

ORIGINAL



EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE
GOVERNOR

GOV. MSG. NO. **612**

May 8, 2006

The Honorable Robert Bunda, President
and Members of the Senate
Twenty-Third State Legislature
State Capitol, Room 003
Honolulu, Hawaii 96813

Dear Mr. President and Members of the Senate:

This is to inform you that on May 8, 2006, the following bill was signed into law:

SB1512 SD1 HD3

A BILL FOR AN ACT RELATING TO DOMESTIC
VIOLENCE FATALITY REVIEW.
(ACT 82)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

THE SENATE
TWENTY-THIRD LEGISLATURE, 2005
STATE OF HAWAII

S.B. NO. 1512
S.D. 1
H.D. 3

A BILL FOR AN ACT

RELATING TO DOMESTIC VIOLENCE FATALITY REVIEW.

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

1 SECTION 1. Chapter 321, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 **"PART . DOMESTIC VIOLENCE FATALITY REVIEW**

5 **§321- Definitions.** As used in this part:

6 "Dating relationship" as used in this section has the same
7 meaning prescribed in section 586-1.

8 "Department" means the department of health.

9 "Director" means the director of health or the director's
10 designated representative.

11 "Domestic violence" means physical harm, bodily injury,
12 assault, or the threat of imminent physical harm, bodily injury,
13 or assault, extreme psychological abuse or malicious property
14 damage between family or household members.

15 "Domestic violence fatality review information" means
16 information regarding a victim, including but not limited to:

17 (1) Social, medical, and legal history;

18 (2) Death and birth certificates;



- 1 (3) Law enforcement investigative information and data;
- 2 (4) Medical examiner or coroner investigative information
- 3 and data;
- 4 (5) Parole and probation information and records;
- 5 (6) Information and records of social services agencies;
- 6 (7) Educational records; and
- 7 (8) Health care institution information.

8 "Domestic violence fatality review team" means those
9 individuals appointed by the director to review domestic
10 violence fatalities.

11 "Extreme psychological abuse" as used in this section has
12 the same meaning prescribed in section 586-1.

13 "Family or household members" as used in this section
14 means:

- 15 (1) Each legal parent;
- 16 (2) The natural mother;
- 17 (3) The natural father;
- 18 (4) Each natural or adopted child;
- 19 (5) Each sibling or person related by consanguinity;
- 20 (6) Spouses or former spouses;
- 21 (7) Reciprocal beneficiaries or former reciprocal
- 22 beneficiaries;



1 (8) Each person who has or has had a dating relationship;

2 (9) Each person jointly residing or formerly residing in
3 the same dwelling unit; and

4 (10) Any other person who, or legal entity that, is a
5 victim's legal or physical custodian or guardian, or
6 who is otherwise responsible for the victim's care,
7 other than an authorized agency that assumes such a
8 legal status or relationship with the victim under
9 chapter 587.

10 "Malicious property damage" as used in this section has the
11 same meaning prescribed in section 586-1.

12 "Preventable death" means a death that reasonable medical,
13 social, legal, psychological, or educational intervention may
14 have prevented.

15 "Provider of medical care" means any health care
16 practitioner who provides, or a facility through which is
17 provided, any medical evaluation or treatment, including dental
18 and mental health evaluation or treatment.

19 "Suspect" means a person suspected of having caused a
20 victim's death.



1 "Victim" means an adult whose death is suspected of having
2 been caused by domestic violence or domestic violence-related
3 suicide.

4 **§321- Multidisciplinary and multiagency reviews.** The
5 department may conduct multidisciplinary and multiagency reviews
6 of domestic violence fatalities to reduce the incidence of
7 preventable deaths. The director may form domestic violence
8 fatality review teams, as necessary, by appointing individuals
9 to review domestic violence fatalities. A domestic violence
10 fatality review team shall not be subject to part I, chapter 92.

11 **§321- Access to information.** (a) Upon request of the
12 director or a domestic violence fatality review team, all
13 medical examiners, physicians acting under the direction of a
14 coroner, providers of medical care, state agencies, and county
15 agencies shall disclose to the department and the domestic
16 violence fatality review team all information and records
17 regarding the circumstances of a victim's death so that the
18 department may conduct a multidisciplinary and multiagency
19 review of domestic violence fatalities pursuant to this part.

20 (b) To the extent that this section conflicts with other
21 state confidentiality laws, the provisions of this section shall



1 require disclosure, notwithstanding the existence of a specific
2 confidentiality statute.

3 (c) An entity represented on a domestic violence fatality
4 review team and any entity cooperating with an entity
5 represented on a domestic violence fatality review team may
6 share with other members of the team:

7 (1) Information in its possession concerning the victim;

8 (2) Information in its possession concerning any person
9 who was in contact with the victim; and

10 (3) Any other information in its possession deemed by the
11 entity to be pertinent to the domestic violence
12 fatality review.

13 (d) Any information shared by an entity with other members
14 of a domestic violence fatality review team is subject to the
15 same restrictions on disclosure of the information or the
16 records as the originating entity.

17 **§321- Exception.** Information regarding an ongoing civil
18 or criminal investigation shall be disclosed at the discretion
19 of the applicable state or county law enforcement agency.

20 **§321- Use of domestic violence fatality review**
21 **information and records.** (a) Except as otherwise provided in
22 this part, all information and records acquired by the



1 department during its review of domestic violence fatalities
2 pursuant to this part are confidential and shall only be
3 disclosed as necessary to carry out the purposes of this part.

4 (b) Domestic violence fatality review information and
5 statistical compilations of data that do not contain any
6 information not previously publicly disclosed that would permit
7 the identification of any person, shall be public records.

8 (c) An individual participating in the domestic violence
9 fatality review of a victim's death shall not be questioned in
10 any civil or criminal proceeding regarding information presented
11 in or an opinion formed as a result of a domestic violence
12 fatality review meeting. Nothing in this section shall be
13 construed to prevent an individual from testifying to
14 information obtained independently of the domestic violence
15 fatality review of a victim's death, or which is public
16 information, or where law or court order requires disclosure.

17 (d) Domestic violence fatality review information held by
18 the department as a result of domestic violence fatality reviews
19 conducted under this part shall not be subject to subpoena,
20 discovery, or introduction into evidence in any civil or
21 criminal proceeding, except that domestic violence fatality
22 review information otherwise available from other sources shall



1 not be immune from subpoena, discovery, or introduction into
2 evidence through those sources solely because it was provided as
3 required by this part.

4 §321- Immunity from liability. A domestic violence
5 fatality review team, its members, and any entity, agency, or
6 individual participating in, or cooperating in, the review of a
7 domestic violence fatality pursuant to this part shall not be
8 civilly or criminally liable for providing the information
9 required under this part."

10 SECTION 2. This Act shall take effect upon its approval.




GOVERNOR OF THE STATE OF HAWAII
Approved this day: MAY 8 2006

THE SENATE OF THE STATE OF HAWAII

Date: April 20, 2006
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006.




President of the Senate


Clerk of the Senate

**THE HOUSE OF REPRESENTATIVES
OF THE STATE OF HAWAII**

Date: April 11, 2006
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006.


Speaker, House of Representatives

Clerk, House of Representatives