

THE SENATE
EIGHTEENTH LEGISLATURE, 1995
STATE OF HAWAII

S.B. NO. 171
S.D. 1
H.D. 1

A BILL FOR AN ACT

RELATING TO UNIFORM INFORMATION PRACTICES.

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

1 SECTION 1. The purpose of this Act is to amend section 92F-
2 14(b)(4), Hawaii Revised Statutes, by providing that the names of
3 administratively disciplined police officers are not subject to
4 the disclosure requirements of that section unless the discipline
5 imposed is discharge from the force.

6 SECTION 2. Section 92F-14, Hawaii Revised Statutes, is
7 amended by amending subsection (b) to read as follows:

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

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

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1 or welfare benefits or to the determination of benefit
2 levels;

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

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

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

12 (i) The name of the employee;

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

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

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

18 (v) The disciplinary action taken by the agency;
19 when the following has occurred: the highest
20 non-judicial grievance adjustment procedure
21 timely invoked by the employee or the
22 employee's representative has concluded; a
23 written decision sustaining the suspension or

1 discharge has been issued after this
2 procedure; and thirty calendar days have
3 elapsed following the issuance of the
4 decision; provided that this subparagraph
5 shall not apply to a county police department
6 officer [with respect to misconduct that
7 occurs while the officer is not acting in the
8 capacity of a police officer;] unless the
9 employment misconduct resulted in the
10 officer's discharge;

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

15 (6) Information describing an individual's finances,
16 income, assets, liabilities, net worth, bank balances,
17 financial history or activities, or credit worthiness;

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

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

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

3 (C) The record of complaints including all
4 dispositions; and

5 (8) Information comprising a personal recommendation or
6 evaluation."

7 SECTION 3. Statutory material to be repealed is bracketed.

8 New statutory material is underscored.

9 SECTION 4. This Act shall take effect upon its approval.