
A BILL FOR AN ACT

RELATING TO VICTIMS OF CRIMES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 801D-4, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Upon written request, victims and surviving immediate
4 family members of crime shall have the following rights:

5 (1) To be informed by the police and the prosecuting
6 attorney of the final disposition of the case. If the
7 crime charged is a felony, the victim or a surviving
8 immediate family member shall be notified of major
9 developments in the case and whenever the defendant or
10 perpetrator is released from custody. The victim or a
11 surviving immediate family member shall also be
12 consulted and advised about plea bargaining by the
13 prosecuting attorney;

14 (2) To be notified by the prosecuting attorney if a court
15 proceeding to which they have been subpoenaed will not
16 proceed as scheduled;

17 (3) To receive protection from threats or harm;



- 1 (4) To be informed by the police, [~~victim/witness~~] victim
2 or witness counselor, or other criminal justice
3 personnel, of financial assistance and other social
4 services available as a result of being a witness to
5 or a victim of crime, including information on how to
6 apply for the assistance and services;
- 7 (5) To be provided by the court, whenever possible, with a
8 secure waiting area during court proceedings that does
9 not require them to be in close proximity to
10 defendants and families and friends of defendants;
- 11 (6) To have any stolen or other personal property
12 expeditiously returned by law enforcement agencies
13 when the property is no longer needed as evidence. If
14 feasible, all the property, except weapons, currency,
15 contraband, property subject to evidentiary analysis,
16 and property, the ownership of which is disputed,
17 shall be returned to the person within ten days of
18 being taken; [~~and~~]
- 19 (7) To be informed by the department of public safety of
20 changes planned by the department in the custodial
21 status of the offender that allows or results in the
22 release of the offender into the community, including



1 escape, furlough, work release, placement on
2 supervised release, release on parole, release on bail
3 bond, release on appeal bond, and final discharge at
4 the end of the prison term[-]; and
5 (8) To be informed by the police or the prosecuting
6 attorney of their right to participate in restorative
7 justice processes. The victim, surviving immediate
8 family members, and any accompanying loved ones
9 thereof, shall be allowed to participate in
10 restorative justice processes to discuss and address
11 how they were affected by the wrongful act, and any
12 actions or outcomes desired that may mitigate or
13 repair the harm. Participation in restorative justice
14 processes includes the victim or surviving immediate
15 family members, and any accompanying loved ones
16 thereof, meeting directly with the accused person or a
17 representative of the entity, if the accused person or
18 entity is identified and is willing to participate, or
19 the victim or surviving immediate family members, or
20 the representative thereof, is willing to meet with a
21 representative of the accused person or entity.



1 For the purposes of this paragraph, "restorative
2 justice processes" include restorative dialogues,
3 restorative conferences, restorative justice circles,
4 restorative sessions, native Hawaiian reconciliation
5 practices such as ho'oponopono, or any type of
6 restorative justice group process where victims or
7 immediate surviving family members meet individually
8 or with their loved ones, with a trained restorative
9 justice facilitator. The restorative justice
10 processes shall be scheduled at places and times that
11 are convenient and respectful for the victim or
12 immediate surviving family members."

13 SECTION 2. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 3. This Act shall take effect upon its approval.



Report Title:

Bill of Rights for Victims; Restorative Justice

Description:

Affords victims and surviving immediate family members, and any accompanying loved ones, the right to participate in restorative justice processes for the harm suffered by the victim, upon written request, and requires those parties to be informed of this right by the police or prosecutor. (CD1)

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