

A BILL FOR AN ACT

RELATING TO THE HAWAII LAW ENFORCEMENT STANDARDS BOARD.

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

**SECTION 1.** The legislature finds that the Hawai'i law enforcement standards board, established under chapter 139, Hawai'i Revised Statutes, is responsible for the certification, regulation, and oversight of law enforcement officers statewide. The legislature further finds that the board receives and develops sensitive information, including complaints, investigative materials, and personnel-related records, in the course of carrying out its statutory duties. The legislature also finds that the confidentiality of these records is necessary to protect the integrity of investigations, ensure the safety of complainants and witnesses, and support fair and effective certification and disciplinary processes. The purpose of this Act is to establish confidentiality protections for records maintained by the board while preserving appropriate transparency for final certification actions.

**SECTION 2.** Chapter 139, Hawai'i Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

§139- . Confidentiality of records.

(a) All records, reports, complaints, investigative materials, and other information obtained, maintained, or created by the board in the exercise of its duties under this chapter shall be confidential and shall not be disclosed except as provided in this section; provided that nothing in this subsection shall be construed to limit the disclosure of information required to be presented or discussed in a public meeting in accordance with chapter 92.

(b) Records described in subsection (a) shall not be subject to disclosure under chapter 92F.

(c) The board may disclose information described in subsection (a):

(1) To a law enforcement agency or prosecutorial authority for official purposes;

(2) To another governmental agency as necessary to carry out the board's duties under this chapter;

(3) In connection with a certification action, contested case proceeding, or other administrative proceeding conducted by the board;

(4) When required by court order.

(d) Notwithstanding subsection (b), final certification actions of the board, including suspension, revocation, or other disciplinary action, and the factual findings supporting those actions, shall be public records.

(e) Nothing in this section shall be construed to limit the authority of the board to use information for regulatory, investigative, or enforcement purposes under this chapter.

**SECTION 3.** Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

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

DRAFT