tower fund created by section 206J-17;
- 4 (10) Funds of the employees' retirement system created by
5 section 88-109;
- 6 (11) Unemployment compensation fund established under
7 section 383-121;
- 8 (12) Hawaii hurricane relief fund established under chapter
9 431P;
- 10 (13) Hawaii health systems corporation special funds and
11 the subaccounts of its regional system boards;
- 12 (14) Tourism special fund established under section 201B-
13 11;
- 14 (15) Universal service fund established under section 269-
15 42;
- 16 (16) Emergency and budget reserve fund under section 328L-
17 3;
- 18 (17) Public schools special fees and charges fund under
19 section 302A-1130;
- 20 (18) Sport fish special fund under section 187A-9.5;
- 21 (19) Glass advance disposal fee established by section
22 342G-82;



- 1 (20) Center for nursing special fund under section 304A-
2 2163;
- 3 (21) Passenger facility charge special fund established by
4 section 261-5.5;
- 5 (22) Court interpreting services revolving fund under
6 section 607-1.5;
- 7 (23) Hawaii cancer research special fund;
- 8 (24) Community health centers special fund;
- 9 (25) Emergency medical services special fund;
- 10 (26) Rental motor vehicle customer facility charge special
11 fund established under section 261-5.6; ~~and~~
- 12 (27) Shared services technology special fund under section
13 27-43[~~7~~]; and
- 14 (28) Automated victim notification system special fund
15 established under section 353-F,
- 16 shall deduct five per cent of all receipts of all special funds,
17 which deduction shall be transferred to the general fund of the
18 State and become general realizations of the State. All
19 officers of the State and other persons having power to allocate
20 or disburse any special funds shall cooperate with the director
21 in effecting these transfers. To determine the proper revenue
22 base upon which the central service assessment is to be



1 calculated, the director shall adopt rules pursuant to chapter
 2 91 for the purpose of suspending or limiting the application of
 3 the central service assessment of any fund. No later than
 4 twenty days prior to the convening of each regular session of
 5 the legislature, the director shall report all central service
 6 assessments made during the preceding fiscal year."

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

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

- 10 (1) Transportation use special fund established by section
- 11 261D-1;
- 12 (2) Special out-of-school time instructional program fund
- 13 under section 302A-1310;
- 14 (3) School cafeteria special funds of the department of
- 15 education;
- 16 (4) Special funds of the University of Hawaii;
- 17 (5) State educational facilities improvement special fund;
- 18 (6) Special funds established by section 206E-6;
- 19 (7) Aloha Tower fund created by section 206J-17;
- 20 (8) Funds of the employees' retirement system created by
- 21 section 88-109;



- 1 (9) Unemployment compensation fund established under
2 section 383-121;
- 3 (10) Hawaii hurricane relief fund established under section
4 431P-2;
- 5 (11) Convention center enterprise special fund established
6 under section 201B-8;
- 7 (12) Hawaii health systems corporation special funds and
8 the subaccounts of its regional system boards;
- 9 (13) Tourism special fund established under section 201B-
10 11;
- 11 (14) Universal service fund established under section 269-
12 42;
- 13 (15) Emergency and budget reserve fund under section 328L-
14 3;
- 15 (16) Public schools special fees and charges fund under
16 section 302A-1130;
- 17 (17) Sport fish special fund under section 187A-9.5;
- 18 (18) Center for nursing special fund under section 304A-
19 2163;
- 20 (19) Passenger facility charge special fund established by
21 section 261-5.5;



- 1 (20) Court interpreting services revolving fund under
- 2 section 607-1.5;
- 3 (21) Hawaii cancer research special fund;
- 4 (22) Community health centers special fund;
- 5 (23) Emergency medical services special fund;
- 6 (24) Rental motor vehicle customer facility charge special
- 7 fund established under section 261-5.6; [~~and~~]
- 8 (25) Shared services technology special fund under section
- 9 27-43[7] ; and
- 10 (26) Automated victim notification system special fund
- 11 established under section 353-F,
- 12 shall be responsible for its pro rata share of the
- 13 administrative expenses incurred by the department responsible
- 14 for the operations supported by the special fund concerned."

15 SECTION 4. There is appropriated out of the automated

16 victim notification system special fund the sum of \$

17 or so much thereof as may be necessary for fiscal year 2012-2013

18 to develop, establish, and operate an automated victim

19 notification system.

20 The sum appropriated shall be expended by the department of

21 public safety for the purposes of this Act.



1 SECTION 5. In codifying the new sections added by section
2 1 of this Act, the revisor of statutes shall substitute
3 appropriate section numbers for the letters used in designating
4 the new sections in this Act.

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

7 SECTION 7. This Act shall take effect on July 1, 2012;
8 provided that the amendments to sections 36-27(a) and 36-30(a),
9 Hawaii Revised Statutes, in sections 2 and 3 of this Act shall
10 not be repealed when sections 36-27 and 36-30, Hawaii Revised
11 Statutes, are reenacted on June 30, 2015, pursuant to section 34
12 of Act 79, Session Laws of Hawaii 2009.



Report Title:

Crime Victim Notification Special Fund

Description:

Establishes the crime victim notification special fund. Requires a 4% surcharge on all inmate commissary purchases, to be deposited into the fund. Requires commission revenue on inmate telephone usage to be deposited into the fund. Effective July 1, 2012. (HB2226 HD1)

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

