

Honolulu, Hawaii

March 31, 2010

RE: S.B. No. 2154  
S.D. 1  
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 Judiciary, to which was referred S.B. No. 2154, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this bill is to clarify information about parolees that probation officers may share, specifically that, with defendant's prior written consent:

- (1) Release of information from a treatment service provider, information about past and current assessments and need for treatment services may be provided to a treatment service provider or correctional case manager; and
- (2) Probation drug test results may be released to the defendant's treating physician if deemed pertinent to the defendant's medical care.

The Judiciary and the Department of Health testified in support of this bill. Hawaii Substance Abuse Coalition supported this bill with amendments. The Office of the Public Defender provided comments.



Your Committee has amended this bill by:

- (1) Clarifying that any released past substance abuse records will be subject to Title 42 Code of Federal Regulations relating to confidentiality of alcohol and drug abuse patient records;
- (2) Requiring prior written consent of a defendant for release of probation drug test results; and
- (3) Making technical, nonsubstantive amendments for consistency, clarity, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2154, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2154, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,

  
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JON RIKI KARAMATSU, Chair



