

JAN 23 2015

S.B. NO. 229

A BILL FOR AN ACT

RELATING TO JUVENILE JUSTICE INFORMATION.

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

1 SECTION 1. The legislature finds that law enforcement
2 agencies, including prosecutors, need access to juvenile justice
3 information to perform functions assigned to them by law. For
4 example, police officials need to review a firearms applicant's
5 juvenile record to decide whether to issue firearms permits, and
6 prosecutors need to review a defendant's background to determine
7 proper charges, such as habitually operating a vehicle under the
8 influence of alcohol, or prohibited possession of a firearm, or
9 for other matters, such as youthful offender or career criminal
10 status.

11 The legislature further finds that while law enforcement
12 agencies may review their own records, they are not permitted to
13 use the juvenile justice information system to review a person's
14 statewide juvenile record. This hinders the efforts of law
15 enforcement agencies to effectively apply the laws related to a
16 person's juvenile history.



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1 The purpose of this Act is to clarify that law enforcement
2 agencies may be allowed to access the juvenile justice
3 information system in the performance of their duties.

4 SECTION 2. Section 846D-4, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "~~§~~846D-4~~§~~ Limitations on dissemination.

7 Dissemination of information from the juvenile justice
8 information system shall be limited whether directly or through
9 any intermediary only to:

10 (1) Agencies which have primary investigative, detention,
11 custodial, adjudicative, and program responsibility
12 for minors, including but not limited to the county
13 police departments, the county prosecutors, the family
14 courts, and the Hawaii youth correctional facilities;

15 (2) Individuals and agencies pursuant to a specific
16 agreement with an agency with primary investigative,
17 detention, custodial, and program responsibility to
18 provide services to fulfill that responsibility;
19 provided that the agreement shall specifically
20 authorize access to data, limit the use of data to
21 purposes for which given, and insure the security and



1 confidentiality of the data consistent with the
2 purpose of this chapter;

3 (3) Individuals and agencies for the express purpose of
4 research, evaluative, or statistical activities
5 pursuant to an agreement with a juvenile justice
6 agency; provided that the agreement shall specifically
7 authorize access to data, limit the use of data to
8 research, evaluative, or statistical purposes, and
9 insure the confidentiality and security of the data
10 consistent with the purpose of this chapter;

11 (4) The minor, the minor's parents or guardians, and the
12 minor's attorney and guardian ad litem for the purpose
13 of examining records pertaining to the minor; ~~[or]~~

14 (5) Persons who have been injured or damaged, their
15 subrogees, and legal representatives; provided that
16 the information is limited only to that information
17 that may be disclosed as provided under section
18 571-84(f) and (g) ~~[or]~~; or

19 (6) Law enforcement agencies, for purposes of law
20 enforcement agency employment and the administration



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1 of law enforcement, including the initiation and
2 litigation of an adversarial prosecution."

3 SECTION 3. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

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

8 SECTION 5. This Act shall take effect upon its approval.
9

INTRODUCED BY:

~~SEN. D.C. KIRCH~~
SEN. D.C. KIRCH



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Report Title:

Juvenile Justice Information

Description:

Allows the dissemination of information from the juvenile justice information system to law enforcement agencies for purposes of the administration of law enforcement and law enforcement agency employment.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

