

ACT 62

H.B. NO. 1101

A Bill for an Act Relating to Investigators of the Department of Human Services.

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

SECTION 1. The legislature finds that for the State to comply with the settlement agreement between the State and the United States Department of Justice concerning conditions at the Hawaii youth correctional facilities, the State must be able to investigate incidents of use of force, staff-on-youth violence, serious youth-on-youth violence, inappropriate staff relationships with youth, sexual misconduct between youth, and abusive institutional practices at the Hawaii youth correctional facilities. Although pursuant to section 346-4.5, Hawaii Revised Statutes, the director of human services has broad authority to appoint and commission investigators and those investigators are authorized to access information maintained by any state or county entity, the statute does not state specifically that investigators have the authority to access information necessary to investigate incidents at the Hawaii youth correctional facilities.

The purpose of this Act is to ensure that investigators appointed and commissioned by the director of human services have access to all information necessary to investigate incidents at the Hawaii youth correctional facilities.

SECTION 2. Section 346-4.5, Hawaii Revised Statutes, is amended to read as follows:

“§346-4.5 Investigators; authority and access to records. (a) The director shall appoint and commission one or more investigators as the exigencies of the public service may require. Persons appointed and commissioned under this section shall have and may exercise all the powers and authority of a police officer or of a deputy sheriff, provided that the persons so appointed and commissioned shall not carry any firearms.

(b) Information necessary to investigate fraud and other crimes relating to public assistance, to locate absent parents, to establish paternity, [and] to obtain and enforce court orders of support, and to investigate incidents at the Hawaii youth correctional facilities, and contained within the records of any agency, board, commission, authority, or committee of the State or its political subdivisions shall be made available to any commissioned investigator of the department of human services, notwithstanding any provision for confidentiality.”

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 Statutory material to be repealed is bracketed and stricken.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

SECTION 4. This Act shall take effect on July 1, 2009.

(Approved May 18, 2009.)