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## A BILL FOR AN ACT

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:**

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 their surviving immediate family  
5 members, to be known as "Marsy's Law".

6           The legislature finds that although those accused of crimes  
7 have various rights specified in article I, section 14, of the  
8 Constitution of the State of Hawaii, victims of crime and their  
9 survivors currently have no express constitutional protections.  
10 The legislature further finds that victims of crime, whose  
11 injuries and losses provide the justification and responsibility  
12 of the State for criminal prosecution, should be treated with  
13 dignity, respect, and courtesy and their rights should be  
14 protected in a manner no less vigorous than those of the  
15 accused.



1           The legislature further finds that Hawaii, as one of  
2 eighteen states that do not have a victims' rights  
3 constitutional amendment, should join the other states and amend  
4 its constitution to establish rights for victims of crime. The  
5 legislature notes that the proposed amendment does not diminish  
6 the rights of offenders. Rather, it offers a better balance  
7 between the rights of victims of crime and the rights of  
8 offenders.

9           The legislature therefore concludes that the Constitution  
10 of the State of Hawaii should be amended to guarantee that  
11 victims of crime and their immediate surviving family members  
12 have specific rights related to information pertaining to and  
13 participation in the criminal justice system.

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

17                                   "RIGHTS OF VICTIMS OF CRIME

18           Section . A victim of crime or deceased victim's  
19 surviving immediate family members shall have the following  
20 rights:



1        1. To be treated with courtesy, fairness and respect for  
2 their dignity and privacy throughout the criminal justice  
3 process;

4        2. To receive protection from threats of harm;

5        3. To be informed of a victim's constitutional rights,  
6 available financial assistance and other services available for  
7 crime victims and witnesses;

8        4. To a speedy trial or disposition of the case;

9        5. To be notified in a timely manner of all public court  
10 proceedings related to the offense, major developments in the  
11 case and the final disposition of the case;

12        6. To be present at all public court proceedings related  
13 to the offense unless the court determines that the victim's  
14 presence would materially affect the victim's testimony;

15        7. To be given reasonable notice of any plea agreement and  
16 given a reasonable opportunity to provide input to the  
17 prosecuting attorney prior to the finalization of the plea  
18 agreement;

19        8. To be given reasonable notice of and be offered the  
20 opportunity to participate and be heard in any plea or  
21 sentencing of the offender or any court proceeding in which a



1 right of the victim is at issue or that may result in a post-  
2 arrest release decision;

3 9. To be notified and be offered the opportunity to  
4 participate and be heard in any process or deliberation that may  
5 result in the offender's post-conviction release from  
6 confinement, including any type of release by the department of  
7 public safety;

8 10. To be notified in a timely manner and be heard  
9 regarding any developments relating to the release, discharge,  
10 commitment or unauthorized absence of the offender who was  
11 committed or involuntarily hospitalized under chapter 704 or  
12 706, Hawaii Revised Statutes;

13 11. To be notified in a timely manner of changes in the  
14 offender's custodial status, including transfer between  
15 facilities, escape, furlough, work release, placement on  
16 supervised release, release on parole, release on bail bond,  
17 release on appeal bond, any type of release by the department of  
18 public safety and final discharge at the end of the prison term;

19 12. To have property expeditiously returned by law-  
20 enforcement agencies when the property is no longer needed as  
21 evidence; and





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

3 "Shall victims of crime and their surviving immediate  
4 family members be provided rights in the Constitution of the  
5 State of Hawaii, including courteous, fair and respectful  
6 treatment throughout the criminal justice process; notification  
7 of critical proceedings, possible plea agreements and case  
8 dispositions; a speedy trial; the opportunity to be present at  
9 public proceedings; the opportunity to speak at the sentencing  
10 hearing; financial reimbursement from the offender; and  
11 notification of the offender's release from custody?"

12 SECTION 4. New constitutional material is underscored.

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

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# H.B. NO. 1144

**Report Title:**

Constitutional Amendment; Rights of Victims of Crime

**Description:**

Proposes an amendment to the Hawaii State Constitution guaranteeing that victims of crime and their surviving immediate family members have specific rights related to information pertaining to and participation in the criminal justice process.

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