A BILL FOR AN ACT

RELATING TO POLICE REPORTS.

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

1   SECTION 1. The legislature finds that the death of a

2 family member where the incident led to law enforcement

3 initiating an investigation can raise many questions for the

4 surviving family members even years later. Law enforcement's

5 investigation and the ensuing report may provide some answers

6 and perhaps closure for the family. The legislature further

7 finds that obtaining this information can be difficult. For one

8 Hawai'i family whose son was murdered, it took seventeen years

9 and repeated assistance from a state legislator's office to

10 receive the closing report. For another family whose son was

11 killed during an incident involving law enforcement, the family

12 still had not received a copy of the report more than five years

13 after the incident despite state legislator involvement.

14   The purpose of this Act is to allow surviving immediate

15 family members of deceased persons where law enforcement

16 initiated an investigation to receive a copy of the closing

1   report prepared by the investigating police department after a

2   specified period of time.

3   SECTION 2.   Chapter 52D, Hawaii Revised Statutes, is

4   amended by adding a new section to be appropriately designated

5   and to read as follows:

6   "§52D-___ **Request for copy of police report by a surviving**

7   **immediate family member.** (a) Each surviving immediate family

8   member of a deceased person where law enforcement initiated an

9   investigation shall, upon request, be provided a copy of the

10   closing report prepared by the investigating police department,

11   upon the conclusion of any criminal proceedings related to the

12   incident, the passage of five years after the report has been

13   completed, or the passage of seven years after the underlying

14   incident, whichever occurs first; provided that if the

15   investigation has been reopened in the six months prior to the

16   request, the investigating police department shall not be

17   required to provide a copy of the report to the family member

18   while the investigation is ongoing; provided further that upon

19   the conclusion of the reopened investigation there shall be no

20   further delay in providing a copy of the report to the

21   requesting family member.

1   (b)   When providing a copy of a closing report pursuant to

2   subsection (a), the investigating police department shall redact

3   or withhold information not required to be disclosed pursuant to

4   section 92F-13.

5   (c)   The closing report shall be provided via electronic

6   means or in physical paper form, at the requester's preference.

7   (d)   This section shall not diminish any right of a

8   surviving immediate family member or any other person to receive

9   a copy of any portion of a police report or any other government

10   record at any other time.

11   (e)   As used in this section:

12   "Closing report" means the final report or similar summary

13   of the investigation that is prepared by the assigned police

14   detective in the normal course of investigating the incident.

15   "Surviving immediate family member" means a person who is a

16   surviving grandparent, parent, sibling, spouse or reciprocal

17   beneficiary, child, or legal guardian of the deceased person."

18   SECTION 3.   New statutory material is underscored.

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

Report Title:
Police Reports; Access; Investigation; Police Department

Description:
Allows surviving immediate family members of deceased persons where law enforcement initiated an investigation to receive a copy of the closing report prepared by the investigating police department after a specified period of time. (SD1)

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