

JAN 26 2011

A BILL FOR AN ACT

RELATING TO INFORMATION PRACTICES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 92F-12, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§92F-12 Disclosure required. (a) Any other provision in
4 this chapter to the contrary notwithstanding, each agency shall
5 make available for public inspection and duplication during
6 regular business hours:

7 (1) Rules of procedure, substantive rules of general
8 applicability, statements of general policy, and
9 interpretations of general applicability adopted by
10 the agency;

11 (2) Final opinions, including concurring and dissenting
12 opinions, as well as orders made in the adjudication
13 of cases, except to the extent protected by section
14 92F-13(1);

15 (3) Government purchasing information, including all bid
16 results, except to the extent prohibited by section
17 92F-13;



- 1 (4) Pardons and commutations, as well as directory
- 2 information concerning an individual's presence at any
- 3 correctional facility;
- 4 (5) Land ownership, transfer, and lien records, including
- 5 real property tax information and leases of state
- 6 land;
- 7 (6) Results of environmental tests;
- 8 (7) Minutes of all agency meetings required by law to be
- 9 public;
- 10 (8) Name, address, and occupation of any person borrowing
- 11 funds from a state or county loan program, and the
- 12 amount, purpose, and current status of the loan;
- 13 (9) Certified payroll records on public works contracts
- 14 except social security numbers and home addresses;
- 15 (10) Regarding contract hires and consultants employed by
- 16 agencies:
- 17 (A) The contract itself, the amount of compensation;
- 18 (B) The duration of the contract; and
- 19 (C) The objectives of the contract,
- 20 except social security numbers and home addresses;
- 21 (11) Building permit information within the control of the
- 22 agency;



- 1 (12) Water service consumption data maintained by the
2 boards of water supply;
- 3 (13) Rosters of persons holding licenses or permits granted
4 by an agency that may include name, business address,
5 type of license held, and status of the license;
- 6 (14) The name, compensation (but only the salary range for
7 employees covered by or included in chapter 76, and
8 sections 302A-602 to 302A-640, and 302A-701, or
9 bargaining unit (8)), job title, business address,
10 business telephone number, job description, education
11 and training background, previous work experience,
12 dates of first and last employment, position number,
13 type of appointment, service computation date,
14 occupational group or class code, bargaining unit
15 code, employing agency name and code, department,
16 division, branch, office, section, unit, and island of
17 employment, of present or former officers or employees
18 of the agency; provided that this paragraph shall not
19 ~~require~~;
- 20 (A) Require the creation of a roster of employees;
21 and ~~provided further that this paragraph shall~~
22 ~~not apply~~



1 (B) Apply to information regarding present or former
2 employees involved in an undercover capacity in a
3 law enforcement agency[+], including undercover
4 officers; provided that the name and salary of an
5 undercover officer may be made available after
6 the undercover officer has ceased to be involved
7 in an undercover capacity for at least five
8 years;

9 (15) Information collected and maintained for the purpose
10 of making information available to the general public;
11 and

12 (16) Information contained in or compiled from a
13 transcript, minutes, report, or summary of a
14 proceeding open to the public.

15 (b) Any provision to the contrary notwithstanding, each
16 agency shall also disclose:

17 (1) Any government record, if the requesting person has
18 the prior written consent of all individuals to whom
19 the record refers;

20 (2) Government records which, pursuant to federal law or a
21 statute of this State, are expressly authorized to be
22 disclosed to the person requesting access;



- 1 (3) Government records pursuant to a showing of compelling
- 2 circumstances affecting the health or safety of any
- 3 individual;
- 4 (4) Government records requested pursuant to an order of a
- 5 court;
- 6 (5) Government records pursuant to a subpoena from either
- 7 house of the state legislature; and
- 8 (6) Information from the motor vehicle registration files,
- 9 provided that the person requesting such files shall
- 10 have a legitimate reason as determined by rules.

11 (c) For the purposes of this section:

12 "Undercover capacity" means any law enforcement activity
13 that requires the employee to conceal the employee's identity as
14 a law enforcement officer.

15 "Undercover officer" means a law enforcement employee who
16 works in an undercover capacity."

17 SECTION 2. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

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

20

INTRODUCED BY:

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S.B. NO. 1376

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Report Title:

Information Practices; Undercover Officers

Description:

Authorizes the release of names and salaries of undercover officers after five years from when the undercover officer ceases to work in an undercover capacity. Defines "undercover capacity" and "undercover officer".

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

