

[CHAPTER 846D]
JUVENILE JUSTICE INFORMATION SYSTEM

Section

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" **§846D-1 Responsibility for system.** (a) The department of the attorney general shall be responsible for the collection, storage, dissemination, and analysis of all juvenile justice custodial, adjudicative, and program data from all agencies that have primary investigative, action, or program responsibility for minors, including the county police departments, the county prosecutors, the family courts, and the Hawaii youth correctional facilities, in such a manner as to balance the right of the public and press to be informed and the right of privacy and confidentiality of minors and their families, and to provide accurate, comprehensive, and timely information to government agencies concerned with juvenile offenders to carry out their responsibilities.

(b) The information collected and stored in the juvenile justice information system shall not include any fingerprints, psychiatric reports, or social and clinical studies or examinations, but may contain information indicating the availability of reports and the procedures for requesting such information.

(c) The attorney general shall develop the system and the procedures for reporting, inputting, accessing, and protecting the information and obtaining the agreement of agencies permitted to directly input and access information.

(d) Upon receipt of an expungement order issued by the family court under section 571-88, the attorney general shall expunge the arrest record of the minor. [L 1991, c 311, pt of §2; am L 2001, c 233, §4]

" **[§846D-2] Juvenile justice information committee.** There is established within the department of the attorney general a juvenile justice information committee, which shall include, but not be limited to, representatives from the family courts, the police departments of the various counties, the prosecutors of the various counties, the Hawaii youth correctional facilities, and the department of the attorney general. The committee shall meet as needed to promote interagency cooperation and coordination in the development and management of an accurate, complete, timely, and fully integrated statewide juvenile justice information reporting and retrieval system.

The members of the committee shall be appointed by the attorney general and shall have the decision-making authority of the represented agencies. [L 1991, c 311, pt of §2]

" **[§846D-3] Responsibility of agencies.** Agencies that have investigative, detention, custodial, adjudicative, and program responsibility for juveniles shall cooperate with the attorney

general in establishing the juvenile justice information system by:

- (1) Providing information in the agency files that can be included pursuant to the format approved by the juvenile justice information committee;
- (2) Maintaining procedures internally consistent with uniform procedures and guidelines provided by the juvenile justice information committee;
- (3) Reporting information to the attorney general that is timely, complete, and accurate, after the occurrence of an event over which the agency had direct responsibility; and
- (4) Maintaining procedures for the periodic checking of information to minimize the possibility of storing and maintaining inaccurate information. [L 1991, c 311, pt of §2]

" **[§846D-4] Limitations on dissemination.** Dissemination of information from the juvenile justice information system shall be limited whether directly or through any intermediary only to:

- (1) Agencies which have primary investigative, detention, custodial, adjudicative, and program responsibility for minors, including but not limited to the county police departments, the county prosecutors, the family courts, and the Hawaii youth correctional facilities;
- (2) Individuals and agencies pursuant to a specific agreement with an agency with primary investigative, detention, custodial, and program responsibility to provide services to fulfill that responsibility; provided that the agreement shall specifically authorize access to data, limit the use of data to purposes for which given, and insure the security and confidentiality of the data consistent with the purpose of this chapter;
- (3) Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a juvenile justice agency; provided that the agreement shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, and insure the confidentiality and security of the data consistent with the purpose of this chapter;
- (4) The minor, the minor's parents or guardians, and the minor's attorney and guardian ad litem for the purpose of examining records pertaining to the minor; or
- (5) Persons who have been injured or damaged, their subrogees, and legal representatives; provided that

the information is limited only to that information that may be disclosed as provided under section 571-84(f) and (g). [L 1991, c 311, pt of §2]

" **[\$846D-5] Responsibility of agencies.** Any agency that has access to information available through the juvenile justice information system shall:

- (1) Select and supervise all persons authorized to have direct access to the information or any terminals or stations by which the information is transmitted;
- (2) Place responsibility on the persons permitted direct access for the physical security of juvenile justice data which the agency has received or can receive to protect against unauthorized access, disclosure, or dissemination;
- (3) Provide security training for all persons given direct access to information in the juvenile justice information system which shall include the substance and intent of this chapter and of rules adopted thereunder; and
- (4) Maintain procedures to protect data terminals or stations from unauthorized access, theft, sabotage, fire, or other natural or human caused disasters. [L 1991, c 311, pt of §2]

" **[\$846D-6] Additional dissemination.** Information from the juvenile justice information system may be disseminated to:

- (1) The governor in accordance with the governor's constitutional duty to ensure that the laws will be faithfully executed;
- (2) The courts in accordance with their adjudicative responsibility;
- (3) The attorney general in accordance with the attorney general's statutory authority and duties in the administration and enforcement of this chapter; and
- (4) Other individuals and agencies who are provided for in this chapter or by rule adopted thereunder. [L 1991, c 311, pt of §2]

" **[\$846D-7] Penalty.** Any person who knowingly permits the dissemination of information in violation of this chapter, or any person who gains unauthorized access to information in the juvenile justice information system, shall be guilty of a misdemeanor. [L 1991, c 311, pt of §2]