

Honolulu, Hawaii

, 2010

APR 22 2010

RE: S.B. No. 2154  
S.D. 1  
H.D. 1  
C.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2010  
State of Hawaii

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

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2154, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ADULT PROBATION RECORDS,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) For disclosure of information from a defendant's treatment service provider, add the requirement of the defendant's prior written consent and the condition that disclosures relating to substance abuse records are subject to applicable federal regulations regarding confidentiality; and
- (2) Authorize the release of probation drug test results to the defendant's treating physician with the prior written consent of the defendant if the test results indicate



substance use that may be compromising the defendant's medical care or treatment.

Your Committee on Conference finds that the intent of this measure is to balance probation record disclosure objectives with privacy concerns. Regarding release of information related to a defendant's past treatment and assessments, your Committee on Conference notes that federal confidentiality provisions in Title 42 Code of Federal Regulations Part 2, relating to the confidentiality of alcohol and drug abuse patient records, require a client's written consent prior to the release of such information, and subsequent releases also require a client's written consent. For probation drug test results, this measure will provide statutory authority for the release of probation drug test result information in a defendant's probation records under limited circumstances.

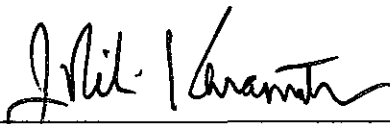
Your Committee on Conference has amended this measure by inserting an effective date of July 1, 2010.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2154, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2154, S.D. 1, H.D. 1, C.D. 1.

Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



JON RIKI KARAMATSU, Chair

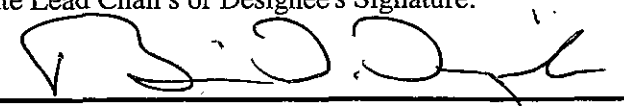
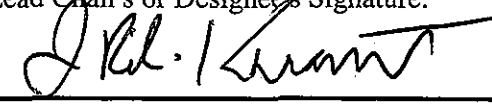


BRIAN T. TANIGUCHI, Chair



**Hawaii State Legislature**  
**Record of Votes of a**  
**Conference Committee**

73-10

Bill / Concurrent Resolution No.: <b>SB 2154, SD 1, HD 1</b>					Date/Time: <i>April 19, 2010, 2:15pm</i>						
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).											
<input type="checkbox"/> The Committee is reconsidering its previous decision.											
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.						
Senate Managers		A	WR	N	E	House Managers		A	WR	N	E
TANIGUCHI, Brian T., Chr.		✓				KARAMATSU, Jon Riki, Chr.		✓			
NISHIHARA, Clarence K.		✓				TSUJI, Clift		✓			
SLOM, Sam		✓				THIELEN, Cynthia		✓			
TOTAL		3				TOTAL		3			
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused				
Senate Recommendation is:					House Recommendation is:						
<input checked="" type="checkbox"/> Adopted		<input type="checkbox"/> Not Adopted			<input checked="" type="checkbox"/> Adopted		<input type="checkbox"/> Not Adopted				
Senate Lead Chair's or Designee's Signature:					House Lead Chair's or Designee's Signature:						
											
Distribution:		Original			Yellow		Pink		Goldenrod		
		File with Conference Committee Report			House Clerk's Office		Senate Clerk's Office		Drafting Agency		