A BILL FOR AN ACT

RELATING TO ADULT PROBATION RECORDS.

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

.1	SECT	ION 1	. Section 806-73, Hawaii Revised Statutes is				
2	amended b	y ame	nding subsection (b) to read as follows:				
3	"(b)	All	adult probation records [of the Hawaii state				
4	adult pro	batio	n divisions] shall be confidential and shall not				
5	be deemed	to b	e public records. As used in this section, the				
6	term "records" includes, but is not limited to, all records made						
7	by any adult probation officer in the course of performing the						
8	probation officer's official duties[; provided that the]. The						
9	records,	or th	e content of the records, shall be divulged only				
10	as follow	s:					
11	(1)	A co	py of any adult probation [division] case record				
12		or o	f a portion of it, or the case record itself, upon				
13		requ	est, may be provided to [an]:				
14		(A)	An adult probation officer, court officer, or				
15			social worker of a Hawaii state adult probation				
16			[division, unit, a family court officer who is				
17			preparing a report for the courts $[\tau]$; or $[a]$				
18		(B)	A state or federal criminal justice agency that:				

1		[(A)	Is]	<u>(i)</u>	<u>Is</u> pro	viding	g sup	ervis	sion c	of a o	defen	dant
2				or of	fender	convi	cted	and	sente	enced	by t	he
3				court	s of H	awaii;	or					
4		[(B)	Is]	<u>(ii)</u>	<u>Is</u> re	sponsi	ble	for t	he pr	repara	ation	of
5				a rep	ort fo	r a co	ourt;					
6	(2)	The	[cont	ents o	f any	adult	prob	ation	⊢[di≀	risio	n] -ca	se
7		reco	rd re :	lating	to th	e] res	siden	.ce ac	ldress	5, WO	rk	
8		addr	ess, l	nome t	elepho	ne num	mber,	or w	ork t	celep	hone	
9		numb	er of	a [pr	obatio	ner] <u>c</u>	curre	nt or	form	mer d	efend	ant
10		shal	l be j	provid	ed onl	y to	[a] <u>:</u>					
11		<u>(A)</u>	<u>A</u> la	w enfo	rcemen	t offi	cer	as de	efinec	din	secti	on
12			710-	1000(1	3) to	locate	e the	prob	atior	ner f	or th	e
13			purp	ose of	servi	ng a s	summo	ns or	beno	ch wa	rrant	in
14			a ci	vil, c	rimina	l, or	depo	rtati	on he	earin	g, or	for
15			the p	purpos	e of a	crimi	nal	inves	stigat	cion;	[and	:]
16		<u>(B)</u>	<u>A</u> co.	llecti	on age	ncy or	lic	ensec	l atto	orney		
17			cont	racted	by th	e judi	ciar	y to	colle	ect a	ny	
18			deli	nquent	court	-order	red p	enalt	ies,	fine	S,	
19			rest	itutio	n, san	ctions	s, an	d cou	ırt co	osts	oursu	ant
20			to se	ection	601-1	7.5; c	or					
21		<u>(C)</u>	A vi	ctim a	s defi	ned ir	sec	tion	706-6	546 to	o enf	orce
22			an o	rder f	iled p	ursuar	nt to	sect	ion 7	706-6	<u>47;</u>	

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1 (3)	A co	by of	a presentence report or investigative report
2		shal	l be p	provided only to:
3		(A)	The p	persons or entities named in section 706-604;
4		(B)	The H	Mawaii paroling authority;
5		(C)	Any p	sychiatrist, psychologist, or other
6			treat	ment practitioner who is treating the
7			defer	ndant pursuant to a court order or parole
8			order	for that treatment;
9		(D)	The i	ntake service centers;
10		(E)	In ac	ccordance with applicable law, persons or
11			entit	cies doing research; and
12		(F)	Any H	Hawaii state adult probation officer or adult
13			proba	ation officer of another state or federal
14			juris	sdiction who:
15			(i)	Is engaged in the supervision of a defendant
16			· · · · · · · · · · · · · · · · · · ·	or offender convicted and sentenced in the
17				courts of Hawaii; or
18			(ii)	Is engaged in the preparation of a report
19				for a court regarding a defendant or
20				offender convicted and sentenced in the
21				courts of Hawaii[+]; and

1	(4)	<u>Notwi</u>	thstanding subsection (b)(3), upon notice to the
2		defer	ndant, records and information relating to the
3		defer	ndant's risk assessment and need for treatment
4		<u>servi</u>	ces or information related to the defendant's
5		past	treatment and assessments may be provided to:
6		<u>(A)</u>	A case management, assessment or treatment
7			service provider assigned by adult probation to
8			service the defendant;
9		<u>(B)</u>	Correctional case manager, correctional unit
10			manager, and parole officers involved with the
11			defendant's treatment or supervision; and
12		<u>(C)</u>	In accordance with applicable law, persons or
13			entities doing research."
14	SECTI	ON 2.	Statutory material to be repealed is bracketed
15	and stri	cken.	New statutory material is underscored.
16	SECTI	ON 3.	This Act shall take effect upon its approval.
17			INTRODUCED BY: Chicky Any
			BY REQUEST

JAN 2 3 2006

HB 2483

Report Title:

Judiciary; Adult Probation; Records

Description:

Adds persons and entities that are allowed access to adult probation records.

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