

ACT 45

H.B. NO. 834

A Bill for an Act Relating to the Confidentiality of Law Enforcement Records.
Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 28-54, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 28-54 Law enforcement records. (a) Confidentiality. All law enforcement records relating to the questioning, apprehension, detention, arrest, or charging of persons for or in connection with a criminal offense against whom no conviction is secured shall be deemed confidential and shall not be disclosed to or copies thereof transferred to any person other than (1) a law enforcement official of the State acting in the course and scope of his official duties; (2) a law enforcement official of the federal government or another state acting in the course and scope of his official

duties, provided that the recipient law enforcement agency has agreed to keep said records confidential to the same extent as provided for herein; or (3) pursuant to an order of a court of competent jurisdiction.

(b) Retrieval of fingerprints and photographs. All fingerprints and photographs of persons against whom no charges of crime are preferred or against whom charges of crime are preferred and no convictions secured shall, when so requested in writing by such persons and within sixty days after such written request, be delivered to such persons or destroyed, unless it shall have been ascertained, from federal records or otherwise, that the persons concerned have a record of prior conviction or are fugitives from justice.

(c) Offense. A person commits the offense of breaching the confidentiality of law enforcement records if he knowingly discloses or transfers copies of law enforcement records relating to the questioning, apprehension, detention, arrest, or charging of persons for or in connection with a criminal offense against whom no conviction is secured, except as authorized pursuant to subsections (a) and (b).

(d) Misdemeanor. Breaching the confidentiality of law enforcement records is a misdemeanor.”

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 24, 1974.)

*Edited accordingly.