

STAND. COM. REP. NO.

2441

Honolulu, Hawaii

FEB 19 2016

RE: S.B. No. 2304

S.D. 1

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

Sir:

Your Committee on Public Safety, Intergovernmental, and  
Military Affairs, to which was referred S.B. No. 2304 entitled:

"A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT,"

begs leave to report as follows:

The purpose and intent of this measure is to require the  
Department of the Attorney General to maintain a publicly  
accessible database of all state and county law enforcement  
officers who are terminated or forced to resign due to criminal  
activity, improper behavior, or misconduct.

Your Committee received testimony in support of this measure  
from the Department of Public Safety; Department of Human  
Resources Development; Department of Land and Natural Resources;  
Ho'omana Pono, LLC; American Civil Liberties Union Hawai'i; Hawaii  
State Coalition Against Domestic Violence; and sixteen  
individuals. Your Committee received comments on this measure  
from the Department of the Attorney General.

Your Committee finds that effective applicant screening of  
prospective officers is vital to the compelling duty of state and  
county law enforcement agencies to protect the public. If the  
screening process fails and untrustworthy individuals become law  
enforcement officers, the public can be harmed and public trust in  
law enforcement can deteriorate. A public database of officers  
who have been terminated or forced to resign due to misconduct  
will give law enforcement agencies valuable information for  
screening applicants.

2016-1314 SSCR SMA.doc



Your Committee notes that this measure, as proposed, is in conflict with existing law. Information regarding officers whose termination is still pending under appeal is protected by the privacy exception of the Uniform Information Practices Act. While this information should be timely available to law enforcement agencies considering an applicant, it should not be made publicly available until the appeals process is concluded.

Your Committee has amended this measure by:

- (1) Adding language to provide that information relating to officers whose termination is pending under appeal will not be made public until the appeals process is concluded; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2304, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2304, S.D. 1, and be referred to your Committees on Judiciary and Labor and Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committee on Public Safety,  
Intergovernmental, and Military  
Affairs,



CLARENCE K. NISHIHARA, Chair



The Senate  
 Twenty-Eighth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Public Safety, Intergovernmental and Military Affairs**  
**PSM**

Bill / Resolution No.:* <b>SB2304</b>	Committee Referral: <b>PSM, JDL/WAM</b>	Date: <b>2/16/16</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)	/			
ESPERO, Will (VC)	/			
BAKER, Rosalyn H.	/			
INOUYE, Lorraine R.	/			
SLOM, Sam	/			
<b>TOTAL</b>	<b>5</b>			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <span style="float:right"><i>Will Espero</i></span>				
<b>Distribution:</b> Original                      Yellow                      Pink                      Goldenrod File with Committee Report    Clerk's Office            Drafting Agency        Committee File Copy				

\*Only one measure per Record of Votes