
SENATE CONCURRENT RESOLUTION

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

1 WHEREAS, immigration law is governed by federal law,
2 encompassing many areas, including employment, citizenship, and
3 benefits; and
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5 WHEREAS, since the September 11th, 2001 attacks on the
6 Pentagon and the World Trade Center, the federal government has
7 increased its emphasis on securing the borders of the United
8 States through initiatives like the creation of the Department
9 of Homeland Security; and
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11 WHEREAS, one of the tools the Department of Homeland
12 Security uses in an effort to secure the borders of the United
13 States is the background check, although the current mechanisms
14 for these checks are backlogged; and
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16 WHEREAS, the Department of Homeland Security is improving
17 the sharing of information amongst federal departments and with
18 the states, and the agency itself is predominantly a
19 counter-terrorism organization; and
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21 WHEREAS, events over the past several years, including,
22 most recently, the murder of Karen Etrell, highlight a different
23 kind of border security problem: that of immigrants with
24 criminal backgrounds entering the country and this State, and
25 committing crimes; and
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27 WHEREAS, the Department of Homeland Security does deny
28 visas to known international gang members because of their ties
29 to international terrorism; and
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31 WHEREAS, although our federal and state constitutions
32 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 these 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 Senate of the Twenty-fourth
11 Legislature of the State of Hawaii, Regular Session of 2008, the
12 House of Representatives 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 the United
22 States Attorney for Hawaii's designee;
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- 24 (2) The Attorney General, or the Attorney General's
25 designee;
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- 27 (3) The Chief of Police of each county, or their
28 respective designees;
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- 30 (4) The Superintendent of Education, or the
31 Superintendent's designee;
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- 33 (5) The Director of Human Services, or the Director's
34 designee; and
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- 36 (6) The Director of Health, or the Director's designee;
37 and
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39 BE IT FURTHER RESOLVED that the task force submit its
40 recommendations, including proposed legislation, to the
41 Legislature no later than twenty days prior to the convening of
42 the 2009 Regular Session; and
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1 BE IT FURTHER RESOLVED that certified copies of this
2 Concurrent Resolution be transmitted to the United States
3 Attorney for Hawaii, the Attorney General, the Chief of Police
4 of each county, the Superintendent of Education, the Director of
5 Human Services, and the Director of Health.

