



HAWAII HEALTH SYSTEMS
C O R P O R A T I O N

"Touching Lives Everyday"

LATE TESTIMONY

Senate Committee on Judiciary
Senator Clayton Hee, Chair

Tuesday, March 22, 2011

9:15 A.M.

Conference Room 016

Hawaii State Capitol

**Testimony Supporting House Bill 1009, HD2, Relating to Fingerprint Retention by Hawaii
Criminal Justice Data Center**

Allows 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. Effective July 1, 2030. (HB1009, HD2)

Paul T. Tsukiyama

Vice President and Director of Human Resources

Hawaii Health Systems Corporation

On behalf of the Hawaii Health Systems Corporation (HHSC) Corporation Board of Directors, thank you for the opportunity to present testimony in strong support of HB1009, HD2 which allows the State to retain fingerprints of applicants for whom criminal history record checks are authorized in Section 846.2.7, Hawaii Revised Statutes. The retention of applicant fingerprints will allow the State to implement a statewide rapback program and to participate in the Federal Bureau of Investigation's (FBI) rapback program which is to the benefit of HHSC in conducting criminal history record checks for employees, applicants seeking employment, current or prospective members of the corporation board or regional system board, or current or prospective volunteers, providers, or contractors.

HHSC is a separate State jurisdiction which employs the largest contingent of health care employees, four thousand, among the public employers, and it is imperative that we protect the safety and general welfare of our patients and residents in our thirteen (13) medical acute and long term facilities on Oahu and the neighbor islands. The rapback program will allow HHSC to request notification through the Hawaii Criminal Justice Data Center (HCJDC) if our employees are arrested any time after their initial fingerprinting and background check. Currently, we have no method of knowing if our current employees, volunteers, providers, contractors, corporation board or regional system board members were subsequently arrested and convicted of a criminal violation that could be detrimental to their suitability or fitness for employment and/or services with HHSC. However, by implementing the rapback program, the fingerprints taken at the time of arrest will be compared to the fingerprints in the applicant fingerprint file and a match will be

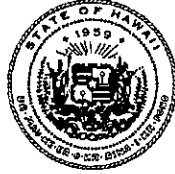
made and subsequently, HHSC will be notified and can take appropriate action as deemed necessary. More importantly, the rapback programs at the state and national level will allow HHSC to make expeditious and appropriate decisions that affect the safety and well-being of not only our patients and residents in our medical facilities but also our employees.

We respectfully request your support on this bill during this Legislative session and in the future as the Hawaii Criminal Justice Data Center develops and implements the rapback program for the State of Hawaii.

Thank you for the opportunity to testify before this committee.

LATE TESTIMONY

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

March 22, 2011

MEMORANDUM

TO: The Honorable Clayton Hee, Chair
Committee on Judiciary and Labor

FROM: Patricia McManaman, Director

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

Hearing: Tuesday, March 22, 2011; 9:15 a.m.
Conference Room 016, State Capitol

PURPOSE: The purpose of H.B. 1009, H.D. 2, 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



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

ON THE FOLLOWING MEASURE:

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

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY AND LABOR

DATE: Tuesday, March 22, 2011 TIME: 9:15 a.m.

LOCATION: State Capitol, Room 016

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

Chair Hee 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 Department of Education, 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 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 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.

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, line 16 be amended by adding "and ~~information and records relating to the fingerprints~~" after the word "fingerprints."

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