

HB 1009

HD2, SD1



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

ON THE FOLLOWING MEASURE:

H.B. NO. 1009, H.D. 2, S.D. 1, RELATING TO FINGERPRINT RETENTION
BY HAWAII CRIMINAL JUSTICE DATA CENTER.

BEFORE THE:

SENATE COMMITTEE ON WAYS AND MEANS

DATE: Friday, April 1, 2011 **TIME:** 9:00 a.m.

LOCATION: State Capitol, Room 211

TESTIFIER(S): WRITTEN COMMENTS ONLY. For more information, call
Liane M. Moriyama, Administrator, Hawaii Criminal
Justice Data Center, or
Norma Ueno, Criminal History Record Checks Supervisor,
Hawaii Criminal Justice Data Center at 587-3110

Chair Ige 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 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 ID System

(AFIS) through positive identification by fingerprints. It is called "rapback" because it returns an offender's "RAPsheet" that lists arrests/convictions and returns that information BACK to those who are authorized and have signed up through a subscription service.

A rapback program would allow 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 Automated Fingerprint Identification System (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.

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

Testimony of the Department of the Attorney General
Twenty-Sixth Legislature, 2011
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We respectfully ask the Committee to pass this bill.

NEIL ABERCROMBIE
GOVERNOR



PATRICIA McMANAMAN,
DIRECTOR

PANKAJ BHANOT
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809-0339

April 1, 2011

MEMORANDUM

TO: The Honorable David Y. Ige, Chair
Committee on Ways and Means

FROM: Patricia McManaman, Director

SUBJECT: **H.B. 1009, H.D. 2, S.D. 1 - RELATING TO FINGERPRINT
RETENTION BY HAWAII CRIMINAL JUSTICE DATA CENTER**

Hearing: Friday, April 1, 2011; 9:00 a.m.
Conference Room 211, State Capitol

PURPOSE: The purpose of H.B. 1009, H.D. 2, S.D. 1, is to allow the State to retain fingerprints of employment and licensing applicants for whom criminal history record checks are authorized statutorily so that the State can implement a statewide "Rapback" program.

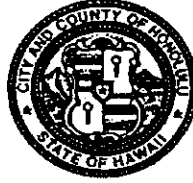
DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this bill. The DHS is interested in protecting its most vulnerable populations, children, the elderly, and the disabled, and one way is through the implementation of criminal history checks on employees that work with them. Having the ability to obtain information immediately about any arrests of employees or licensing applicants who have already been fingerprinted through our department will assist us in maintaining the health and safety of all of our vulnerable populations while they participate in our programs and services.

Thank you for the opportunity to provide comments on this bill.

AN EQUAL OPPORTUNITY AGENCY

DEPARTMENT OF HUMAN RESOURCES
CITY AND COUNTY OF HONOLULU
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PETER B. CARLISLE
MAYOR



NOEL T. ONO
DIRECTOR

April 1, 2011

The Honorable David Y. Ige, Chair
and Members of the Committee on Ways and Means
The Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair Ige and Members:

Subject: House Bill No. 1009, H.D.2, S.D.1 Relating to Fingerprint Retention by
Hawaii Criminal Justice Data Center

The Department of Human Resources **supports** HB 1009, H.D.2, S.D.1. The purpose of this bill is to allow the State to retain fingerprints of employment and licensing applicants for whom criminal history record checks are authorized statutorily so the State may implement a statewide "Rapback" program using all information and records, including fingerprints, to provide relevant licensing agencies and employers an updated criminal record if a fingerprinted individual is subsequently arrested.

This bill will enable the City & County of Honolulu to obtain updated criminal history record information for classes of City employees such as, Water Safety Officers and Parks and Recreation employees who are in positions which involve contact with vulnerable populations such as children, the elderly and the disabled.

Thank you for the opportunity to testify on this measure.

Yours truly,

A handwritten signature in black ink, appearing to read "Noel T. Ono".

Noel T. Ono
Director