

JAN 22 2021

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# A BILL FOR AN ACT

RELATING TO DISCLOSURE OF ATTORNEY-CLIENT AND ATTORNEY WORK-  
PRODUCT PRIVILEGED COMMUNICATIONS TO THE OMBUDSMAN.

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

1           SECTION 1. Section 96-9, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "§96-9 Investigation procedures. (a) In an  
4 investigation, the ombudsman may make inquiries and obtain  
5 information as the ombudsman thinks fit, enter without notice to  
6 inspect the premises of an agency, and hold private hearings.

7           (b) The ombudsman is required to maintain secrecy in  
8 respect to all matters and the identities of the complainants or  
9 witnesses coming before the ombudsman except so far as  
10 disclosures may be necessary to enable the ombudsman to carry  
11 out the ombudsman's duties and to support the ombudsman's  
12 recommendations.

13           (c) Disclosure by an agency to the ombudsman under this  
14 chapter of a communication that is subject to attorney-client  
15 privilege or attorney work-product privilege shall not waive the  
16 privilege as to any other person. The ombudsman shall not



1 disclose to any other person a privileged communication provided  
2 under this subsection."

3 SECTION 2. 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 3. New statutory material is underscored.

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

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INTRODUCED BY:



By Request



# S.B. NO. 394

**Report Title:**

Ombudsman Package; Agency Communications; Disclosure; Attorney-Client Privilege; Attorney Work-Product Privilege

**Description:**

Specifies that disclosure of communications by an agency to the ombudsman does not waive any existing attorney-client or attorney work-product privilege pertaining to those communications. Prohibits the ombudsman from disclosing privileged communications to others.

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

