



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-SIXTH LEGISLATURE, 2011**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 1009, H.D. 1, RELATING TO FINGERPRINT RETENTION BY  
HAWAII CRIMINAL JUSTICE DATA CENTER.

**BEFORE THE:**

HOUSE COMMITTEE ON FINANCE

**DATE:** Thursday, March 3, 2011      **TIME:** 10:00 a.m.

**LOCATION:** State Capitol, Room 308

**TESTIFIER(S):** David M. Louie, Attorney General, or  
Liane M. Moriyama, Administrator, Hawaii Criminal  
Justice Data Center

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Chair Oshiro and Members of the Committee:

The Department of the Attorney General supports this bill.

The purpose of this bill is to allow the State to retain the fingerprints of employment and licensing applicants for whom criminal history record checks are statutorily authorized in section 846-2.7, Hawaii Revised Statutes, which will allow the State to implement a statewide "rapback" program. This bill will also allow the state to participate in the Federal Bureau of Investigation's (FBI) national rapback system.

The retention of applicant fingerprints is the first and most vital part of any rapback program. Rapback is the capability to notify authorized recipients (e.g., criminal justice agencies, government agencies servicing Hawaii's vulnerable population as listed in section 846-2.7 such as the Department of Education, the Department of Health, and the Department of Human Services) of an offender's rearrest based on a search of the statewide criminal history information system (CJIS-Hawaii) and the statewide Automated Fingerprint Identification System (AFIS) through positive identification by fingerprints. It is called "rapback" because it returns an

offender's "RAPsheet" that lists arrests or convictions and returns that information BACK to those who are authorized to receive it and have signed up through a subscription service.

A rapback program allows criminal justice agencies, employers, and licensing agencies, already statutorily authorized, to request notification through a subscription service when offenders or their employees are arrested any time after their initial fingerprinting and background check. For example, an applicant is fingerprinted and hired by the Department of Education (DOE). The fingerprints are placed in an electronic applicant fingerprint file that is kept separate from the criminal fingerprint file in the State AFIS. If the employee is subsequently arrested, the fingerprints taken at the time of arrest are compared to the fingerprints in the applicant fingerprint file and a match is made. The DOE is then notified and can take appropriate action. Probation and parole agencies could subscribe to be notified any time offenders under their supervision are arrested.

The FBI is also developing a similar program at the national level, which will be made available to states, but only if fingerprints are retained.

The rapback programs at the state and national levels will allow Hawaii's employers and licensing agencies to make better and faster decisions that affect the safety and well-being of Hawaii's vulnerable populations such as children, the elderly and the disabled.

To help identify the fingerprints in the applicant fingerprint file, additional information from the fingerprint card is necessary. As such, we recommend that the new subsection (d) being added to section 846-2.7 by section 2 of the bill on page 11 at line 13 be amended by adding "and

information and records relating to the fingerprints" after the word "Fingerprints."

Please note that no additional funding is necessary at this time to develop the applicant fingerprint file.

We respectfully ask the Committee to pass this bill with the recommended amendment.