A BILL FOR AN ACT

RELATING TO ADULT PROBATION RECORDS.

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

1	SECTION 1. Section 806-73, Hawaii Revised Statutes is
2	amended by amending subsection (b) to read as follows:
3	"(b) All adult probation records [of the Hawaii state
4	adult probation divisions] shall be confidential and shall not
5	be deemed to be 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 the content of the records, shall be divulged only
10	as follows:
11	(1) A copy of any adult probation [division] case record
12	or of a portion of it, or the case record itself, upon
13	request, may be provided to [an]:
14	(A) An adult probation officer, court officer, social
15	worker of a Hawaii state adult probation
16	[division,] unit, or a family court officer who
17	is preparing a report for the courts $[\tau]$; or $[\frac{a}{2}]$

1		<u>(B)</u>	\underline{A} st	ate or federal criminal justice agency, or
2			stat	e or federal court program that:
3		[-(A)	Is]	(i) Is providing supervision of a defendant
4				or offender convicted and sentenced by the
5				courts of Hawaii; or
6		[(B)	· Is]	(ii) Is responsible for the preparation of
7				a report for a court;
8	(2)	The	[cont	ents of any adult probation division case
9		reco	rd-re	elating to the residence address, work
10		addr	ess,	home telephone number, or work telephone
11		numb	er of	a [probationer] current or former defendant
12		shal	l be	provided only to $[a]$:
13		(A)	<u>A</u> la	w enforcement officer as defined in section
14			710-	1000(13) to locate the probationer for the
15			purp	ose of serving a summons or bench warrant in
16			a ci	vil, criminal, or deportation hearing, or for
17			the	purpose of a criminal investigation; [and] or
18		<u>(B)</u>	A co	llection agency or licensed attorney
19			cont	racted by the judiciary to collect any
20			deli	nquent court-ordered penalties, fines,
21			rest	itution, sanctions, and court costs pursuant
22			to s	ection 601-17.5.

1 (3)	A CO	bà or	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 I	Hawaii paroling authority;
5		(C)	Any p	psychiatrist, psychologist, or other
6			treat	tment practitioner who is treating the
7			defer	ndant pursuant to a court order or parole
8			orde	r for that treatment;
9		(D)	The i	intake 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[-];

I	(4)	Acce	ss to adult propation records by a victim, as
2		defi	ned in section 706-646 to enforce an order filed
3		purs	uant to section 706-647, shall be limited to the
4		name	and contact information of the defendant's adult
5		prob	ation officer.
6	(5)	Notw	ithstanding subsection (b)(3), upon notice to the
7		defe	ndant, records and information relating to the
8		defe	ndant's risk assessment and need for treatment
9		serv	ices or information related to the defendant's
10		past	treatment and assessments may be provided to:
11		<u>(A)</u>	A case management, assessment or treatment
12			service provider assigned by adult probation to
13			service the defendant; provided that such
14			information shall be given only upon the
15			acceptance or admittance of the defendant into a
16			treatment program;
17		<u>(B)</u>	Correctional case manager, correctional unit
18			manager, and parole officers involved with the
19			defendant's treatment or supervision; and
20		(C)	In accordance with applicable law, persons or
21			entities doing research.

1	(6)	Any person, agency, or entity receiving records, or
2		contents of records, pursuant to this subsection shall
3		be subject to the same restrictions on disclosure of
4		the records as Hawaii state adult probation offices.
5	(7)	Any person who uses the information covered by this
6		subsection for purposes inconsistent with the intent
7		of this subsection or outside of the scope of their
8		official duties shall be fined no more than \$500."
9	SECT	ION 2. Statutory material to be repealed is bracketed
10	and str	icken. New statutory material is underscored.
11	SECT	ION 3. This Act shall take effect upon its approval.

582602, SDI

Report Title:

Judiciary; Adult Probation; Records

Description:

Adds persons and entities that are allowed access to adult probation records. Restricts victim's access to adult probation records to the name and contact information of the defendant's adult probation officer. (SD1)