

H. B. NO. 1240

A BILL FOR AN ACT

RELATING TO DISCLOSURE OF VITAL STATISTICS RECORDS TO LAW
ENFORCEMENT OFFICERS.

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

1 SECTION 1. Section 338-18, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) The department shall not permit inspection of public
4 health statistics records, or issue a certified copy of any such
5 record or part thereof, unless it is satisfied that the
6 applicant has a direct and tangible interest in the record. The
7 following persons shall be considered to have a direct and
8 tangible interest in a public health statistics record:

- 9 (1) The registrant;
- 10 (2) The spouse of the registrant;
- 11 (3) A parent of the registrant;
- 12 (4) A descendant of the registrant;
- 13 (5) A person having a common ancestor with the registrant;
- 14 (6) A legal guardian of the registrant;
- 15 (7) A person or agency acting on behalf of the registrant;
- 16 (8) A personal representative of the registrant's estate;

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- 1 (9) A person whose right to inspect or obtain a certified
2 copy of the record is established by an order of a
3 court of competent jurisdiction;
- 4 (10) Adoptive parents who have filed a petition for
5 adoption and who need to determine the death of one or
6 more of the prospective adopted child's natural or
7 legal parents;
- 8 (11) A person who needs to determine the marital status of
9 a former spouse in order to determine the payment of
10 alimony;
- 11 (12) A person who needs to determine the death of a
12 nonrelated co-owner of property purchased under a
13 joint tenancy agreement; [~~and~~]
- 14 (13) A person who needs a death certificate for the
15 determination of payments under a credit insurance
16 policy[-]; and
- 17 (14) A law enforcement officer, as defined by section 710-
18 1000(13), who needs vital statistics records as
19 evidence in a criminal investigation, provided that
20 the law enforcement officer requests the vital
21 statistics records by submitting to the department a
22 signed statement verifying, under penalty of criminal

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1 prosecution for false swearing in official matters,
2 that the vital statistics records are needed as
3 evidence in a criminal investigation. The request
4 must contain a reference number for the criminal
5 investigation upon which the request is based."

6 SECTION 6. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY: Calvin K. Jay
BY REQUEST

JAN 22 2007

JUSTIFICATION SHEET

DEPARTMENT: Attorney General

TITLE: A BILL FOR AN ACT RELATING TO DISCLOSURE OF VITAL STATISTICS RECORDS TO LAW ENFORCEMENT OFFICERS.

PURPOSE: To add law enforcement officers to those who are considered to have a direct and tangible interest in public health statistic records.

MEANS: Amend section 338-18(b), Hawaii Revised Statutes.

JUSTIFICATION: Generally, the Department of Health is not permitted to allow access to vital statistics records to law enforcement officers. Law enforcement officers sometimes need access to vital statistics records during the course of investigating or prosecuting a crime. For example, in homicide investigations, access to death certificate can be helpful when deciding what charge, if any, to bring against a suspect. Another example would be the need to access birth certificates in sexual assault cases when the age of the victim or the age of the suspect needs to be ascertained by the investigator. Providing a narrow exception that would allow law enforcement officers access to vital statistics records (but only when needed in relation to their law enforcement duties and only when the request is signed under penalty of criminal prosecution for misuse) would allow more timely investigation of crimes where vital statistics records are needed.

Impact on the public: This bill will be beneficial to the public interest because it would allow crimes where vital statistics records are needed as evidence to be investigated quicker and more efficiently.

Impact on the department and other agencies:
This bill will help the department and other agencies because it would enable access to vital statistic records that will expedite the investigation of certain crimes.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: None.

OTHER AFFECTED
AGENCIES: Department of Health, county police, county prosecutors, and the Office of the Public Defender.

EFFECTIVE DATE: Upon approval.