

Resolution

No. 17-171

APPROVING FOR INCLUSION IN THE 2018
MAUI COUNTY LEGISLATIVE PACKAGE A
STATE BILL RELATING TO ENFORCEMENT OF
THE BASIC BILL OF RIGHTS FOR VICTIMS AND
WITNESSES

WHEREAS, according to Section 801D-1, Hawaii Revised Statutes, the State legislature's intent of the Basic Bill of Rights for Victims and Witnesses is "to ensure that all victims and witnesses of crimes are treated with dignity, respect, courtesy, and sensitivity"; and

WHEREAS, honoring and protecting the rights of victims is the duty of law enforcement agencies, prosecutors, and judges; and

WHEREAS, it is imperative that State and County agencies, and their personnel, be held accountable in the event the Basic Bill of Rights for Victims and Witnesses is not enforced as was intended; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That the proposed State bill, attached as Exhibit "A," to allow for more stringent enforcement of the Basic Bill of Rights for Victims and Witnesses by holding implementing parties accountable, is approved for inclusion in the 2018 Maui County Legislative Package; and
2. That certified copies of this resolution be transmitted to the Mayor, County of Maui; the Governor, State of Hawaii; the Senate President, State of Hawaii; and the Speaker of the House of Representatives, State of Hawaii.

___ .B. NO. ___

A BILL FOR AN ACT

RELATING TO VICTIM RIGHTS

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

1 SECTION 1. Section 801D-5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~[+] §801D-5 [+]~~ **Responsibility for rights and services.**

4 (a) Each county is responsible for the enforcement of rights
5 under section 801D-4. The courts shall fashion all decisions
6 and orders to enhance the recognition of these rights and the
7 provision of these services, to the extent that they will not
8 conflict with the constitutional rights of the defendant.

9 (b) ~~[Neither the]~~ Except as provided in §801D-4(7)(e),
10 failure of any state or county officer or employee to carry out
11 the requirements of this ~~[section nor compliance]~~ chapter or
12 failure to comply with ~~[it shall]~~ any of its provisions, may
13 subject the state or county officer or employee to liability in
14 any civil action. ~~[However, such failure]~~ Failure may also
15 provide a basis for such disciplinary action as may be deemed
16 appropriate by competent authority."

17 SECTION 2. Statutory material to be deleted is bracketed
18 and in strikethrough. New statutory material is underscored.

EXHIBIT "A"

____.B. NO. _____

1

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

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INTRODUCED BY: _____


COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that RESOLUTION NO. 17-171 was adopted by the Council of the County of Maui, State of Hawaii, on the 4th day of December, 2017, by the following vote:

MEMBERS	Michael B. WHITE Chair	Robert CARROLL Vice-Chair	Alika ATAY	Eleanora COCHRAN	S. Stacy CRIVELLO	Donald S. GUZMAN	G. Riki HOKAMA	Kelly T. KING	Yuki Lei K. SUGIMURA
ROLL CALL	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye



DEPUTY COUNTY CLERK