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# 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 proscribed 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 proscribed 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 proscribed 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 agency.

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.



**Report Title:**

Health; Domestic Violence Fatality Review

**Description:**

Authorizes the Director of Health to establish domestic violence fatality review teams to review domestic violence fatalities.

(SB1512 HD2)

