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# 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 discharge or second  
5 suspension in a five-year period; and

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

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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**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 discharge or second suspension in a five-year period. Requires disclosure of certain information under the Uniform Information Practices Act after a police officer's second suspension in a five-year period. (SD1)

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

