

Honolulu, Hawaii

Feb 2, 2010

RE: H.B. No. 2379

H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Sir:

Your Committee on Labor & Public Employment, to which was referred H.B. No. 2379 entitled:

"A BILL FOR AN ACT RELATING TO THE HAWAII CIVIL RIGHTS COMMISSION,"

begs leave to report as follows:

The purpose of this bill is improve the process of the investigation of complaints by the Hawaii Civil Rights Commission (HCRC) by clarifying statutorily established confidentiality provisions which apply to the disclosure and allowable use of factual records obtained in the course of an investigation.

HCRC testified in support of this bill.

A number of respondents in investigations conducted by HCRC have requested that their statements be confidential as allowed under current law. However, some of these respondents have also asserted that this confidentiality request precludes the disclosure and use of their statements as evidence in any future proceedings, at times conditioning their cooperation and appearance for interviews with an assertion of confidential witness status. HCRC informed your Committee that they refuse these demands because it could limit the use of evidence obtained in the course of the law enforcement investigation for the prosecution of the complaint. This has resulted in resources being expended in litigating these issues in actions for subpoena enforcement. This measure should resolve this issue.

HB2379 HD1 HSCR LAB HMS 2010-1470



Technical, nonsubstantive amendments have been made for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Labor & Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2379, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2379, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Labor & Public
Employment,

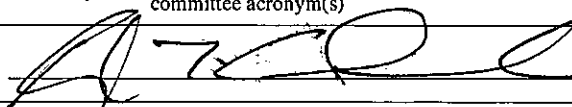


KARL RHOADS, Chair



State of Hawaii
House of Representatives
The Twenty-fifth Legislature

Record of Votes of the Committee on Labor & Public Employment

Bill/Resolution No: HB 2379	Committee Referral: LAB, JUD, FIN	Date: 1-29-10		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
LAB Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)	—			
2. YAMASHITA, Kyle T. (VC)	—			
3. AQUINO, Henry J.C.	—			
4. AWANA, Karen Leinani	—			
5. HANOHANO, Faye P.	—			
6. KEITH-AGARAN, Gilbert S.C.	—			
7. LEE, Marilyn B.	—			
8. NAKASHIMA, Mark M.	—			
9. SAIKI, Scott K.	—			
10. SOUKI, Joseph M.				—
11. TAKUMI, Roy M.	—			
12. PINE, Kymberly Marcos				—
TOTAL (12)	10	—	—	2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. _____ committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				