July 2, 2015

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Twenty-Eighth State Legislature  
State Capitol, Room 409  
Honolulu, Hawai‘i 96813

The Honorable Joseph M. Souki,  
Speaker and Members of the House of Representatives  
Twenty-Eighth State Legislature  
State Capitol, Room 431  
Honolulu, Hawai‘i 96813

Dear President Kouchi, Speaker Souki, and Members of the Legislature:

This is to inform you that on July 2, 2015, the following bill was signed into law:

HB448 HD1 SD1 CD1  RELATING TO DOMESTIC VIOLENCE  
ACT 203 (15)

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai‘i
A BILL FOR AN ACT

RELATING TO DOMESTIC VIOLENCE.

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

SECTION 1. Section 321-472, Hawaii Revised Statutes, is amended to read as follows:

"§321-472 Multidisciplinary and multiagency reviews. The department shall conduct multidisciplinary and multiagency reviews of domestic violence fatalities, near-deaths, and suicides to reduce the incidence of preventable intimate partner homicides. The director may form domestic violence fatality review teams, as necessary, by appointing individuals to review domestic violence fatalities. A domestic violence fatality review team shall not be subject to part I, chapter 92."

SECTION 2. Section 321-473, Hawaii Revised Statutes, is amended to read as follows:

"§321-473 Access to information. (a) Upon request of the director or a domestic violence fatality review team, all medical examiners, physicians acting under the direction of a coroner, providers of medical care, state agencies, and county
agencies shall disclose to the department and the domestic
violence fatality review team all information and records
regarding the circumstances of a victim's death so that the
department may conduct a multidisciplinary and multiagency
review of domestic violence fatalities pursuant to this part.

(b) Members of the domestic violence fatality review team
shall develop procedures related to near-deaths resulting from
intimate partner violence.

(c) The department may enter into memoranda of
understanding with the relevant state agencies and branches of
government and county agencies to obtain information relating to
near-deaths resulting from intimate partner violence.

(d) To the extent that this section conflicts with
other state confidentiality laws, the provisions of this section
shall require disclosure, notwithstanding the existence of a
specific confidentiality statute.

(e) An entity represented on a domestic violence
fatality review team and any entity cooperating with an entity
represented on a domestic violence fatality review team may
share with other members of the team:

(1) Information in its possession concerning the victim;
(2) Information in its possession concerning any person
who was in contact with the victim; and

(3) Any other information in its possession deemed by the
entity to be pertinent to the domestic violence
fatality review.

- (d) Any information shared by an entity with other
members of a domestic violence fatality review team is subject
to the same restrictions on disclosure of the information or the
records as the originating entity.

(g) To the extent possible, the review conducted pursuant
to section 321-472 shall commence no later than one year
following the death, near-death, or suicide."
(b) Domestic violence fatality review information and statistical compilations of data that do not contain any information not previously publicly disclosed that would permit the identification of any person, shall be public records.

(c) An individual participating in the domestic violence fatality review of a victim's death shall not be questioned in any civil or criminal proceeding regarding information presented in or an opinion formed as a result of a domestic violence fatality review meeting. Nothing in this section shall be construed to prevent an individual from testifying to information obtained independently of the domestic violence fatality review of a victim's death, or which is public information, or where law or court order requires disclosure.

(d) Domestic violence fatality review information held by the department as a result of domestic violence fatality reviews conducted under this part shall not be subject to subpoena, discovery, or introduction into evidence in any civil or criminal proceeding, except that domestic violence fatality review information otherwise available from other sources shall not be immune from subpoena, discovery, or introduction into
evidence through those sources solely because it was provided as required by this part.

(e) Information collected and recommendations derived from the review process shall be compiled for use in system reform efforts relating to the reduction of preventable deaths, near-deaths, and suicides resulting from domestic violence."

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

SECTION 5. This Act shall take effect on July 1, 2015.

APPROVED this 2 day of JUL , 2015

GOVERNOR OF THE STATE OF HAWAII