

Honolulu, Hawaii

APR 29 2016

RE: S.B. No. 2196
S.D. 2
H.D. 1
C.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2196, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE LAW ENFORCEMENT OFFICER INDEPENDENT REVIEW BOARD,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Promote law enforcement transparency and accountability by establishing a Law Enforcement Officer Independent Review Board (Board) within the Department of the Attorney General to review criminal investigations of incidents of officer-involved death conducted by law enforcement agencies and make recommendations to the respective county prosecuting attorney; and



- (2) Appropriate funds to establish the Board and for Board-related expenses.

Your Committee on Conference finds that this measure will promote greater transparency of law enforcement operations and more accountability for law enforcement actions taken by law enforcement officers. The establishment of an independent review board will provide an additional layer of independent review of those law enforcement actions.

Your Committee on Conference has amended this measure by:

- (1) Adding two community members with no law enforcement or criminal justice experience to the Board, one of whom to be appointed by the Governor and the other by the Attorney General;
- (2) Clarifying that the confidentiality protections for information submitted by a law enforcement agency to the Board for review shall not extend to records, documents, or information in the possession of another government agency;
- (3) Inserting language to require the Board to review its activities pursuant to this measure and submit a report to the Legislature of its findings and recommendations prior to the Regular Session of 2022;
- (4) Inserting an appropriation amount of \$100,000 in general revenues for the Board and Board-related expenses;
- (5) Deleting the appropriation from the criminal forfeiture fund;
- (6) Changing the effective date to July 1, 2017, with the appropriation effective on July 1, 2016;
- (7) Inserting a sunset date of June 30, 2022; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2196, S.D. 2, H.D. 1, as amended herein, and recommends



that it pass Final Reading in the form attached hereto as S.B.
No. 2196, S.D. 2, H.D. 1, C.D. 1.

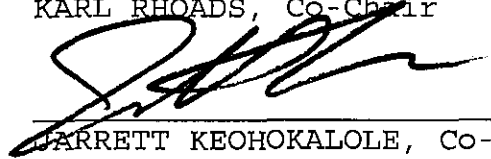
Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



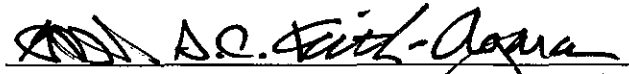
KARL RHOADS, Co-Chair



JARRETT KEOHOKALOOLE, Co-Chair



CLARENCE K. NISHIHARA, Chair



GILBERT S.C. KEITH-AGARAN, Co-Chair



JILL N. TOKUDA, Co-Chair



Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: SB 2196, SD 2, HD 1	Date/Time: <i>4/29/16 5:25 pm</i>
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
NISHIHARA, Clarence K., Chr.	/				RHOADS, Karl, Co-Chr.	/			
KEITH-AGARAN, Gilbert S.C., Co-Chr.				/	KEOHOKALO, Jarrett, Co-Chr.	/			
TOKUDA, Jill N., Co-Chr.	/				SAN BUENAVENTURA, Joy A.	/			
ESPERO, Will	/				WARD, Gene	/			
SLOM, Sam				/					
TOTAL	3			2	TOTAL	4			0

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: <i>Clarence K. Nishihara</i>	House Lead Chair's or Designee's Signature: <i>Karl Rhoads</i>
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