
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 338-14, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§338-14 Fees for certified copies and searches;
4 transcripts or other statistical summaries of vital records for
5 National Center for Health Statistics; certified copies for
6 veterans and others; and corrections on vital statistics
7 certificates. (a) The department of health shall establish
8 reasonable fees to be paid for certified copies of certificates;
9 provided that the department shall furnish, free of charge, a
10 certified copy of any of the records, or a certification of
11 birth, to any veteran of the armed forces of the United States,
12 the veteran's wife, any member of the immediate family of a
13 veteran or the next of kin of a deceased veteran, when required
14 for use in connection with a claim based on service in the armed
15 forces of the United States. Subject to sections 338-16,
16 338-17, and 338-18, the National Center for Health Statistics
17 may obtain transcripts and statistical summaries on computer



1 tapes of certificates or, without payment of fees, certified
2 copies; provided the State is put to no expense in connection
3 therewith.

4 A reasonable fee shall be charged for any correction in the
5 items on a vital statistics certificate initiated by the
6 registrant or the registrant's parent or representative if the
7 registrant is a minor.

8 (b) The department may prescribe reasonable fees for
9 searches of files and records not involving the issuance of
10 certified copies.

11 (c) The department shall keep an account of all fees
12 collected and shall deposit them to the general fund of the
13 State except as provided in sections 321-1.3, 338-14.5,
14 338-14.6, 346-7.5, and 601-3.6.

15 (d) Any fee established by the department pursuant to this
16 section shall be adopted in accordance with chapter 91. In
17 establishing a fee, the amount shall be sufficient to cover the
18 expenses involved in searching for, cost of a copy of, or
19 correction of the certificate, file, or record, as the case may
20 be. The department may raise the fees up to ten per cent per
21 year without being subject to the provisions of chapter 91.



1 (e) Fees prescribed in this chapter shall not be required
2 of law enforcement officers requesting disclosure of vital
3 statistic records pursuant to section 338-18(b)(14)."

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

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

- 12 (1) The registrant;
- 13 (2) The spouse of the registrant;
- 14 (3) A parent of the registrant;
- 15 (4) A descendant of the registrant;
- 16 (5) A person having a common ancestor with the registrant;
- 17 (6) A legal guardian of the registrant;
- 18 (7) A person or agency acting on behalf of the registrant;
- 19 (8) A personal representative of the registrant's estate;
- 20 (9) A person whose right to inspect or obtain a certified
21 copy of the record is established by an order of a
22 court of competent jurisdiction;



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



1 must contain a reference number for the criminal
2 investigation upon which the request is based."

3 SECTION 3. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Vital Statistics; Law Enforcement Officers.

Description:

Adds law enforcement officers to those who are considered to have a direct and tangible interest in public health statistic records. (SD1)

