

JAN 25 2017

A BILL FOR AN ACT

RELATING TO INFORMATION PRACTICES.

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

1 SECTION 1. Section 92F-14, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) The following are examples of information in which
4 the individual has a significant privacy interest:

5 (1) Information relating to medical, psychiatric, or
6 psychological history, diagnosis, condition,
7 treatment, or evaluation, other than directory
8 information while an individual is present at such
9 facility;

10 (2) Information identifiable as part of an investigation
11 into a possible violation of criminal law, except to
12 the extent that disclosure is necessary to prosecute
13 the violation or to continue the investigation;

14 (3) Information relating to eligibility for social
15 services or welfare benefits or to the determination
16 of benefit levels;



- 1 (4) Information in an agency's personnel file, or
2 applications, nominations, recommendations, or
3 proposals for public employment or appointment to a
4 governmental position, except:
- 5 (A) Information disclosed under section 92F-
6 12(a)(14); and
- 7 (B) The following information related to employment
8 misconduct that results in an employee's
9 suspension or discharge:
- 10 (i) The name of the employee;
- 11 (ii) The nature of the employment related
12 misconduct;
- 13 (iii) The agency's summary of the allegations of
14 misconduct;
- 15 (iv) Findings of fact and conclusions of law; and
- 16 (v) The disciplinary action taken by the agency;
- 17 when the following has occurred: the highest
18 nonjudicial grievance adjustment procedure timely
19 invoked by the employee or the employee's
20 representative has concluded; a written decision
21 sustaining the suspension or discharge has been issued



1 after this procedure; and thirty calendar days have
2 elapsed following the issuance of the decision or, for
3 decisions involving county police department officers,
4 ninety days have elapsed following the issuance of the
5 decision[~~; provided that subparagraph (B) shall not~~
6 ~~apply to a county police department officer except in~~
7 ~~a case which results in the discharge of the officer];~~

8 (5) Information relating to an individual's
9 nongovernmental employment history except as necessary
10 to demonstrate compliance with requirements for a
11 particular government position;

12 (6) Information describing an individual's finances,
13 income, assets, liabilities, net worth, bank balances,
14 financial history or activities, or creditworthiness;

15 (7) Information compiled as part of an inquiry into an
16 individual's fitness to be granted or to retain a
17 license, except:

18 (A) The record of any proceeding resulting in the
19 discipline of a licensee and the grounds for
20 discipline;



- 1 (B) Information on the current place of employment
- 2 and required insurance coverages of licensees;
- 3 and
- 4 (C) The record of complaints including all
- 5 dispositions;
- 6 (8) Information comprising a personal recommendation or
- 7 evaluation;
- 8 (9) Social security numbers; and
- 9 (10) Information that if disclosed would create a
- 10 substantial and demonstrable risk of physical harm to
- 11 an individual."

12 SECTION 2. Statutory material to be repealed is bracketed
13 and stricken.

14 SECTION 3. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 4. This Act shall take effect upon its approval.

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S.B. NO. 1038

Report Title:

Uniform Information Practices Act; Police Officers; Misconduct

Description:

Repeals the provision of the Uniform Information Practices Act that prohibits the disclosure of certain information regarding misconduct by a county police department officer if the misconduct only resulted in the suspension of the officer.

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