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# A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

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

SECTION 1. The purpose of this Act is to:

- (1) Require the chief of each county police department to disclose to the legislature the identity of a police officer upon the suspension or discharge of the officer; and
- (2) Amend the Uniform Information Practices Act to allow for the disclosure of employment misconduct information that results in the suspension of a county police officer.

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

1. By amending subsection (b) to read:

"(b) The report shall:

- (1) Summarize the facts and the nature of the misconduct for each incident;
- (2) Specify the disciplinary action imposed for each incident;
- (3) Identify any other incident in the annual report committed by the same police officer; ~~and~~
- (4) State whether the highest nonjudicial grievance adjustment procedure timely invoked by the police officer or the police officer's representative has concluded:

(A) If the highest nonjudicial grievance adjustment procedure has concluded, the report shall state:

- (i) Whether the incident concerns conduct punishable as a crime, and if so, describe the

county police department's findings of fact and conclusions of law concerning the criminal conduct; and

(ii) Whether the county police department notified the respective county prosecuting attorney of the incident; or

(B) If the highest nonjudicial grievance adjustment procedure has not concluded, the report shall state the current stage of the nonjudicial grievance adjustment procedure as of the end of the reporting period~~[-]~~; and

(5) Disclose the identity of the police officer upon the police officer's suspension or discharge; provided that this paragraph shall apply beginning with the report due no later than January 31, 2021."

2. By amending subsection (d) to read:

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

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

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

(1) Information relating to medical, psychiatric, or psychological history, diagnosis, condition, treatment, or evaluation, other than directory information while an individual is present at such facility;

(2) Information identifiable as part of an investigation into a possible violation of criminal law, except to the extent that disclosure is necessary to prosecute the violation or to continue the

investigation;

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

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

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

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

(i) The name of the employee;

(ii) The nature of the employment related misconduct;

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

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

(v) The disciplinary action taken by the agency;

when the following has occurred: the highest nonjudicial grievance adjustment procedure timely invoked by the employee or the employee's representative has concluded; a written decision sustaining the suspension or discharge has been issued after this procedure; and thirty calendar days have elapsed following the issuance of the decision or, for decisions involving county police department officers, ninety days have elapsed following the issuance of the decision; provided that subparagraph (B) shall not apply to a county police department officer except in a case which results in ~~the~~:

(A) The discharge of the officer; or

(B) The suspension of the officer when the suspension occurs after March 1, 2020;

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

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

(7) Information compiled as part of an inquiry into an individual's fitness to be granted or to retain a license, except:

(A) The record of any proceeding resulting in the discipline of a licensee and the grounds for discipline;

(B) Information on the current place of employment and required insurance coverages of licensees; and

(C) The record of complaints including all dispositions;

(8) Information comprising a personal recommendation or evaluation;

(9) Social security numbers; and

(10) Information that if disclosed would create a substantial and demonstrable risk of physical harm to an individual."

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

SECTION 5. This Act shall take effect on March 1, 2020.

**Report Title:**

Police Officers; Disciplinary Action; Public Records; Disclosure

**Description:**

Requires county police departments to disclose to the Legislature the identity of an officer upon an officer's suspension or discharge beginning with the annual report of 2021. Amends the Uniform Information Practices Act to allow for public access to information about suspended officers when the suspension occurs after March 1, 2020. Takes effect 3/1/2020. (SD2)

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