

STAND. COM. REP. NO. 1089

Honolulu, Hawaii  
March 23, 2011

RE: S.B. No. 1067  
S.D. 1  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committee on Public Safety & Military Affairs, to which was referred S.B. No. 1067, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PROBATION,"

begs leave to report as follows:

The purpose of this bill is to facilitate the provision of more effective and specific treatment to offenders on probation by:

- (1) Clarifying that certain adult probation records may be released to mental health service providers who are nationally accredited or licensed by the State for the purpose of therapy or rehabilitation; and
- (2) Establishing procedures to protect against improper divulging of this confidential information.

The Hawaii Substance Abuse Coalition, The Salvation Army, and Aloha House, Inc., supported this bill. The Judiciary supported the intent of this measure. The Office of the Public Defender opposed this bill. The Department of Health offered comments.

Your Committee has amended this bill by:

- (1) Removing proposed language that limited the release of information to only "licensed" providers so the

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Judiciary may also send risk information to case managers and assessors;

- (2) Removing proposed consent language regarding persons or entities doing research; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Public Safety & Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1067, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1067, S.D. 1, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Public Safety &  
Military Affairs,

  
HENRY J.C. AQUINO, Chair



State of Hawaii  
House of Representatives  
The Twenty-sixth Legislature

HSCR 1089

**Record of Votes of the Committee on Public Safety & Military Affairs**

<b>Bill/Resolution No.:</b> SB 1067 SD1	<b>Committee Referral:</b> PBM, JUD	<b>Date:</b> 3/17/2011		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
PBM Members	Ayes	Ayes (WR)	Nays	Excused
1. AQUINO, Henry J.C. (C)	✓			
2. CULLEN, Ty (VC)	✓			
3. ICHiyAMA, Linda	✓			
4. LEE, Marilyn B.	✓			
5. LUKE, Sylvia	✓			
6. SAIKI, Scott K.	✓			
7. SOUKI, Joseph M.				✓
8. TAKAI, K. Mark	✓			
9. TAKUMI, Roy M.	✓			
10. YAMASHITA, Kyle T.	✓			
11. FONTAINE, George R.	✓			
12. JOHANSON, Aaron Ling	✓			
<b>TOTAL (12)</b>	11	∅	∅	1
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <span style="margin-left: 150px;">committee acronym(s)</span>				
<b>Vice Chair's or designee's signature:</b>				
<b>Distribution:</b> Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				