

Honolulu, Hawaii

MAY 11 , 2020

RE: S.B. No. 2523
S.D. 1
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Public Safety, Veterans, & Military
Affairs, to which was referred S.B. No. 2523, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC SAFETY,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Authorize the Director of Public Safety to withhold certain information regarding deaths at correctional facilities or community correctional centers; and
- (2) Require the Director to include in the report regarding the death that is submitted to the Governor, the decedent's name, a description of the circumstances and cause of death of the individual, and any state and federal laws that explicitly prohibit the disclosure of the information withheld.

Your Committee received testimony in support of this measure from the Community Alliance on Prisons and one individual. Your Committee received comments on this measure from the Department of Public Safety.



Your Committee finds that this measure will improve transparency in the operations of correctional facilities and community correctional centers.

Your Committee further finds that, from the enactment of Act 234, Session Laws of Hawaii 2019 (Act 234) on July 2, 2019, through the end of December 2019, there were approximately twelve deaths of incarcerated persons in the State. The Department of Public Safety has previously taken the position that it needed to withhold certain information required by Section 353C-8.5, Hawaii Revised Statutes, based on advice it had received from the Department of the Attorney General that the Health Insurance Portability and Accountability Act (HIPAA) prohibited its disclosure. Your Committee further finds, according to testimony from the Department of Public Safety, that the Department of the Attorney General has since changed its position and that disclosure will be made going forward.

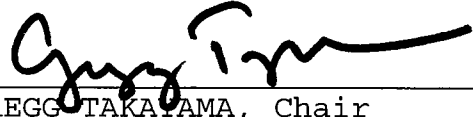
Your Committee has amended this measure by:

- (1) Specifying that the reporting requirements apply to any information previously withheld by the Director of Public Safety on or after July 2, 2019, the effective date of Act 234; and
- (2) 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, Veterans, & Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2523, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2523, S.D. 1, H.D. 1, and be referred to your Committee on Judiciary.



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



GREGG TAKAYAMA, Chair



