

COUNCIL OF THE COUNTY OF MAUI

**POLICY, ECONOMIC DEVELOPMENT,
AND AGRICULTURE COMMITTEE**

December 1, 2017

**Committee
Report No. _____**

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Policy, Economic Development, and Agriculture Committee, having met on September 18, 2017, October 2, 2017, October 17, 2017, and November 13, 2017, makes reference to County Communication 17-9, from Council Chair Mike White, relating to the Maui County Legislative Package.

Your Committee notes each year the Council may compile a package of proposals and priorities to be presented to the State Legislature.

Your Committee further notes it previously reported on the 2018 Maui County Legislative Package through Committee Report 17-148. At its meeting of October 20, 2017, the Council adopted Resolution 17-153 (as amended), and Resolution 17-154, cumulatively approving two State bills for inclusion in the 2018 Maui County Legislative Package.

By correspondence dated September 8, 2017, Councilmember Elle Cochran transmitted a 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, entitled "A BILL FOR AN ACT RELATING TO VICTIM RIGHTS." The purpose of the proposed bill is to allow for more stringent enforcement of the Basic Bill of Rights for Victims and Witnesses by holding implementing parties accountable.

At the request of the Chair of your Committee, the Department of the Corporation Counsel transmitted a proposed resolution entitled

COUNCIL OF THE COUNTY OF MAUI

**POLICY, ECONOMIC DEVELOPMENT,
AND AGRICULTURE COMMITTEE**

Page 2

**Committee
Report No. _____**

“URGING THE STATE OF HAWAII LEGISLATIVE REFERENCE BUREAU TO REPORT TO THE STATE LEGISLATURE ON THE LEVEL OF ENFORCEMENT FOR EACH COUNTY’S VICTIM WITNESS ASSISTANCE PROGRAM.” The purpose of the proposed resolution is to urge the State of Hawaii Legislative Reference Bureau to report to the State Legislature on the level of enforcement for each county’s Victim Witness Assistance Program to determine whether data supports the need to allow for more stringent enforcement.

A motion to recommend adoption of the proposed resolution to urge the State of Hawaii Legislative Reference Bureau to report on the level of enforcement for each county’s Victim Witness Assistance Program failed, with your Committee voting 4-3. Committee Chair Sugimura, Vice-Chair Crivello, and members Carroll and White voted “aye.” Committee members Atay, Cochran, and King voted “no.” Committee members Guzman and Hokama were excused.

A member of your Committee transmitted supporting data from the Office of the City Auditor, City and County of Honolulu, entitled “Audit of How Domestic Violence Cases Are Handled, Processed, and Resolved,” Report No. 17-02, dated June 2017. Your Committee discussed whether the data was sufficient to support the proposed State bill.

Your Committee voted 5-2 to recommend adoption of the proposed resolution to approve for inclusion in the 2018 Maui County Legislative Package a State bill to allow for more stringent enforcement of the Basic Bill of Rights for Victims and Witnesses. Vice-Chair Crivello and members Atay, Carroll, Cochran, and King voted “aye.” Committee Chair Sugimura and member White voted “no.” Committee members Guzman and Hokama were excused.

Your Policy, Economic Development, and Agriculture Committee RECOMMENDS the following:

COUNCIL OF THE COUNTY OF MAUI
POLICY, ECONOMIC DEVELOPMENT,
AND AGRICULTURE COMMITTEE

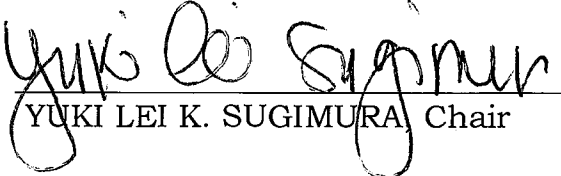
Page 3

Committee
Report No. _____

1. That Resolution _____, attached hereto, 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," be ADOPTED; and

2. That correspondence dated November 2, 2017, transmitting a proposed resolution entitled "URGING THE STATE OF HAWAII LEGISLATIVE REFERENCE BUREAU TO REPORT TO THE STATE LEGISLATURE ON THE LEVEL OF ENFORCEMENT FOR EACH COUNTY'S VICTIM WITNESS ASSISTANCE PROGRAM," be FILED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.



YUKI LEI K. SUGIMURA, Chair

pea:cr:17004(1)ab:ske

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.

___ .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.

3

4

INTRODUCED BY: _____

REQUEST FOR LEGAL SERVICES

RECEIVED
CORPORATION COUNSEL

Date: November 1, 2017
From: Yuki Lei Sugimura, Chair
Policy, Economic Development, and Agriculture Committee

2017 NOV -1 PM 3:33

TRANSMITTAL
Memo to:

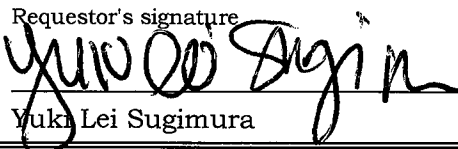
DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Edward S. Kushi, Jr., Esq.

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

Background Data: Please review the proposed resolution and approve as to form and legality.
Please also include the signed hard copy in your response.

Work Requested: FOR APPROVAL AS TO FORM AND LEGALITY
 OTHER:

RECEIVED
OFFICE OF THE
COUNTY COUNCIL
2017 NOV -2 AM 11:10

Requestor's signature  Yuki Lei Sugimura	Contact Person <u>Shelly Espeleta</u> (Telephone Extension: 7134)
---------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------

- ROUTINE (WITHIN 15 WORKING DAYS)
- PRIORITY (WITHIN 10 WORKING DAYS)
- RUSH (WITHIN 5 WORKING DAYS)
- URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): November 3, 2017, 9 a.m.
REASON: To meet posting deadline for the November 13, 2017 PEA meeting.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: <u>ESK</u>	ASSIGNMENT NO. <u>2017-0098</u>	BY: <u>JKM</u>
-------------------------	---------------------------------	----------------

TO REQUESTOR: APPROVED DISAPPROVED OTHER (SEE COMMENTS BELOW)
 RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE):
as revised

DEPARTMENT OF THE CORPORATION COUNSEL

Date 11/2/17

By 

(Rev. 7/03)

pea:ltr:004(1)acc02:ske

Attachment

Resolution

No. _____

URGING THE STATE OF HAWAII LEGISLATIVE
REFERENCE BUREAU TO REPORT TO THE
STATE LEGISLATURE ON THE LEVEL OF
ENFORCEMENT FOR EACH COUNTY'S VICTIM
WITNESS ASSISTANCE PROGRAM

WHEREAS, the Victim Witness Assistance Division began in 1982 as a unit of the Department of the Prosecuting Attorney in all counties in the State; and

WHEREAS, the Division is part of a statewide network of victim and witness services provided under the guidelines of the State Attorney General; and

WHEREAS, the County of Maui is considering a proposal to include in the 2018 Maui County Legislative Package a State bill relating to enforcement of the Basic Bill of Rights for Victims and Witnesses by holding implementing parties accountable; and

WHEREAS, prior to doing so, the County of Maui urges the State of Hawaii Legislative Reference Bureau to provide supporting annual data on the level of enforcement for each county's Victim Witness Assistance Program; now, therefore,

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

1. That it hereby urges the State of Hawaii Legislative Reference Bureau to report to the State Legislature on the level of enforcement for each county's Victim Witness Assistance Program; 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; the Speaker of the House of Representatives, State of Hawaii; and the Legislative Reference Bureau, State of Hawaii.

Resolution No. _____

APPROVED AS TO FORM AND LEGALITY

A handwritten signature in black ink, appearing to read 'E. Kushi, Jr.', is written over a horizontal line.

EDWARD S. KUSHI, JR.
First Deputy Corporation Counsel
County of Maui