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 $[a]$

1		(B)	A St	tate or federal criminal justice agency, or
2			stat	te or federal court program that:
3		[-(A)-	[s]	(i) <u>Is</u> 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	lating to the] residence address, work
10		addre	ess, l	home telephone number, or work telephone
11		numbe	er of	a [probationer] current or former defendant
12		shall	l be p	provided only to [a]:
13		(A)	A lav	w enforcement officer as defined in section
14			710-1	1000(13) to locate the probationer for the
15			purpo	ose of serving a summons or bench warrant in
16			a civ	vil, criminal, or deportation hearing, or for
17			the p	purpose of a criminal investigation; [and] or
18		(B)	A col	llection agency or licensed attorney
19			conti	racted by the judiciary to collect any
20			delir	nquent court-ordered penalties, fines,
21			resti	itution, sanctions, and court costs pursuant
22			to se	ection 601-17.5.

1	(3)	A co	opy of	a presentence report or investigative report
2		shal	ll be	provided only to:
3		(A)	The	persons or entities named in section 706-604;
4		(B)	The	Hawaii paroling authority;
5		(C)	Any	psychiatrist, psychologist, or other
6			trea	tment practitioner who is treating the
7			defe	endant pursuant to a court order or parole
8			orde	er for that treatment;
9		(D)	The	intake service centers;
10		(E)	In a	ccordance with applicable law, persons or
11			enti	ties doing research; and
12		(F)	Any	Hawaii state adult probation officer or adult
13	•		prob	ation officer of another state or federal
14			juri	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)	Access to adult probation records by a victim, as
2		defined in section 706-646 to enforce an order filed
3		pursuant to section 706-647, shall be limited to the
4		name and contact information of the defendant's adult
5		probation officer.
6	(5)	Notwithstanding subsection (b)(3), upon notice to the
7		defendant, records and information relating to the
8		defendant's risk assessment and need for treatment
9		services or information related to the defendant's
10		past treatment and assessments may be provided to:
11		(A) 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		B) 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	<u>(6)</u>	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.



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)