

THE CIVIL BEAT
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Senate Committee on Public Safety, Intergovernmental, and Military Affairs
Honorable Clarence K. Nishihara, Chair
Honorable Glenn Wakai, Vice Chair

Senate Committee on Government Operations
Honorable Laura H. Thielen, Chair
Honorable Lorraine R. Inouye, Vice Chair

RE: Testimony Commenting on H.B. 1552 H.D. 2, Relating to Public Safety
Hearing: March 19, 2019 at 2:10 p.m.

Dear Chairs and Members of the Committees:

My name is Brian Black. I am the Executive Director of the Civil Beat Law Center for the Public Interest, a nonprofit organization whose primary mission concerns solutions that promote governmental transparency. Thank you for the opportunity to submit testimony **with comments on H.B. 1552 H.D. 2.**

As it concerns the proposed correctional system oversight commission, new section -3(c) provides: "The commission may hold public meetings it deems necessary and may exercise the exemptions in section 92-5." The intent of that provision is unclear. *E.g., Kirstin Downey, Honolulu Civil Beat, Hawaii Prisons: 'You Can't Have a System Policing Itself' (Mar. 5, 2019) ("According to the legislation, the commission 'may hold public meetings,' although it is not apparently required to do so.")*.

By normal operation of law, the proposed commission would be a "board" under the Sunshine Law. HRS § 92-2. As a consequence, all the requirements and exceptions of the Sunshine Law would apply to the new commission, regardless whether any reference such as section -3(c) is made to the Sunshine Law in the commission's statutory authority.

Section -3(c) should be removed from the bill to avoid potential confusion or clarified as to its intended purpose. If the Legislature does not intend for this commission to be a board that must meet publicly and otherwise comply with the Sunshine Law, that intent should be stated clearly.

Thank you again for the opportunity to testify concerning H.B. 1552 H.D. 2.