

JAN 26 2011

A BILL FOR AN ACT

RELATING TO THE DISCLOSURE OF VITAL STATISTICS RECORDS TO LAW ENFORCEMENT OFFICERS.

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

1 SECTION 1. Section 338-18, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) The department shall not permit inspection of public
4 health statistics records, or issue a certified copy of any such
5 record or part thereof, unless it is satisfied that the
6 applicant has a direct and tangible interest in the record. The
7 following persons shall be considered to have a direct and
8 tangible interest in a public health statistics record:

- 9 (1) The registrant;
- 10 (2) The spouse of the registrant;
- 11 (3) A parent of the registrant;
- 12 (4) A descendant of the registrant;
- 13 (5) A person having a common ancestor with the registrant;
- 14 (6) A legal guardian of the registrant;
- 15 (7) A person or agency acting on behalf of the registrant;
- 16 (8) A personal representative of the registrant's estate;

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- 1 (9) A person whose right to inspect or obtain a certified
2 copy of the record is established by an order of a
3 court of competent jurisdiction;
- 4 (10) Adoptive parents who have filed a petition for
5 adoption and who need to determine the death of one or
6 more of the prospective adopted child's natural or
7 legal parents;
- 8 (11) A person who needs to determine the marital status of
9 a former spouse in order to determine the payment of
10 alimony;
- 11 (12) A person who needs to determine the death of a
12 nonrelated co-owner of property purchased under a
13 joint tenancy agreement; [and]
- 14 (13) A person who needs a death certificate for the
15 determination of payments under a credit insurance
16 policy[-]; and
- 17 (14) A law enforcement officer, as defined by section 710-
18 1000(13), who needs vital statistics records as
19 evidence in a criminal investigation, if the law
20 enforcement officer requesting the vital statistics
21 records provides identification and submits to the
22 department a signed statement verifying, under penalty

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1 of criminal prosecution for false swearing in official

2 matters:

3 (A) That the officer is a law enforcement officer as
4 defined by section 710-1000(13);

5 (B) That the officer is acting in the officer's
6 official capacity; and

7 (C) That the vital statistics records are needed as
8 evidence in a criminal investigation."

9 SECTION 2. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: S.S.T.Z.

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BY REQUEST

Report Title:

Vital Statistics Records; Disclosure

Description:

Authorizes the Department of Health to provide certain public health records to law enforcement officers to facilitate criminal investigations.

JUSTIFICATION SHEET

DEPARTMENT: Attorney General

TITLE: A BILL FOR AN ACT RELATING TO THE DISCLOSURE OF VITAL STATISTICS RECORDS TO LAW ENFORCEMENT OFFICERS.

PURPOSE: To add law enforcement officers to those who are considered to have a direct and tangible interest in certain public health statistic records, and thereby facilitate law enforcement's efforts to obtain vital statistics records during the course of investigations.

MEANS: Amend section 338-18(b), Hawaii Revised Statutes.

JUSTIFICATION: Generally, the Department of Health is not permitted to allow access to vital statistics records to law enforcement officers even though law enforcement officers sometimes need access to vital statistics records during the course of investigating or prosecuting a crime. For example, in homicide investigations, access to a death certificate can be helpful when deciding what charge, if any, to bring against a suspect. Another example would be the need to access birth certificates in sexual assault cases when the age of the victim or the age of the suspect needs to be ascertained by the investigator. Marriage certificates may also be needed to facilitate investigations. Investigations can be completed in a more timely and effective manner if law enforcement officers are allowed limited access to certain vital statistics records.

Impact on the public: This bill will be beneficial to the public interest because it would allow crimes, where vital statistics

records are needed as evidence, to be investigated quicker and more efficiently.

Impact on the department and other agencies:
This bill will help the department and other agencies because it would enable access to vital statistic records that will expedite the investigation of certain crimes.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: None.

OTHER AFFECTED
AGENCIES: Department of Health, county police, and county prosecutors.

EFFECTIVE DATE: Upon approval.