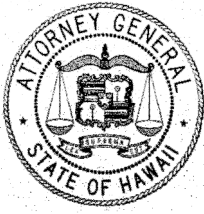


SB981
TESTIMONY



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

ON THE FOLLOWING MEASURE:

S.B. NO. 981, RELATING TO PUBLIC HEALTH STATISTICS RECORDS.

BEFORE THE:

SENATE COMMITTEES ON HEALTH AND ON PUBLIC SAFETY,
INTERGOVERNMENTAL AND MILITARY AFFAIRS

DATE: Friday, February 8, 2013

TIME: 1:35 p.m.

LOCATION: State Capitol, Room 229

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

Chairs Green and Espero and Members of the Committees:

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.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 768-7400 • FAX: (808) 768-6552

KEITH M. KANESHIRO
PROSECUTING ATTORNEY

ARMINA A. CHING
FIRST DEPUTY PROSECUTING ATTORNEY



**THE HONORABLE JOSH GREEN, CHAIR
SENATE HEALTH COMMITTEE
THE HONORABLE WILL ESPERO
SENATE PUBLIC SAFETY, INTERGOVERNMENTAL
AND MILITARY AFFAIRS COMMITTEE
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawai`i**

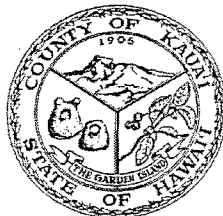
February 8, 2013

RE: S.B. 981; RELATING TO PUBLIC HEALTH STATISTICS RECORDS.

Chair Green, Chair Espero, and members of the Senate Committee on Health and Senate Committee on Public Safety, Intergovernmental, and military Affairs, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in support of S.B. 981.

This bill authorizes the DOH to provide public health statistics records to law enforcement officers for evidence in criminal investigations. This authorization will help increase successful investigation and prosecution of criminal cases. For these reasons, we support the passage of S.B. 981. Thank you.

Justin F. Kollar
Prosecuting Attorney



Kevin K. Takata
First Deputy

Rebecca A. Vogt
Second Deputy

OFFICE OF THE PROSECUTING ATTORNEY

County of Kaua'i, State of Hawai'i

3990 Ka'ana Street, Suite 210, Lihu'e, Hawai'i 96766

808-241-1888 ~ FAX 808-241-1758

Victim/Witness Program 808-241-1898 or 800-668-5734

**TESTIMONY IN SUPPORT OF
SENATE BILL NO. 981
A BILL FOR AN ACT RELATING TO PUBLIC HEALTH STATISTICS RECORDS**

Justin F. Kollar, Prosecuting Attorney
County of Kaua'i

Senate Committee on Health
Senate Committee on Public Safety, Intergovernmental and Military Affairs

Friday, February 8, 2013
1:35 p.m. Room 229

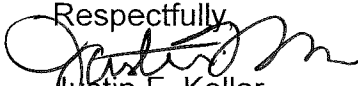
Honorable Chair Green and Vice Chair Baker, Honorable Chair Espero, and Members of the Senate Committee on Health, and of the Senate Committee on Public Safety, Intergovernmental and Military Affairs, the Office of the Prosecuting Attorney, County of Kaua'i submits the following testimony in support of Senate Bill No. 981.

The purpose of Senate Bill No. 981 is to amend Section 338-18, Hawai'i Revised Statutes, to allow a law enforcement officer as defined in Section 710-1000(13) access to health statistics records as evidence in a criminal investigation.

By granting law enforcement access to this information when conducting investigations into a criminal matter, the additional information can potentially shed light on the profile of a person or persons involved in the case.

For these reasons, we are in strong support of Senate Bill No. 981. Thank you for the opportunity to have testified on this matter.

Respectfully,


Justin F. Kollar
Prosecuting Attorney
County of Kaua'i



ALAN M. ARAKAWA
MAYOR

OUR REFERENCE

YOUR REFERENCE

POLICE DEPARTMENT

COUNTY OF MAUI

55 MAHALANI STREET
WAILUKU, HAWAII 96793
(808) 244-6400
FAX (808) 244-6411



GARY A. YABUTA
CHIEF OF POLICE

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

February 7, 2013

The Honorable Josh Green, Chair
And Members of the Committee on Health
The Senate
State Capitol
Honolulu, Hawaii 96813

The Honorable Will Espero, Chair
And Members of the Committee on Public Safety,
Intergovernmental Operations, and Military Affairs
The Senate
State Capitol
Honolulu, Hawaii 96813

Re: S.B. No. 981
RELATING TO PUBLIC HEALTH STATISTICS RECORDS


This proposed bill authorizes the Department of Health to provide public health statistics records to law enforcement officers for evidence in 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 asks your committees to support S.B. No. 981.

Thank you for the opportunity to testify.

Sincerely,


GARY A. YABUTA
Chief of Police

TESTIMONY OF THE HAWAI`I POLICE DEPARTMENT

SENATE BILL 981

**RELATING TO PUBLIC HEALTH STATISTICS RECORDS TO LAW
ENFORCEMENT OFFICERS**

**BEFORE THE COMMITTEES ON HEALTH AND PUBLIC SAFETY,
INTERGOVERNMENTAL AND MILITARY AFFAIRS**

DATE : Friday, February 8, 2013

TIME : 1:35 P.M.

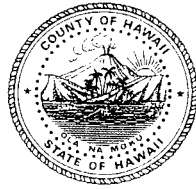
**PLACE : Conference Room 229
State Capitol
415 South Beretania Street**

PERSON TESTIFYING:

**Acting Police Chief Paul K. Ferreira
Hawai`i Police Department
County of Hawai`i**

(Written Testimony Only)

William P. Kenoi
Mayor



Harry S. Kubojiri
Police Chief

Paul K. Ferreira
Deputy Police Chief

County of Hawai'i

POLICE DEPARTMENT

349 Kapiolani Street • Hilo, Hawai'i 96720-3998
(808) 935-3311 • Fax (808) 961-8865

February 6, 2013

Senator Josh Green
Chair and Committee Members
Committee on Health
Senator Will Espero
Chair and Committee Members
Committee on Public Safety
415 South Beretania Street, Room 229
Honolulu, Hawai'i 96813

**RE: SENATE BILL 981 RELATING TO THE DISCLOSURE OF PUBLIC HEALTH
STATISTICS RECORDS TO LAW ENFORCEMENT OFFICERS**

Dear Senators Green and Espero:

The Hawai'i Police Department supports Senate Bill 981 with its purpose being to assist Law Enforcement Agencies (LEA) to obtain public health statistic records that will expedite the investigation of certain crimes.

We believe this legislation will serve to aid the public in ensuring LEA are able to access these types of records in a timelier basis in the investigation of a criminal matter. At present, these types of records are available to LEA but only upon obtaining a court order. The process of obtaining a court order is indeed time consuming and can lead to unnecessary delays in obtaining the necessary information.

This legislation will not relieve LEA of the need to maintain the confidentiality of the obtained records. In addition, LEA can only obtain the sought-after records upon presentation of a signed statement under penalty of criminal prosecution that said records are needed for a criminal investigation, and that the requesting party is a law enforcement officer acting in his/her official capacity.

It is for these reasons, we urge this committee to approve this legislation.

Thank you for allowing the Hawai'i Police Department to provide comments relating to Senate Bill 981.

Sincerely,

PAUL K. FERREIRA
ACTING POLICE CHIEF