JAN 2 2 2016

A BILL FOR AN ACT

RELATING TO GOVERNMENT RECORDS.

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

- 1 In Molfino v. Yuen, Civ. No. 07-1-0378, 2014 SECTION 1. 2 (Haw. Sup. Ct. Nov. 13, 2014), the supreme court of the state of 3 Hawaii upheld a circuit court ruling that, absent a statutory requirement, a government agency does not have a duty of 4 5 reasonable care with respect to maintaining government records 6 for the purpose of public inspection. The purpose of this Act 7 is to amend chapter 92F, Hawaii Revised Statutes, to create a statutory requirement that government agencies exercise 8 9 reasonable care in maintaining those government records open to 10 public inspection. Section 92F-18, Hawaii Revised Statutes, is 11 12 amended by amending subsection (a) to read as follows: "(a) Each agency shall:
- 13
- 14 Exercise reasonable care in the maintenance of all (1) 15 government records under its control that are required 16 by this chapter to be available for public inspection;



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1	$\left[\frac{(1)}{(2)}\right]$ Issue instructions and guidelines necessary to
2	effectuate this chapter; and
3	$\left[\frac{(2)}{(3)}\right]$ Take steps to assure that all its employees and
4	officers responsible for the collection, maintenance,
5	use, and dissemination of government records are
6	informed of the requirements of this chapter."
7	SECTION 3. Statutory material to be repealed is bracketed
8	and stricken. New statutory material is underscored.
)	SECTION 4. This Act shall take effect on July 1, 2016.

INTRODUCED BY:

Sec

Clerene Knichiken

Romande Bake

Graine L. Fronge

S.B. NO. 2294

Report Title:

Government Records; Maintenance; Duty to Exercise Reasonable Care; Public Inspection

Description:

Requires agencies to exercise reasonable care in the maintenance of all government records under its control that are required to be made available for public inspection.

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