
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 shall be confidential and
4 shall not be deemed [~~to be~~] public records. As used in this
5 section, the term "records" includes, but is not limited to, all
6 records made by any adult probation officer in the course of
7 performing the probation officer's official duties. The
8 records, or the content of the records, shall be divulged only
9 as follows:

10 (1) A copy of any adult probation case record or of a
11 portion of it, or the case record itself, upon
12 request, may be provided to:

13 (A) An adult probation officer, court officer, social
14 worker of a Hawaii state adult probation unit, or
15 a family court officer who is preparing a report
16 for the courts; or

17 (B) A state or federal criminal justice agency, or
18 state or federal court program that:



1 (i) Is providing supervision of a defendant or
2 offender convicted and sentenced by the
3 courts of Hawaii; or

4 (ii) Is responsible for the preparation of a
5 report for a court;

6 (2) The residence address, work address, home telephone
7 number, or work telephone number of a current or
8 former defendant shall be provided only to:

9 (A) A law enforcement officer as defined in section
10 710-1000(13) to locate the probationer for the
11 purpose of serving a summons or bench warrant in
12 a civil, criminal, or deportation hearing, or for
13 the purpose of a criminal investigation; or

14 (B) A collection agency or licensed attorney
15 contracted by the judiciary to collect any
16 delinquent court-ordered penalties, fines,
17 restitution, sanctions, and court costs pursuant
18 to section 601-17.5[~~+~~];

19 (3) A copy of a presentence report or investigative report
20 shall be provided only to:

21 (A) The persons or entities named in section 706-604;

22 (B) The Hawaii paroling authority;



- 1 (C) Any psychiatrist, psychologist, or other
- 2 treatment practitioner who is treating the
- 3 defendant pursuant to a court order or parole
- 4 order for that treatment;
- 5 (D) The intake service centers;
- 6 (E) In accordance with applicable law, persons or
- 7 entities doing research; and
- 8 (F) Any Hawaii state adult probation officer or adult
- 9 probation officer of another state or federal
- 10 jurisdiction who:
 - 11 (i) Is engaged in the supervision of a defendant
 - 12 or offender convicted and sentenced in the
 - 13 courts of Hawaii; or
 - 14 (ii) Is engaged in the preparation of a report
 - 15 for a court regarding a defendant or
 - 16 offender convicted and sentenced in the
 - 17 courts of Hawaii;
- 18 (4) Access to adult probation records by a victim, as
- 19 defined in section 706-646 to enforce an order filed
- 20 pursuant to section 706-647, shall be limited to the
- 21 name and contact information of the defendant's adult
- 22 probation officer[-];



1 (5) Notwithstanding [~~subsection (b)(3),~~] paragraph (3),
2 upon notice to the defendant, records and information
3 relating to the defendant's risk assessment and need
4 for treatment services or information related to the
5 defendant's past treatment and assessments may be
6 provided [~~to~~]:

7 (A) [A] To a case management, assessment or treatment
8 service provider assigned by adult probation to
9 service the defendant; provided that [~~such~~] the
10 information shall be given only [~~upon the~~
11 acceptance or admittance of the defendant into a
12 treatment program;] as part of the determination
13 for admission and the disclosed information shall
14 remain confidential;

15 (B) [~~Correctional~~] To a correctional case manager,
16 correctional unit manager, and parole officers
17 involved with the defendant's treatment or
18 supervision; and

19 (C) In accordance with applicable law, to persons or
20 entities doing research[-];

21 (6) Any person, agency, or entity receiving records, or
22 contents of records, pursuant to this subsection shall



1 be subject to the same restrictions on disclosure of
 2 the records as Hawaii state adult probation
 3 offices~~[]~~; and

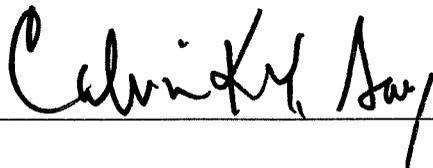
4 (7) Any person who uses the information covered by this
 5 subsection for purposes inconsistent with the intent
 6 of this subsection or outside of the scope of their
 7 official duties shall be fined no more than \$500."

8 SECTION 2. Statutory material to be repealed is bracketed
 9 and stricken. New statutory material is underscored.

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

11

INTRODUCED BY:



BY REQUEST

JAN 22 2007



Report Title:

Adult Probation Records; Disclosure

Description:

Permits disclosure of treatment and assessment information to treatment vendors.

