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



- 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[-];



1       (4) Access to adult probation records by a victim, as  
2       defined in section 706-646 to enforce an order filed  
3       pursuant to section 706-647, shall be limited to the  
4       name and contact information of the defendant's adult  
5       probation officer.

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

11      (A) A case management, assessment or treatment  
12      service provider assigned by adult probation to  
13      service the defendant; provided that such  
14      information shall be given only upon the  
15      acceptance or admittance of the defendant into a  
16      treatment program;

17      (B) Correctional case manager, correctional unit  
18      manager, and parole officers involved with the  
19      defendant's treatment or supervision; and

20      (C) In accordance with applicable law, persons or  
21      entities doing research.



1       (6) Any person, agency, or entity receiving records, or  
2       contents of records, pursuant to this subsection shall  
3       be subject to the same restrictions on disclosure of  
4       the records as Hawaii state adult probation offices.

5       (7) Any person who uses the information covered by this  
6       subsection for purposes inconsistent with the intent  
7       of this subsection or outside of the scope of their  
8       official duties shall be fined no more than \$500."

9       SECTION 2. Statutory material to be repealed is bracketed  
10      and stricken. New statutory material is underscored.

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

SB2602, SD1

**Report Title:**

Judiciary; Adult Probation; Records

**Description:**

Adds persons and entities that are allowed access to adult probation records. Restricts victim's access to adult probation records to the name and contact information of the defendant's adult probation officer. (SD1)

