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# A BILL FOR AN ACT

RELATING TO CIVIL IDENTIFICATION.

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

1           SECTION 1. Chapter 46, Hawaii Revised Statutes, is amended  
2 by adding a new section to be appropriately designated and to  
3 read as follows:

4           "§46-       Civil identification; administered by the  
5 counties. The counties, by ordinance, shall administer the  
6 civil identification program under part II, chapter 846."

7           SECTION 2. Part II, chapter 846, Hawaii Revised Statutes,  
8 is amended to read as follows:

9                               "PART II. CIVIL IDENTIFICATION

10           §846-21 Authority of [~~attorney general.~~] the counties.

11 The [~~attorney general~~] counties shall carry out this part. [~~In~~  
12 ~~conformity with chapter 76, the attorney general may appoint~~  
13 ~~such subordinates, at such compensation, within the limits of~~  
14 ~~available appropriations therefor, or without compensation, as~~  
15 ~~may be necessary or proper to carry out this part, and, the~~  
16 ~~attorney general may delegate to such subordinates such of the~~  
17 ~~attorney general's powers and duties as may be necessary for the~~  
18 ~~efficient administration of this part.]~~



1           §846-23   ~~[Rules-]~~ Ordinances; administration.   ~~[For the~~  
2 ~~purpose of carrying out this part the attorney general, subject~~  
3 ~~to chapter 91, shall prescribe rules having the force and effect~~  
4 ~~of law including rules]~~ The counties, by ordinance, or rules  
5 adopted under chapter 91, or both, shall administer this part  
6 and include ordinances assessing reasonable fees for the  
7 services provided under this part. The ~~[rules]~~ counties shall  
8 provide for a waiver of any fee in cases of extreme hardship~~[~~  
9 ~~Until rules]~~; provided that, until ordinances or rules  
10 establishing the fees are enacted or adopted, the fee for each  
11 service provided under this part shall be \$15, which ~~[fee]~~ may  
12 be waived in cases of extreme hardship and ~~[which]~~ shall be  
13 reduced to \$10 for any person who is sixty-five years ~~[old]~~ of  
14 age or older.

15           §846-27   **Registration and issuance of certificates; fee**~~[~~  
16 ~~revolving fund]~~. (a) Every person residing or present in the  
17 State may be registered~~[~~ and have issued to the person, a  
18 certificate of identification, under this part.

19           (b) Application for the registration shall be made in  
20 person by any adult person or minor over the age of fourteen  
21 years. In the case of a minor under the age of fourteen years,  
22 the application shall be made in the minor's behalf by the



1 parent, or by another person in loco parentis of [~~such~~] the  
2 minor who can provide proof of guardianship. In the case of an  
3 incompetent person, the application shall be made by the person  
4 having the custody [~~or~~], control of, or [~~maintaining~~] provides  
5 support for the incompetent person.

6 (c) Application for the renewal of a certificate of  
7 identification issued after November 1, 1998, for a person  
8 sixty-five years old or older may be [~~done~~] filed by mailing  
9 [~~in~~] a completed application and fee; if there is no change in  
10 the applicant's name and citizenship.

11 The [~~department~~] counties shall [~~adopt rules to allow~~]  
12 provide for renewal by mail for persons with physical or mental  
13 disabilities for whom application in person [~~presents~~] would  
14 present a serious burden.

15 [~~(d) There is established in the state treasury a~~  
16 ~~revolving fund to be known as the state identification revolving~~  
17 ~~fund. The fund shall consist of all fees assessed for the~~  
18 ~~processing and issuance of certificates of identification under~~  
19 ~~this part. The fund shall be administered by the attorney~~  
20 ~~general for the purposes of this part.~~

21 (e) ~~The fund shall be held separate and apart from all~~  
22 ~~other moneys, funds, and accounts in the state treasury.~~



1 ~~Interest and investment earnings credited to the assets of the~~  
2 ~~fund shall become a part of the fund. Any balance remaining in~~  
3 ~~the fund at the end of any fiscal year shall be carried forward~~  
4 ~~in the fund for the next fiscal year.]~~

5       §846-28 Information to be secured. (a) The [department  
6 ~~of the attorney general]~~ counties shall require, collect,  
7 secure, [~~make,~~] establish, and maintain a record of the  
8 following items of information with respect to each applicant  
9 for registration:

- 10       (1) The name of the person applying to be registered  
11             (hereinafter called the "registrant" or "applicant"),  
12             the street and number or address of the applicant's  
13             place of permanent residence, and the applicant's  
14             residence and business telephone numbers, if any;
- 15       (2) The applicant's occupation and any pertinent data  
16             relating thereto;
- 17       (3) The applicant's racial extraction;
- 18       (4) The applicant's citizenship;
- 19       (5) The date and place of the applicant's birth;
- 20       (6) The applicant's personal description, including sex,  
21             height, weight, hair, eyes, complexion, build, scars,  
22             and marks;



- 1           (7) The applicant's right and left index fingerprints or,  
2           if the applicant has no right index finger or left  
3           index finger, other identifying imprint as specified  
4           by [~~rules of the department,~~] ordinance or rules;  
5           provided that this requirement shall not apply to  
6           minors [~~until they reach~~] under the age of three  
7           years;
- 8           (8) The name, relationship, and address of the nearest  
9           relative or other person to be notified in case of  
10          sickness, accident, death, emergency, or need of the  
11          applicant, if [~~such~~] notification is desired;
- 12          (9) The social security number of the applicant; and
- 13          (10) A full frontal photograph of the applicant's [~~full~~]  
14          face.
- 15          (b) The [~~department of the attorney general,~~] counties, at  
16          the time of application, shall ask whether the applicant has an  
17          advance health-care directive[~~. The department of the attorney~~  
18          ~~general shall~~] and issue or renew an identification certificate  
19          bearing the designation, "advance health-care directive", a  
20          symbol, or abbreviation thereof, [~~for each~~] if requested by the  
21          applicant [~~who has so indicated~~].



1       ~~["Advance]~~ For the purposes of this section, "advance  
2 health-care directive" means an individual instruction in  
3 writing, a living will, or a durable power of attorney for  
4 health care decisions.

5       **§846-30 Identification certificates; form.** The  
6 ~~[department of the attorney general,]~~ counties, after taking the  
7 fingerprints of each registrant as provided in this part (except  
8 as otherwise provided in the case of children under three years  
9 of age), and after securing the information required by, or  
10 pursuant to this part, shall issue to each registrant, a  
11 certificate of identification in ~~[such]~~ a form~~[, and with such~~  
12 ~~information, as the attorney general deems necessary and~~  
13 ~~practicable.]~~ prescribed by the counties.

14       **§846-30.5 Expiration date.** Every certificate of  
15 identification issued under this part, whether an original or a  
16 renewal, shall bear an expiration date that shall ~~[be]~~ fall on  
17 the person's birthday six years after the year of issuance~~[,~~  
18 ~~except];~~ provided that every certificate issued on or after July  
19 1, 2009, shall bear an expiration date that shall ~~[be]~~ fall on  
20 the person's birthday eight years after the date of issuance  
21 ~~[and except];~~ provided further that if the person is a legal  
22 nonimmigrant, the certificate shall bear an expiration date that



1 is the same as the expiration date on the person's U.S.  
2 Citizenship and Immigration Services departure card (I-94).

3       §846-37 Disposition of ~~[income.]~~ fees and other moneys.  
4 ~~[Except as provided in section 846-27, all]~~ All fees and other  
5 moneys received or collected by the ~~[department of the attorney~~  
6 ~~general]~~ counties under this part shall be deposited with the  
7 director of finance ~~[to the credit of the general fund.]~~ of the  
8 county that issued the certificate of identification."

9       SECTION 3. All rights, powers, functions, and duties of  
10 the department of attorney general, with respect to civil  
11 identification program under part II, chapter 846, Hawaii  
12 Revised Statutes, are transferred to the counties.

13       All officers and employees whose functions are transferred  
14 by this Act shall be transferred with their functions and shall  
15 continue to perform their regular duties upon their transfer,  
16 subject to the state and county personnel laws and this Act.

17       No officer or employee of the State having tenure shall  
18 suffer any loss of salary, seniority, prior service credit,  
19 vacation, sick leave, or other employee benefit or privilege as  
20 a consequence of this Act, and the officer or employee may be  
21 transferred or appointed to a civil service position without the  
22 necessity of examination; provided that the officer or employee



1 possesses the minimum qualifications for the position to which  
2 transferred or appointed; and provided that subsequent changes  
3 in status may be made pursuant to applicable civil service and  
4 compensation laws.

5 An officer or employee of the State who does not have  
6 tenure and who may be transferred or appointed to a civil  
7 service position as a consequence of this Act shall become a  
8 civil service employee without the loss of salary, seniority,  
9 prior service credit, vacation, sick leave, or other employee  
10 benefits or privileges and without the necessity of examination;  
11 provided that such officer or employee possesses the minimum  
12 qualifications for the position to which transferred or  
13 appointed.

14 If an office or position held by an officer or employee  
15 having tenure is abolished, the officer or employee shall not  
16 thereby be separated from public employment, but shall remain in  
17 the employment of the State with the same pay and classification  
18 and shall be transferred to some other office or position for  
19 which the officer or employee is eligible under the personnel  
20 laws of the State as determined by the head of the department or  
21 the governor.





1 SECTION 4. All appropriations, records, equipment,  
 2 machines, files, supplies, contracts, books, papers, documents,  
 3 maps, and other personal property heretofore made, used,  
 4 acquired, or held by the department of attorney general, with  
 5 respect to civil identification under part II, chapter 846,  
 6 Hawaii Revised Statutes, and related to the functions  
 7 transferred to the counties, shall be transferred with the  
 8 functions to which they relate.

9 SECTION 5. Statutory material to be repealed is bracketed  
 10 and stricken. New statutory material is underscored.

11 SECTION 6. This Act shall take effect upon its approval.  
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INTRODUCED BY:

*Gene Ward*  
*Tom Brown*  
*Mani Ska*  
*Andy Brown*  
*Michael J. Mayway*

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**Report Title:**

Civil Identification; Attorney General; Counties

**Description:**

Transfers the responsibility for administering the civil identification program from the Attorney General to the counties.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

