

ACT 120

H.B. NO. 108

A Bill for an Act Relating to the Confidentiality of Law Enforcement Records.  
*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. With the intent of protecting the public, and particularly individuals arrested but never convicted, the confidentiality of law enforcement records were shrouded by restrictions upon the public's access. Varying, and sometimes conflicting, interpretations or applications of this Act have arisen in the several jurisdictions of the State. Therefore, the objective of this Act is to assure every potential and actual criminal defendant the full measure of his constitutional rights; including his rights arising under Article I, sections 2 thru 5 of the Constitution of the State of Hawaii, and the First Amendment of the Constitution of the United States. To provide for the present and assure that in the future the independence, safety, continued health and democratic well-being of the people are protected, this Act is founded upon the legislature's recognition of the necessity of safeguarding these constitutional and inalienable rights. Because the exercise of these rights must be balanced in the face of the obvious possibilities of conflicts, the legislature herewith sets guides and determines the following clarification of section 28-54, Hawaii Revised Statutes.

SECTION 2. The Hawaii Revised Statutes, section 28-54, is repealed.

SECTION 3. This Act shall take effect upon its approval.

(Approved May 22, 1975.)