

JAN 23 2015

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# A BILL FOR AN ACT

RELATING TO DOMESTIC VIOLENCE.

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

1           SECTION 1. Section 321-472, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "~~{}~~§321-472~~{}~~ **Multidisciplinary and multiagency reviews.**

4 The department [~~may~~] shall conduct multidisciplinary and  
5 multiagency reviews of domestic violence fatalities, near-  
6 deaths, and suicides to reduce the incidence of preventable  
7 [~~deaths-~~] intimate partner homicides. The director may form  
8 domestic violence fatality review teams, as necessary, by  
9 appointing individuals to review domestic violence fatalities.  
10 A domestic violence fatality review team shall not be subject to  
11 part I, chapter 92."

12           SECTION 2. Section 321-473, Hawaii Revised Statutes, is  
13 amended to read as follows:

14           "~~{}~~§321-473~~{}~~ **Access to information.** (a) Upon request  
15 of the director or a domestic violence fatality review team, all  
16 medical examiners, physicians acting under the direction of a  
17 coroner, providers of medical care, state agencies, and county



1 agencies shall disclose to the department and the domestic  
2 violence fatality review team all information and records  
3 regarding the circumstances of a victim's death so that the  
4 department may conduct a multidisciplinary and multiagency  
5 review of domestic violence fatalities pursuant to this part.

6 (b) The department shall enter into a memorandum of  
7 understanding with the relevant state and county agencies to  
8 develop procedures for obtaining information relating to near-  
9 deaths resulting from intimate partner assaults.

10 [~~(b)~~] (c) To the extent that this section conflicts with  
11 other state confidentiality laws, the provisions of this section  
12 shall require disclosure, notwithstanding the existence of a  
13 specific confidentiality statute.

14 [~~(e)~~] (d) An entity represented on a domestic violence  
15 fatality review team and any entity cooperating with an entity  
16 represented on a domestic violence fatality review team may  
17 share with other members of the team:

- 18 (1) Information in its possession concerning the victim;  
19 (2) Information in its possession concerning any person  
20 who was in contact with the victim; and



1           (3) Any other information in its possession deemed by the  
2           entity to be pertinent to the domestic violence  
3           fatality review.

4           ~~(d)~~ (e) Any information shared by an entity with other  
5 members of a domestic violence fatality review team is subject  
6 to the same restrictions on disclosure of the information or the  
7 records as the originating entity.

8           (f) To the extent possible, the review conducted pursuant  
9 to section 321-472 shall commence no later than one year  
10 following the death, near-death, or suicide."

11           SECTION 3. Section 321-475, Hawaii Revised Statutes, is  
12 amended to read as follows:

13           "~~§~~321-475~~§~~ Use of domestic violence fatality review  
14 information and records. (a) Except as otherwise provided in  
15 this part, all information and records acquired by the  
16 department during its review of domestic violence fatalities  
17 pursuant to this part are confidential and shall only be  
18 disclosed as necessary to carry out the purposes of this part.

19           (b) Domestic violence fatality review information and  
20 statistical compilations of data that do not contain any



1 information not previously publicly disclosed that would permit  
2 the identification of any person, shall be public records.

3 (c) An individual participating in the domestic violence  
4 fatality review of a victim's death shall not be questioned in  
5 any civil or criminal proceeding regarding information presented  
6 in or an opinion formed as a result of a domestic violence  
7 fatality review meeting. Nothing in this section shall be  
8 construed to prevent an individual from testifying to  
9 information obtained independently of the domestic violence  
10 fatality review of a victim's death, or which is public  
11 information, or where law or court order requires disclosure.

12 (d) Domestic violence fatality review information held by  
13 the department as a result of domestic violence fatality reviews  
14 conducted under this part shall not be subject to subpoena,  
15 discovery, or introduction into evidence in any civil or  
16 criminal proceeding, except that domestic violence fatality  
17 review information otherwise available from other sources shall  
18 not be immune from subpoena, discovery, or introduction into  
19 evidence through those sources solely because it was provided as  
20 required by this part.



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1        (e) Information collected and recommendations derived from  
 2 the review process shall be compiled for use in system reform  
 3 efforts relating to the reduction of preventable deaths, near-  
 4 deaths, and suicides resulting from domestic violence."

5        SECTION 4. Statutory material to be repealed is bracketed  
 6 and stricken. New statutory material is underscored.

7        SECTION 5. This Act shall take effect upon its approval.

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# S.B. NO. 386

**Report Title:**

Women's Legislative Caucus Package; Domestic Violence Fatality Reviews; DOH

**Description:**

Requires the DOH to conduct reviews of domestic violence fatalities, near-deaths, and suicides. Requires the DOH to enter into an MOU to develop procedures for obtaining information relating to near-deaths resulting from intimate partner assaults. Requires reviews to commence within 1 year following the death, near-death, or suicide. Requires information and recommendations from the review process to be compiled for system reform efforts.

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

