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# 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 frequently enough to timely notify  
7 a victim or a concerned member of the community of the  
8 offender's release, discharge, or escape. However, failure of  
9 the system to provide notice to the victim or a concerned member  
10 of the community shall not establish a separate cause of action  
11 by the victim or a concerned member of the community against the  
12 State, any county, or any state or county agency, officer, or  
13 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 inmate from a correctional  
5 facility commissary shall be subject to a four per cent  
6 surcharge on the item's price. The proceeds from the surcharge  
7 shall be deposited into the automated victim information and  
8 notification system special fund.

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

20 **§353-G Automated victim information and notification**  
21 **system governance committee.** (a) There is established an



1 automated victim information and notification system governance  
2 committee. The governance committee members shall include:

- 3 (1) A victim;
- 4 (2) One representative from a victim assistance program in  
5 each county;
- 6 (3) One representative from the police department of each  
7 county; and
- 8 (4) One representative from each of the following:
  - 9 (A) Mothers Against Drunk Driving;
  - 10 (B) The Hawaii State Coalition Against Domestic  
11 Violence;
  - 12 (C) Sex Abuse Treatment Center;
  - 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 (b) The committee may advise the department on the  
22 following issues:



- 1 (1) The implementation and operation of the system;
- 2 (2) The establishment of performance measures;
- 3 (3) Specifications and configuration parameters for the
- 4 operation of the system;
- 5 (4) Management of the system; and
- 6 (5) Policies and procedures governing the use of the
- 7 system, including policies to safeguard the safety,
- 8 confidentiality, and autonomy of victims.
- 9 (c) Meetings shall be held on a quarterly basis during the
- 10 system's first year of implementation and no less than twice a
- 11 year thereafter."

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

14 "(a) Except as provided in this section, and  
 15 notwithstanding any other law to the contrary, from time to  
 16 time, the director of finance, for the purpose of defraying the  
 17 prorated estimate of central service expenses of government in  
 18 relation to all special funds, except the:

- 19 (1) Special out-of-school time instructional program fund
- 20 under section 302A-1310;
- 21 (2) School cafeteria special funds of the department of
- 22 education;



- 1 (3) Special funds of the University of Hawaii;
- 2 (4) State educational facilities improvement special fund;
- 3 (5) Convention center enterprise special fund under
- 4 section 201B-8;
- 5 (6) Special funds established by section 206E-6;
- 6 (7) Housing loan program revenue bond special fund;
- 7 (8) Housing project bond special fund;
- 8 (9) Aloha Tower fund created by section 206J-17;
- 9 (10) Funds of the employees' retirement system created by
- 10 section 88-109;
- 11 (11) Unemployment compensation fund established under
- 12 section 383-121;
- 13 (12) Hawaii hurricane relief fund established under chapter
- 14 431P;
- 15 (13) Hawaii health systems corporation special funds and
- 16 the subaccounts of its regional system boards;
- 17 (14) Tourism special fund established under section
- 18 201B-11;
- 19 (15) Universal service fund established under section
- 20 269-42;
- 21 (16) Emergency and budget reserve fund under section
- 22 328L-3;





- 1 (17) Public schools special fees and charges fund under  
2 section 302A-1130;
- 3 (18) Sport fish special fund under section 187A-9.5;
- 4 (19) Glass advance disposal fee established by section  
5 342G-82;
- 6 (20) Center for nursing special fund under section  
7 304A-2163;
- 8 (21) Passenger facility charge special fund established by  
9 section 261-5.5;
- 10 (22) Court interpreting services revolving fund under  
11 section 607-1.5;
- 12 (23) Hawaii cancer research special fund;
- 13 (24) Community health centers special fund;
- 14 (25) Emergency medical services special fund;
- 15 (26) Rental motor vehicle customer facility charge special  
16 fund established under section 261-5.6; [and]
- 17 (27) Shared services technology special fund under section  
18 27-43 [7]; and
- 19 (28) Automated victim information and notification system  
20 special fund established under section 353-F,
- 21 shall deduct five per cent of all receipts of all special funds,  
22 which deduction shall be transferred to the general fund of the



1 State and become general realizations of the State. All  
2 officers of the State and other persons having power to allocate  
3 or disburse any special funds shall cooperate with the director  
4 in effecting these transfers. To determine the proper revenue  
5 base upon which the central service assessment is to be  
6 calculated, the director shall adopt rules pursuant to chapter  
7 91 for the purpose of suspending or limiting the application of  
8 the central service assessment of any fund. No later than  
9 twenty days prior to the convening of each regular session of  
10 the legislature, the director shall report all central service  
11 assessments made during the preceding fiscal year."

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

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

- 15 (1) Transportation use special fund established by section  
16 261D-1;
- 17 (2) Special out-of-school time instructional program fund  
18 under section 302A-1310;
- 19 (3) School cafeteria special funds of the department of  
20 education;
- 21 (4) Special funds of the University of Hawaii;
- 22 (5) State educational facilities improvement special fund;



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



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

16 shall be responsible for its pro rata share of the  
17 administrative expenses incurred by the department responsible  
18 for the operations supported by the special fund concerned."

19 SECTION 4. There is appropriated out of the automated  
20 victim information and notification special fund the sum of  
21 \$ or so much thereof as may be necessary for fiscal  
22 year 2012-2013 to develop, establish, and operate the automated



1 victim information and notification system established by this  
2 Act.

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

5 SECTION 5. In codifying the new sections added by section  
6 1 of this Act, the revisor of statutes shall substitute  
7 appropriate section numbers for the letters used in designating  
8 the new sections in this Act.

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

11 SECTION 7. This Act shall take effect on July 1, 2050;  
12 provided that the amendments to sections 36-27(a) and 36-30(a),  
13 Hawaii Revised Statutes, in sections 2 and 3 of this Act shall  
14 not be repealed when sections 36-27 and 36-30, Hawaii Revised  
15 Statutes, are reenacted on June 30, 2015, pursuant to section 34  
16 of Act 79, Session Laws of Hawaii 2009.



**Report Title:**

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

**Description:**

Codifies the statewide automated victim information and notification system and establishes an automated victim notification system special fund. Effective 07/01/2050. (SD1)

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

