
A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE I OF CONSTITUTION OF THE STATE
OF HAWAII TO ESTABLISH RIGHTS FOR VICTIMS OF CRIMES.

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

1 SECTION 1. The purpose of this Act is to propose an
2 amendment to article I of the Constitution of the State of
3 Hawaii to provide recognized and protected constitutional rights
4 for victims of crime and, as may be further provided by law,
5 certain surviving immediate family members.

6 SECTION 2. Article I of the Constitution of the State of
7 Hawaii is amended by adding a new section to be appropriately
8 designated and to read as follows:

9 "RIGHTS OF VICTIMS OF CRIME

10 SECTION . A crime victim or a deceased crime victim's
11 surviving immediate family members, as those persons may be
12 defined by law, shall have the following rights:

13 1. To be informed by the police and prosecuting attorney
14 of the final disposition of the case. The crime
15 victim or a deceased crime victim's surviving
16 immediate family member shall be notified of major
17 developments in the case, as that term may be defined



- 1 by law, and whenever an accused person is released
2 from custody. The crime victim or a deceased crime
3 victim's surviving immediate family member shall be
4 consulted and advised about plea bargaining by the
5 prosecuting attorney;
- 6 2. To have their safety considered in fixing the amount
7 of bail and release conditions for the defendant;
- 8 3. To be informed by the police, victim or witness
9 counselor, or other criminal justice personnel of
10 financial assistance and other social services
11 available as a result of being a victim of crime,
12 including information on how to apply for the
13 assistance and services and the rights provided under
14 this section;
- 15 4. To provide information to a probation official
16 conducting a pre-sentence investigation concerning the
17 impact of the offense on the crime victim or a
18 deceased crime victim's surviving immediate family
19 members, and any sentencing recommendations before the
20 sentencing of the defendant;



- 1 5. To be notified in a timely manner of all public court
2 proceedings related to an alleged offense, major
3 developments in the case, as that term may be defined
4 by law, and the final disposition of the case;
- 5 6. Upon request, to be informed by the paroling agency of
6 all parole procedures; to be present at parole minimum
7 hearings and provide a written statement or make oral
8 comments; to provide information to the paroling
9 agency to be considered before the parole of the
10 offender and to be notified of the parole or other
11 release of the offender;
- 12 7. To be afforded a fair opportunity to be heard on the
13 issue of the defendant's disposition before a court
14 imposes a sentence, and other opportunities for
15 involvement in sentencing as may be provided by law;
- 16 8. To be afforded the opportunity to provide input for
17 any process or deliberation that may result in the
18 offender's post-conviction release from confinement,
19 including any type of release by the principal
20 department allocated by law with the power of public
21 safety;



- 1 9. To be notified in a timely manner regarding any
2 developments relating to the release, discharge,
3 commitment or unauthorized absence of a defendant who
4 was committed or involuntarily hospitalized as
5 provided by law;
- 6 10. To be informed by the principal department allocated
7 with the power of public safety of any planned changes
8 by the department in the custodial status of the
9 offender that allows or results in the release of the
10 offender into the community, including escape,
11 furlough, work release, placement on supervised
12 release, release on parole, release on bail bond,
13 release on appeal bond and final discharge at the end
14 of the prison term;
- 15 11. Upon request, to have property expeditiously returned
16 by law enforcement agencies when the property is no
17 longer needed as evidence;
- 18 12. Upon request, to receive prompt restitution from the
19 person or persons convicted of the criminal conduct
20 that caused the crime victim's loss or injury;



1 subdivision of the State, any officer, employee, or agent of the
2 State or of any of its political subdivisions or any officer or
3 employee of the court.

4 The legislature shall have the authority to enact
5 substantive and procedural laws to define, implement, preserve
6 and protect the rights guaranteed to victims by this section,
7 including the authority to extend any of these rights to
8 juvenile proceedings.

9 No right conferred by this section shall be construed to
10 supersede the constitutional rights of any accused person or
11 adjudicated offender."

12 SECTION 3. The question to be printed on the ballot shall
13 be as follows:

14 "Shall crime victims and deceased crime victims' surviving
15 immediate family members be afforded rights, including fair
16 and respectful treatment throughout the criminal justice
17 process; notification of public court proceedings, possible
18 plea agreements and case dispositions; proceedings free from
19 unreasonable delay; the opportunity to be present at public
20 court hearings; the opportunity to speak at the sentencing
21 hearing; financial reimbursement from the offender; and



1 notification of the offender's release from custody, as
2 provided by law?"

3 SECTION 4. New constitutional material is underscored.

4 SECTION 5. This amendment shall take effect upon
5 compliance with article XVII, section 3, of the Constitution of
6 the State of Hawaii.

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Report Title:

Crime Victim Rights; Marsy's Law; Constitutional Amendment

Description:

Proposes a constitutional amendment to guarantee rights to victims of crimes and a deceased crime victim's surviving immediate family members. (SD1)

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

