

JAN 20 2017

A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

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

1 SECTION 1. The purpose of this Act is to:

2 (1) Require the chief of each county police department to
3 disclose to the legislature the identity of a police
4 officer upon the officer's second suspension in a
5 five-year period or discharge; and

6 (2) Require disclosure under the Uniform Information
7 Practices Act after a police officer's second
8 suspension in a five-year period.

9 SECTION 2. Section 52D-3.5, Hawaii Revised Statutes, is
10 amended as follows:

11 1. By amending subsection (b) to read:

12 "(b) The report shall:

13 (1) Summarize the facts and the nature of the misconduct
14 for each incident;

15 (2) Specify the disciplinary action imposed for each
16 incident;



- 1 (3) Identify any other incident in the annual report
2 committed by the same police officer; [~~and~~]
- 3 (4) State whether the highest nonjudicial grievance
4 adjustment procedure timely invoked by the police
5 officer or the police officer's representative has
6 concluded:
- 7 (A) If the highest nonjudicial grievance adjustment
8 procedure has concluded, the report shall state:
- 9 (i) Whether the incident concerns conduct
10 punishable as a crime, and if so, describe
11 the county police department's findings of
12 fact and conclusions of law concerning the
13 criminal conduct; and
- 14 (ii) Whether the county police department
15 notified the respective county prosecuting
16 attorney of the incident; or
- 17 (B) If the highest nonjudicial grievance adjustment
18 procedure has not concluded, the report shall
19 state the current stage of the nonjudicial
20 grievance adjustment procedure as of the end of
21 the reporting period[-]; and



1 (5) Disclose the identity of the police officer upon the
2 police officer's second suspension in a five-year
3 period or discharge."

4 2. By amending subsection (d) to read:

5 "(d) The summary of facts provided in accordance with
6 subsection (b) (1) shall not be of such a nature so as to
7 disclose the identity of the individuals involved[-], except as
8 required under subsection (b) (5)."

9 SECTION 3. Section 92F-14, Hawaii Revised Statutes, is
10 amended by amending subsection (b) to read as follows:

11 "(b) The following are examples of information in which
12 the individual has a significant privacy interest:

13 (1) Information relating to medical, psychiatric, or
14 psychological history, diagnosis, condition,
15 treatment, or evaluation, other than directory
16 information while an individual is present at such
17 facility;

18 (2) Information identifiable as part of an investigation
19 into a possible violation of criminal law, except to
20 the extent that disclosure is necessary to prosecute
21 the violation or to continue the investigation;



- 1 (3) Information relating to eligibility for social
2 services or welfare benefits or to the determination
3 of benefit levels;
- 4 (4) Information in an agency's personnel file, or
5 applications, nominations, recommendations, or
6 proposals for public employment or appointment to a
7 governmental position, except:
- 8 (A) Information disclosed under section
9 92F-12(a)(14); and
- 10 (B) The following information related to employment
11 misconduct that results in an employee's
12 suspension or discharge:
- 13 (i) The name of the employee;
- 14 (ii) The nature of the employment related
15 misconduct;
- 16 (iii) The agency's summary of the allegations of
17 misconduct;
- 18 (iv) Findings of fact and conclusions of law; and
- 19 (v) The disciplinary action taken by the agency;
- 20 when the following has occurred: the highest
21 nonjudicial grievance adjustment procedure timely



1 invoked by the employee or the employee's
2 representative has concluded; a written decision
3 sustaining the suspension or discharge has been issued
4 after this procedure; and thirty calendar days have
5 elapsed following the issuance of the decision or, for
6 decisions involving county police department officers,
7 ninety days have elapsed following the issuance of the
8 decision; provided that subparagraph (B) shall not
9 apply to a county police department officer except in
10 a case which results in the discharge or the second
11 suspension in a five-year period of the officer;

12 (5) Information relating to an individual's
13 nongovernmental employment history except as necessary
14 to demonstrate compliance with requirements for a
15 particular government position;

16 (6) Information describing an individual's finances,
17 income, assets, liabilities, net worth, bank balances,
18 financial history or activities, or creditworthiness;

19 (7) Information compiled as part of an inquiry into an
20 individual's fitness to be granted or to retain a
21 license, except:



- 1 (A) The record of any proceeding resulting in the
- 2 discipline of a licensee and the grounds for
- 3 discipline;
- 4 (B) Information on the current place of employment
- 5 and required insurance coverages of licensees;
- 6 and
- 7 (C) The record of complaints including all
- 8 dispositions;
- 9 (8) Information comprising a personal recommendation or
- 10 evaluation;
- 11 (9) Social security numbers; and
- 12 (10) Information that if disclosed would create a
- 13 substantial and demonstrable risk of physical harm to
- 14 an individual."

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

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

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INTRODUCED BY:

J. Blair BJR Kal Rumb Donna (L) [Signature]
Clarena Washburn Michelle D. Leland Randy de Bak
Jim



S.B. NO. 424

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S.B. NO. 424

Report Title:

Public Records; Disclosure; Disciplinary Action

Description:

Requires police departments to disclose to the Legislature the identity of an officer upon the officer's second suspension in a five-year period or discharge. Requires disclosure under the Uniform Information Practices Act after a police officer's second suspension in a five-year period.

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