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

10 (1) A copy of any adult probation case record or of a  
11 portion of it, or the case record itself, upon  
12 request, may be provided to:

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

17 (B) A state or federal criminal justice agency, or  
18 state or federal court program that:



- 1 (i) Is providing supervision of a defendant or
- 2 offender convicted and sentenced by the
- 3 courts of Hawaii; or
- 4 (ii) Is responsible for the preparation of a
- 5 report for a court;
- 6 (2) The residence address, work address, home telephone
- 7 number, or work telephone number of a current or
- 8 former defendant shall be provided only to:
- 9 (A) A law enforcement officer as defined in section
- 10 710-1000(13) to locate the probationer for the
- 11 purpose of serving a summons or bench warrant in
- 12 a civil, criminal, or deportation hearing, or for
- 13 the purpose of a criminal investigation; or
- 14 (B) A collection agency or licensed attorney
- 15 contracted by the judiciary to collect any
- 16 delinquent court-ordered penalties, fines,
- 17 restitution, sanctions, and court costs pursuant
- 18 to section 601-17.5[-];
- 19 (3) A copy of a presentence report or investigative report
- 20 shall be provided only to:
- 21 (A) The persons or entities named in section 706-604;
- 22 (B) The Hawaii paroling authority;



- 1 (C) Any psychiatrist, psychologist, or other  
2 treatment practitioner who is treating the  
3 defendant pursuant to a court order or parole  
4 order for that treatment;
- 5 (D) The intake service centers;
- 6 (E) In accordance with applicable law, persons or  
7 entities doing research; and
- 8 (F) Any Hawaii state adult probation officer or adult  
9 probation officer of another state or federal  
10 jurisdiction who:
- 11 (i) Is engaged in the supervision of a defendant  
12 or offender convicted and sentenced in the  
13 courts of Hawaii; or
- 14 (ii) Is engaged in the preparation of a report  
15 for a court regarding a defendant or  
16 offender convicted and sentenced in the  
17 courts of Hawaii;
- 18 (4) Access to adult probation records by a victim, as  
19 defined in section 706-646 to enforce an order filed  
20 pursuant to section 706-647, shall be limited to the  
21 name and contact information of the defendant's adult  
22 probation officer[-];



- 1 (5) Notwithstanding [~~subsection (b) (3),~~] paragraph (3),  
2 upon notice to the defendant, records and information  
3 relating to the defendant's risk assessment and need  
4 for treatment services or information related to the  
5 defendant's past treatment and assessments may be  
6 provided [~~to~~]:
- 7 (A) [A] To a case management, assessment or treatment  
8 service provider assigned by adult probation to  
9 service the defendant; provided that [~~such~~] the  
10 information shall be given only [~~upon the~~  
11 acceptance or admittance of the defendant into a  
12 treatment program;] as part of the determination  
13 for admission and the disclosed information shall  
14 remain confidential;
- 15 (B) [~~Correctional~~] To a correctional case manager,  
16 correctional unit manager, and parole officers  
17 involved with the defendant's treatment or  
18 supervision; and
- 19 (C) In accordance with applicable law, to persons or  
20 entities doing research[+];
- 21 (6) Any person, agency, or entity receiving records, or  
22 contents of records, pursuant to this subsection shall





**Report Title:**

Adult Probation Records; Disclosure

**Description:**

Permits disclosure of treatment and assessment information to treatment vendors.

