

ACT 95

S.B. NO. 588

A Bill for an Act Relating to Sex Offenders.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that there are at least five agencies that deal with criminal sex offenders, including:

- (1) The department of public safety;
- (2) The department of human services;
- (3) The department of health;
- (4) The judiciary; and
- (5) The Hawaii paroling authority.

As sex offenders often enter multiple treatment, monitoring, and punishment programs, it is in the best interests of all involved that these agencies share offender treatment and psychiatric records. Allowing agencies to confidentially share offender treatment and psychiatric records would:

- (1) Help each agency keep better track of an individual offender;
- (2) Provide a measure of extra safety for all affected agency employees, such as, social workers, parole officers, and treatment providers; and
- (3) Enhance public protection.

The purpose of this Act is to include as an interagency requirement the sharing of all relevant criminal, medical, psychological, or mental health records of criminal offenders that would usually be considered confidential.

SECTION 2. Section 353E-2, Hawaii Revised Statutes, is amended to read as follows:

“[[§353E-2]] Interagency coordination. (a) To carry out their responsibilities under section 353E-1, the department of public safety, Hawaii paroling authority, judiciary, department of health, department of human services, and any other agency assigned sex offender oversight responsibilities by law or administrative order, shall establish, by an interagency cooperative agreement, a coordinating body to oversee the development and implementation of sex offender treatment programs in the State to ensure compliance with the intent of the master plan developed under section 353E-1(1). The interagency cooperative agreement shall set forth the role of the coordinating body and the responsibilities of each agency that is a party to the agreement.

(b) The department of public safety shall be the lead agency for the statewide sex offender treatment program. As the lead agency, the department shall act as facilitator of the coordinating body by providing administrative support to the coordinating body.

(c) Notwithstanding any other provision to the contrary, for purposes of sex offender treatment and community supervision, any agency that is part of the interagency cooperative agreement shall provide, upon the request of any other participating agency, all relevant criminal, parole, medical, psychological, or mental health records of any offender receiving supervision or treatment while under custody of the State. Records received by a participating agency under this section shall be confidential and shall be disclosed by the receiving agency only for the purposes and under the circumstances expressly authorized by this section. Any agency providing records under this section shall document the disclosures made under this section, including the name of the agency to which the record is disclosed, the title of the record disclosed, and the date of disclosure.”

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved June 24, 1999.)