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COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

October 9, 2017

Mr. John D. Kim, Prosecuting Attorney
Department of the Prosecuting Attorney
County of Maui
Wailuku, Hawaii 96793

VIA EMAIL: John.Kim@co.maui.hi.us

Dear Mr. Kim:

**SUBJECT: MAUI COUNTY LEGISLATIVE PACKAGE (2018 MAUI
COUNTY LEGISLATIVE PACKAGE) (PEA-4(1))**

At its meeting of October 17, 2017, the Policy, Economic Development, and Agriculture Committee intends to continue its discussions on the attached proposed resolution entitled "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."

The purpose of the proposed resolution is to approve for inclusion in the 2018 Maui County Legislative Package a proposed State bill, attached to the proposed resolution as Exhibit "A," entitled "A BILL FOR AN ACT RELATING TO VICTIM RIGHTS." The purpose of the proposed State bill is to allow for more stringent enforcement of the Basic Bill of Rights for Victims and Witnesses by holding implementing parties accountable.

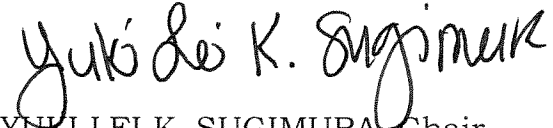
May I please request you review the proposed State bill and provide your written comments on the bill?

I would appreciate receiving your response by **Monday, October 16, 2017**. To ensure efficient processing, please include the relevant Committee item number in the subject line of your response.

Mr. John D. Kim
October 9, 2017
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Should you have any questions, please contact me or the Committee staff (Shelly Espeleta at ext. 7134, Carla Nakata at ext. 7659, or Clarita Balala at ext. 7668).

Sincerely,

A handwritten signature in black ink that reads "Yuki Lei K. Sugimura". The signature is written in a cursive style with a large, stylized initial "Y".

YUKI LEI K. SUGIMURA, Chair
Policy, Economic Development, and
Agriculture Committee

pea:ltr:004(1)apa01:cmn

Attachment

cc: Mayor Alan M. Arakawa

Resolution

No. _____

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.

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.

____.B. NO. _____

1

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

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INTRODUCED BY: _____