
A BILL FOR AN ACT

RELATING TO INVESTIGATORS OF THE DEPARTMENT OF HUMAN SERVICES.

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

1 SECTION 1. The legislature finds that for the State to
2 comply with the settlement agreement between the State and the
3 United States Department of Justice concerning conditions at the
4 Hawaii youth correctional facilities, the State must be able to
5 investigate incidents of use of force, staff-on-youth violence,
6 serious youth-on-youth violence, inappropriate staff
7 relationships with youth, sexual misconduct between youth, and
8 abusive institutional practices at the Hawaii youth correctional
9 facilities. Although pursuant to section 346-4.5, Hawaii
10 Revised Statutes, the director of human services has broad
11 authority to appoint and commission investigators and those
12 investigators are authorized to access information maintained by
13 any state or county entity, the statute does not state
14 specifically that investigators have the authority to access
15 information necessary to investigate incidents at the Hawaii
16 youth correctional facilities.

1 The purpose of this Act is to ensure that investigators
2 appointed and commissioned by the director of human services
3 have access to all information necessary to investigate
4 incidents at the Hawaii youth correctional facilities.

5 SECTION 2. Section 346-4.5, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§346-4.5 Investigators; authority and access to records.**

8 (a) The director shall appoint and commission one or more
9 investigators as the exigencies of the public service may
10 require. Persons appointed and commissioned under this section
11 shall have and may exercise all the powers and authority of a
12 police officer or of a deputy sheriff, provided that the persons
13 so appointed and commissioned shall not carry any firearms.

14 (b) Information necessary to investigate fraud and other
15 crimes relating to public assistance, to locate absent parents,
16 to establish paternity, [~~and~~] to obtain and enforce court orders
17 of support, and to investigate incidents at the Hawaii youth
18 correctional facilities, and contained within the records of any
19 agency, board, commission, authority, or committee of the State
20 or its political subdivisions shall be made available to any
21 commissioned investigator of the department of human services,
22 notwithstanding any provision for confidentiality."

1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect on July 1, 2009.

Report Title:

Department of Human Services Investigators

Description:

Authorizes the Director of Human Services to appoint and commission investigators to investigate incidents at the Hawaii youth correctional facilities, and gives these investigators access to necessary information maintained by state and county entities. (SD1)