

JAN 19 2022

A BILL FOR AN ACT

RELATING TO POLICE REPORTS.

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

1 SECTION 1. The legislature finds that the death of a
2 family member where the incident led to law enforcement
3 initiating an investigation can raise many questions for the
4 surviving family members even years later. Law enforcement's
5 investigation and the ensuing report may provide some answers
6 and perhaps closure for the family. The legislature further
7 finds that obtaining this information can be difficult. For one
8 Hawai'i family whose son was murdered, it took seventeen years
9 and repeated assistance from a state legislator's office to
10 receive the closing report. For another family whose son was
11 killed during an incident involving law enforcement, the family
12 still had not received a copy of the report more than five years
13 after the incident despite state legislator involvement.

14 The purpose of this Act is to allow surviving immediate
15 family members of deceased persons where law enforcement
16 initiated an investigation to receive a copy of the closing



1 report prepared by the investigating police department after a
2 specified period of time.

3 SECTION 2. Chapter 52D, Hawaii Revised Statutes, is
4 amended by adding a new section to be appropriately designated
5 and to read as follows:

6 "§52D- Request for copy of police report by a surviving
7 immediate family member. (a) Each surviving immediate family
8 member of a deceased person where law enforcement initiated an
9 investigation shall, upon request, be provided a copy of the
10 closing report prepared by the investigating police department,
11 upon the conclusion of any criminal proceedings related to the
12 incident, the passage of five years after the report has been
13 completed, or the passage of seven years after the underlying
14 incident, whichever occurs first; provided that if the
15 investigation has been reopened in the six months prior to the
16 request, the investigating police department shall not be
17 required to provide a copy of the report to the family member
18 while the investigation is ongoing; provided further that upon
19 the conclusion of the reopened investigation there shall be no
20 further delay in providing a copy of the report to the
21 requesting family member.



1 (b) The closing report shall be provided via electronic
2 means or in physical paper form, at the requester's preference.

3 (c) This section shall not diminish any right of a
4 surviving immediate family member or any other person to receive
5 a copy of any portion of a police report or any other government
6 record at any other time.

7 (d) As used in this section:

8 "Closing report" means the final report or similar summary
9 of the investigation that is prepared by the assigned police
10 detective in the normal course of investigating the incident.

11 "Surviving immediate family member" means a person who is a
12 surviving grandparent, parent, sibling, spouse or reciprocal
13 beneficiary, child, or legal guardian of the deceased person."

14 SECTION 3. New statutory material is underscored.

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

16
INTRODUCED BY: Hal Abroad



S.B. NO. 2001

Report Title:

Police Reports; Access; Investigation; Police Department

Description:

Allows surviving immediate family members of deceased persons where law enforcement initiated an investigation to receive a copy of the closing report prepared by the investigating police department after a specified period of time.

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