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# HOUSE CONCURRENT RESOLUTION

REQUESTING THE CONVENING OF A TASK FORCE TO ADDRESS THE ISSUE OF  
SHARING CRIMINAL BACKGROUND INFORMATION BETWEEN THE FEDERAL  
AND STATE GOVERNMENT.

1           WHEREAS, immigration law is a creation of federal law,  
2 encompassing many areas, including employment, citizenship, and  
3 benefits; and  
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5           WHEREAS, since the September 11<sup>th</sup>, 2001 bombing of the World  
6 Trade Center, the federal government has increased their  
7 emphasis on securing our borders through initiatives like the  
8 creation of the Department of Homeland Security; and  
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10           WHEREAS, one of the tools the Department of Homeland  
11 Security uses in an effort to secure our borders is background  
12 checks, although the current mechanisms for these checks are  
13 backlogged; and  
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15           WHEREAS, the Department of Homeland Security is improving  
16 the sharing of information amongst federal departments and with  
17 the states, the agency itself is predominantly a counter-  
18 terrorism organization; and  
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20           WHEREAS, events over the past several years, including,  
21 most recently, the murder of Karen Etrell, highlight a different  
22 kind of border security problem, that of immigrants with  
23 criminal backgrounds entering the country and this state, and  
24 committing crimes; and  
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26           WHEREAS, the Department of Homeland Security does deny  
27 visas to known international gang members because of their ties  
28 to international terrorism; and  
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30           WHEREAS, although our federal and state constitutions  
31 guarantee the freedom to associate, and by inference, to travel



1 freely within the country, those legal guarantees and our  
2 separate state governments make it difficult to identify and  
3 track immigrants with criminal backgrounds; and  
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5 WHEREAS, improved information sharing between the federal  
6 government and the states could help address this public safety  
7 issues without infringing on the constitutional freedoms that  
8 guarantee our freedom to associate and travel; now, therefore,  
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10 BE IT RESOLVED by the House of Representatives of the  
11 Twenty-fourth Legislature of the State of Hawaii, Regular  
12 Session of 2008, the Senate concurring, that the legislature  
13 requests the convening of a task force to identify the legal and  
14 logistical impediments to the sharing of criminal background  
15 information of immigrants between the federal government and the  
16 state and between state departments; and  
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18 BE IT FURTHER RESOLVED that the task force should be  
19 composed of:  
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- 21 (1) The United States Attorney for Hawaii, or his  
22 designee;
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- 24 (2) The Attorney General, or his designee;
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- 26 (3) The police chiefs of each county, or their designees;
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- 28 (4) The Superintendent of Education, or her designee
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- 30 (5) The director of Human Services, or her designee
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- 32 (6) The director of Health, or her designee; and  
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34 BE IT FURTHER RESOLVED the task force submit their  
35 recommendations, including proposed legislation, to the  
36 legislature no later than twenty days prior to the convening of  
37 the 2009 Regular Session; and  
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39 BE IT FURTHER RESOLVED that certified copies of this  
40 Concurrent Resolution be transmitted to the United States  
41 Attorney for Hawaii, the attorney general, the police chiefs of  
42 each county, the Superintendent of Education, the director of  
43 Human Services, and the director of Health.  
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