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# A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

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

1 SECTION 1. The purpose of this Act is to:

- 2 (1) Require the chief of each county police department to  
3 disclose to the legislature the identity of a police  
4 officer upon the officer's second or subsequent  
5 suspension in a five-year period or discharge; and  
6 (2) Allow disclosure under the Uniform Information  
7 Practices Act of employment misconduct information  
8 that results in a county police officer's second or  
9 subsequent suspension in a five-year period.

10 SECTION 2. Section 52D-3.5, Hawaii Revised Statutes, is  
11 amended as follows:

12 1. By amending subsection (b) to read:

13 "(b) The report shall:

- 14 (1) Summarize the facts and the nature of the misconduct  
15 for each incident;  
16 (2) Specify the disciplinary action imposed for each  
17 incident;



- 1 (3) Identify any other incident in the annual report  
2 committed by the same police officer; ~~and~~
- 3 (4) State whether the highest nonjudicial grievance  
4 adjustment procedure timely invoked by the police  
5 officer or the police officer's representative has  
6 concluded:
- 7 (A) If the highest nonjudicial grievance adjustment  
8 procedure has concluded, the report shall state:
- 9 (i) Whether the incident concerns conduct  
10 punishable as a crime, and if so, describe  
11 the county police department's findings of  
12 fact and conclusions of law concerning the  
13 criminal conduct; and
- 14 (ii) Whether the county police department  
15 notified the respective county prosecuting  
16 attorney of the incident; or
- 17 (B) If the highest nonjudicial grievance adjustment  
18 procedure has not concluded, the report shall  
19 state the current stage of the nonjudicial  
20 grievance adjustment procedure as of the end of  
21 the reporting period[-]; and



1        (5) Disclose the identity of the police officer upon the  
2                    police officer's second or subsequent suspension in a  
3                    five-year period or discharge."

4        2. By amending subsection (d) to read:

5            "(d) The summary of facts provided in accordance with  
6 subsection (b)(1) shall not be of such a nature so as to  
7 disclose the identity of the individuals involved[-], except as  
8 required under subsection (b)(5)."

9            SECTION 3. Section 92F-14, Hawaii Revised Statutes, is  
10 amended by amending subsection (b) to read as follows:

11            "(b) The following are examples of information in which  
12 the individual has a significant privacy interest:

- 13            (1) Information relating to medical, psychiatric, or
- 14                    psychological history, diagnosis, condition,
- 15                    treatment, or evaluation, other than directory
- 16                    information while an individual is present at such
- 17                    facility;
- 18            (2) Information identifiable as part of an investigation
- 19                    into a possible violation of criminal law, except to
- 20                    the extent that disclosure is necessary to prosecute
- 21                    the violation or to continue the investigation;



1 (3) Information relating to eligibility for social  
2 services or welfare benefits or to the determination  
3 of benefit levels;

4 (4) Information in an agency's personnel file, or  
5 applications, nominations, recommendations, or  
6 proposals for public employment or appointment to a  
7 governmental position, except:

8 (A) Information disclosed under section 92F-  
9 12(a)(14); and

10 (B) The following information related to employment  
11 misconduct that results in an employee's  
12 suspension or discharge:

13 (i) The name of the employee;

14 (ii) The nature of the employment related  
15 misconduct;

16 (iii) The agency's summary of the allegations of  
17 misconduct;

18 (iv) Findings of fact and conclusions of law; and

19 (v) The disciplinary action taken by the agency;

20 when the following has occurred: the highest

21 nonjudicial grievance adjustment procedure timely



1           invoked by the employee or the employee's  
2           representative has concluded; a written decision  
3           sustaining the suspension or discharge has been issued  
4           after this procedure; and thirty calendar days have  
5           elapsed following the issuance of the decision or, for  
6           decisions involving county police department officers,  
7           ninety days have elapsed following the issuance of the  
8           decision; provided that subparagraph (B) shall not  
9           apply to a county police department officer except in  
10          a case which results in the discharge or the second or  
11          subsequent suspension in a five-year period of the  
12          officer;

13          (5) Information relating to an individual's  
14          nongovernmental employment history except as necessary  
15          to demonstrate compliance with requirements for a  
16          particular government position;

17          (6) Information describing an individual's finances,  
18          income, assets, liabilities, net worth, bank balances,  
19          financial history or activities, or creditworthiness;



- 1           (7) Information compiled as part of an inquiry into an
- 2           individual's fitness to be granted or to retain a
- 3           license, except:
- 4           (A) The record of any proceeding resulting in the
- 5           discipline of a licensee and the grounds for
- 6           discipline;
- 7           (B) Information on the current place of employment
- 8           and required insurance coverages of licensees;
- 9           and
- 10          (C) The record of complaints including all
- 11          dispositions;
- 12          (8) Information comprising a personal recommendation or
- 13          evaluation;
- 14          (9) Social security numbers; and
- 15          (10) Information that if disclosed would create a
- 16          substantial and demonstrable risk of physical harm to
- 17          an individual."

18           SECTION 4. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

20           SECTION 5. This Act shall take effect on January 1, 2050.



**Report Title:**

Police Officers; Disciplinary Action; Public Records; Disclosure

**Description:**

Requires police departments to disclose to the Legislature the identity of an officer upon the officer's second or subsequent suspension in a five-year period or discharge. Allows disclosure under the Uniform Information Practices Act of employment misconduct information that results in a county police officer's second or subsequent suspension in a five-year period. (HB1849 HD2)

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

