PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO THE RIGHTS OF VICTIMS OF CRIME.

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

SECTION 1. The purpose of this Act is to propose an amendment to article I of the Constitution of the State of Hawaii to provide recognized and protected constitutional rights for victims of crime from the time of their victimization and continuing throughout the criminal justice process.

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

"RIGHTS OF VICTIMS OF CRIME

Section. To preserve and protect justice and due process throughout the criminal and juvenile justice systems, a victim shall have the following rights which shall be protected in a manner no less vigorous than the rights afforded to the accused:

1. To be treated with fairness and respect for the victim's safety, dignity and privacy;
2. Upon request, to receive reasonable and timely notice of, and to be present at, all public proceedings involving the criminal conduct;

3. To be heard in any public proceeding involving release, plea, sentencing, disposition, parole and any public proceeding during which a right of the victim is implicated;

4. To reasonable protection from the accused or any person acting on behalf of the accused;

5. Upon request, to reasonable notice of any release or escape of an accused;

6. To refuse an interview, deposition or other discovery request made by the accused or any person acting on behalf of the accused;

7. To full and timely restitution;

8. To proceedings free from unreasonable delay and resulting in a prompt conclusion of the case;

9. Upon request, to confer with the attorney for the government; and

10. To be informed of all rights enumerated in this section.
The victim, the victim's attorney or other lawful representative or the attorney for the government, upon request of the victim, may assert in any trial or appellate court, or before any other authority with jurisdiction over the case and may have enforced the rights enumerated in this section and any other right afforded to the victim by law. The court or other authority with jurisdiction shall act promptly on such a request.

This section does not create any cause of action for compensation or damages against the State, any political subdivision of the State, any officer, employee or agent of the State or of any of its political subdivisions or any officer or employee of the court.

This section applies to victims of the following crimes: felonies, sexual offenses and all other crimes in which a victim suffers death, bodily injury, unwanted physical contact, unwanted communications and violation of privacy, or the threat or risk thereof. This section shall not apply to non-felony crimes of theft.

As used in this section, a "victim" includes any person against whom a crime has been committed by an adult or juvenile,
or who is directly and proximately harmed by the commission of
the crime. The term "victim" does not include the accused or a
person whom the court finds would not act in the best interests
of a deceased, incompetent, minor or incapacitated victim."

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

"Shall victims of crime be provided the following rights in
the Constitution of the State of Hawaii:

(1) Fair and respectful treatment for the victim's safety,
dignity, and privacy;

(2) The opportunity for reasonable and timely notification
of, and opportunity to be present at, all public
proceedings involving the criminal conduct;

(3) The opportunity to be heard at any public proceeding
involving release, plea, sentencing, disposition,
parole, and any public proceeding during which a right
of the victim is implicated;

(4) Reasonable protection from the accused;

(5) The opportunity for reasonable notification of any
release or escape of the accused;
(6) Refusal of an interview, deposition, or other discovery request made by the accused;

(7) Full and timely restitution;

(8) Proceedings free from unreasonable delay and prompt conclusion of the case;

(9) The opportunity to confer with the attorney for the government; and

(10) Information on these constitutionally protected rights?"

SECTION 4. New constitutional material is underscored.

SECTION 5. This amendment shall take effect upon compliance with article XVII, section 3, of the Constitution of the State of Hawaii.
Report Title:
Constitutional Amendment; Rights of Victims of Crime

Description:
Proposes an amendment to the Hawaii State Constitution to provide victims of crime with specific rights related to the criminal justice process.

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