
A BILL FOR AN ACT

RELATING TO ADULT PROBATION RECORDS.

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

1 SECTION 1. Section 806-73, Hawaii Revised Statutes is
2 amended by amending subsection (b) to read as follows:

3 "(b) All adult probation records [~~of the Hawaii state~~
4 ~~adult probation divisions~~] shall be confidential and shall not
5 be deemed to be public records. As used in this section, the
6 term "records" includes, but is not limited to, all records made
7 by any adult probation officer in the course of performing the
8 probation officer's official duties[~~;~~ ~~provided that the~~]. The
9 records, or the content of the records, shall be divulged only
10 as follows:

11 (1) A copy of any adult probation [~~division~~] case record
12 or of a portion of it, or the case record itself, upon
13 request, may be provided to [~~an~~]:

14 (A) An adult probation officer, court officer, or
15 social worker of a Hawaii state adult probation
16 [~~division,~~] unit, a family court officer who is
17 preparing a report for the courts[~~;~~]; or [~~a~~]

18 (B) A state or federal criminal justice agency that:



1 [~~(A) Is~~] (i) Is providing supervision of a defendant
 2 or offender convicted and sentenced by the
 3 courts of Hawaii; or

4 [~~(B) Is~~] (ii) Is responsible for the preparation of
 5 a report for a court;

6 (2) The [~~contents of any adult probation [division]-case~~
 7 ~~record relating to the~~] residence address, work
 8 address, home telephone number, or work telephone
 9 number of a [~~probationer~~] current or former defendant
 10 shall be provided only to [a]:

11 (A) A law enforcement officer as defined in section
 12 710-1000(13) to locate the probationer for the
 13 purpose of serving a summons or bench warrant in
 14 a civil, criminal, or deportation hearing, or for
 15 the purpose of a criminal investigation; [~~and~~]

16 (B) A collection agency or licensed attorney
 17 contracted by the judiciary to collect any
 18 delinquent court-ordered penalties, fines,
 19 restitution, sanctions, and court costs pursuant
 20 to section 601-17.5; or

21 (C) A victim as defined in section 706-646 to enforce
 22 an order filed pursuant to section 706-647;



- 1 (3) A copy of a presentence report or investigative report
2 shall be provided only to:
- 3 (A) The persons or entities named in section 706-604;
 - 4 (B) The Hawaii paroling authority;
 - 5 (C) Any psychiatrist, psychologist, or other
6 treatment practitioner who is treating the
7 defendant pursuant to a court order or parole
8 order for that treatment;
 - 9 (D) The intake service centers;
 - 10 (E) In accordance with applicable law, persons or
11 entities doing research; and
 - 12 (F) Any Hawaii state adult probation officer or adult
13 probation officer of another state or federal
14 jurisdiction who:
 - 15 (i) Is engaged in the supervision of a defendant
16 or offender convicted and sentenced in the
17 courts of Hawaii; or
 - 18 (ii) Is engaged in the preparation of a report
19 for a court regarding a defendant or
20 offender convicted and sentenced in the
21 courts of Hawaii[-]; and



1 (4) Notwithstanding subsection (b)(3), upon notice to the
 2 defendant, records and information relating to the
 3 defendant's risk assessment and need for treatment
 4 services or information related to the defendant's
 5 past treatment and assessments may be provided to:

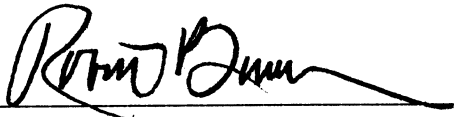
6 (A) A case management, assessment or treatment
 7 service provider assigned by adult probation to
 8 service the defendant;

9 (B) Correctional case manager, correctional unit
 10 manager, and parole officers involved with the
 11 defendant's treatment or supervision; and

12 (C) In accordance with applicable law, persons or
 13 entities doing research."

14 SECTION 2. Statutory material to be repealed is bracketed
 15 and stricken. New statutory material is underscored.

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

17 INTRODUCED BY: 

By Request



SB. NO. 2602

Report Title:

Judiciary; Adult Probation; Records

Description:

Adds persons and entities that are allowed access to adult probation records.

