



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

HOUSE COMMITTEE ON HEALTH AND PUBLIC SAFETY

Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.
Director of Health

HB 0783, Relating to the Disclosure of Public Health Statistics Records to Law Enforcement Officers

February 8, 2013

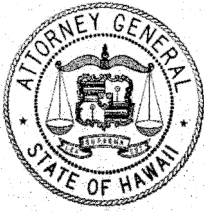
WRITTEN ONLY

1 **Department's Position:** The Department of Health supports intent of HB 0783 but recommends
2 limiting disclosure to only law enforcement officers in the State of Hawaii.

3 **Fiscal Implications:** No impact.

4 **Purpose and Justification:** HB 0783 authorizes the Department of Health (DOH) to provide public
5 health statistics records (primarily birth, marriage, divorce and death records) to law enforcement
6 officers to facilitate criminal investigations. The DOH was opposed to earlier versions of this proposal
7 because it poised a burden on the DOH in determining whether the requestor was entitled to and had a
8 direct and tangible interest in the vital record. The current proposal provides that the law enforcement
9 officer must present identification confirming that he/she is a law enforcement officer as defined by
10 section 710-10000(13) HRS, and submits a signed statement verifying under penalty of criminal
11 prosecution for false swearing in official matters; that he/she is acting in their official capacity; and the
12 public health statistics record is needed as evidence in a criminal investigation. We would like to limit
13 the disclosure to only law enforcement officers in the State of Hawaii to prevent exploitation of the
14 process, for example from mainland law enforcement officers requesting the President's birth record.

1 Thank you for the opportunity to provide testimony in support of HB 0783.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SEVENTH LEGISLATURE, 2013**

ON THE FOLLOWING MEASURE:

H.B. NO. 783, RELATING TO THE DISCLOSURE OF PUBLIC HEALTH STATISTICS RECORDS TO LAW ENFORCEMENT OFFICERS.

BEFORE THE:

HOUSE COMMITTEE ON HEALTH

DATE: Friday, February 8, 2013

TIME: 8:30 a.m.

LOCATION: State Capitol, Room 329

TESTIFIER(S): David M. Louie, Attorney General, or
Lance M. Goto, Deputy Attorney General.

Chair Belatti and Members of the Committee:

The Department of the Attorney General strongly supports this bill.

The purpose of this bill is to amend section 338-18(b), Hawaii Revised Statutes, to authorize the Department of Health to: (1) allow law enforcement officers to inspect public health statistics records, and (2) issue certified copies of any such records or part thereof to law enforcement officers; and thereby facilitate law enforcement's efforts to obtain public health statistics records during the course of criminal investigations.

This bill has the unanimous support of the Hawaii Law Enforcement Coalition. The Coalition is composed of the Chiefs of Police of all four counties, the Prosecuting Attorneys of all four counties, the Attorney General, and the United States Attorney for the District of Hawaii.

County police and prosecutors, the Department of the Attorney General, the Department of Public Safety, and numerous federal law enforcement agencies sometimes need public health statistics records for their criminal investigations. Such records can be extremely important to law enforcement investigators, and can help investigators complete their cases in a more timely and effective manner.

Section 338-18(b), Hawaii Revised Statutes, lists persons who are permitted to obtain public health statistics records after they have established a direct and tangible interest in the records. Law enforcement officers, however, are not currently included on this list, even though they do have a substantial need for and interest in the records. As a result, law enforcement officers generally cannot obtain public health statistics records unless they have a court order, a

process that can be time consuming, and interrupt or delay investigations. Some investigations cannot be delayed for any length of time because delays can compromise physical evidence, the safety of victims or others in the community, the availability of witnesses, or the ability to locate suspects.

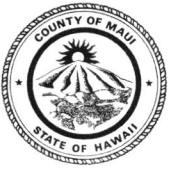
This bill amends section 338-18(b) to add law enforcement officers to the list of persons permitted to obtain public health statistics records. To address concerns that the requestor is in fact a law enforcement officer requesting the records for an official law enforcement purpose, this bill requires the officer to provide identification and a signed statement, verifying under penalty of criminal prosecution, that the person is a law enforcement officer, acting in the officer's official capacity, and in need of the records for a criminal investigation.

Law enforcement officers need public health statistics records for many reasons. They may need death certificates to determine or confirm that a witness, victim, or suspect has died. That information may be critical to how the case is investigated or how much resources are committed to the case. Investigators, attempting to locate a witness or serve an arrest warrant on a defendant, need to know if the witness or defendant has died. Investigators, assessing a complaint that a sex offender has failed to comply with sex offender registration requirements, should know that the offender died before they invest any time or resources on the case.

Investigators may also need birth certificates to determine the age of the victim or defendant. The ages of the victim and defendant are sometimes extremely important in sexual assault investigations when the charges depend on their ages. The age of the victim may also be important for investigation of offenses involving child abuse, promoting pornography, and endangering the welfare of a minor. Investigators may need marriage certificates to help locate relatives or family members of witnesses, victims, or suspects. Marriage certificates may also be needed in criminal investigations to confirm a person's marital status, determine when someone was married, or determine a person's name prior to marriage.

This bill will give law enforcement officers the tools necessary to investigate crimes more quickly and efficiently, while still protecting the confidentiality of the records.

The Department respectfully requests passage of this bill.



ALAN M. ARAKAWA
MAYOR

OUR REFERENCE

YOUR REFERENCE

POLICE DEPARTMENT

COUNTY OF MAUI

55 MAHALANI STREET
WAILUKU, HAWAII 96793
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February 07, 2013



GARY A. YABUTA
CHIEF OF POLICE

CLAYTON N.Y.W. TOM
DEPUTY CHIEF OF POLICE

The Honorable Henry J. C. Aquino, Chair
And Members of the Committee on Public Safety
House of Representatives
State Capitol
Honolulu, Hawaii 96813

The Honorable Della Au Belatti, Chair
And Members of the Committee on Health
House of Representatives
State Capitol
Honolulu, Hawaii 96813

RE: House Bill No. 783
RELATING TO THE DISCLOSURE OF PUBLIC HEALTH
STATISTICS RECORDS TO LAW ENFORCEMENT OFFICERS

Dear Chairs Aquino and Au Belatti, and Members of the Committees:

The Maui Police Department supports the passage of H.B. No. 783.

The passage of this bill authorizes the Department of Health to provide public health statistics records to law enforcement officers to facilitate criminal investigations.

This bill will greatly enhance the ability for law enforcement to thoroughly investigate criminal cases in which statistic records could affect the outcome of an investigation.

The Maui Police Department again asks that you support the passage of H.B. No. 783.

Thank you for the opportunity to testify.

Sincerely,

GARY A. YABUTA
Chief of Police

morikawa2 - Shaun

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 07, 2013 8:29 PM
To: HLTtestimony
Cc: tabraham08@gmail.com
Subject: *Submitted testimony for HB783 on Feb 8, 2013 08:30AM*

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HB783

Submitted on: 2/7/2013

Testimony for HLT on Feb 8, 2013 08:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Troy Abraham	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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