

ACT 167

S.B. NO. 249

A Bill for an Act Relating to the Confidentiality of Adult Probation Records.

Be It Enacted by the Legislature of the State of Hawaii:

ACT 167

SECTION 1. Section 806-73, Hawaii Revised Statutes, is amended to read as follows:

“§806-73 Duties and powers of probation officers[.]; adult probation records. A probation officer shall investigate any case referred to him for investigation by the court in which he is serving and report thereon to the court. The probation officer shall instruct each defendant placed on probation under his supervision regarding the terms and conditions of his probation. He shall keep informed concerning the conduct and condition of the defendant and shall report thereon to the court and shall use all suitable methods to aid the defendant and to bring about improvement in his conduct and condition. The probation officer shall keep such records and perform such other duties as the court may direct.

All records of the State of Hawaii adult probation divisions are confidential and are not public records, including but not limited to, all records made by any adult probation officer in the course of performing official duties; provided that such records, or the content of such records, shall be divulged only as follows:

- (1) A copy of any adult probation division case record or of a portion of it, or the case record itself, shall upon request be provided to an adult probation officer of the State of Hawaii adult probation division which originated the record; provided that a written summary of the record may be provided upon request to an adult probation officer of another State of Hawaii adult probation division or to an adult probation officer of a probation department of another state which is providing supervision of a probationer convicted and sentenced by the courts of Hawaii.**
- (2) A copy of a presentence report shall be provided to the persons or entities named in section 706-604; to the Hawaii paroling authority; to any psychiatrist, psychologist, or other mental health practitioner who is treating the defendant pursuant to a court order for mental health care; in accordance with applicable law, to persons or entities doing research; to any adult probation officer providing supervision of an offender in Hawaii; or to any adult probation officer providing supervision of an offender in another state if the offender was convicted and sentenced in the courts of Hawaii. Any persons or entities not entitled pursuant to this section or pursuant to section 706-604 to receive a copy of a presentence report are not entitled to receive a summary of a report and are not entitled to view a report.**

Every probation officer shall, within the scope of his duties, have the powers of a police officer.”

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved June 1, 1985.)