

STAND. COM. REP. NO.

3181

Honolulu, Hawaii

APR 05 2012

RE: H.B. No. 2454
H.D. 1
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 2454, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE RAP BACK PROGRAM OF THE
HAWAII CRIMINAL JUSTICE DATA CENTER,"

begs leave to report as follows:

The purpose and intent of this measure is to implement a rap
back program that allows entities that are statutorily authorized
to obtain criminal history record checks on applicants, including
employment and licensing applicants, to be notified if any
applicants are arrested subsequent to their initial record checks.

Your Committee received testimony in support of this measure
from the Department of the Attorney General, Department of Human
Services, Department of Health, and Hawaii Health Systems
Corporation.

Your Committee finds that Act 117, Session Laws of Hawaii
2011, authorized the State to indefinitely retain fingerprints of
employment and licensing applicants for whom criminal history
record checks are authorized statutorily in order for the State to
implement a statewide "Rap Back" program. The rap back program
informs authorized recipients, such as criminal justice agencies
and government agencies servicing Hawaii's vulnerable populations,
when an individual, who has previously undergone a fingerprint-
based background check and whose fingerprints are retained by a
criminal history repository after the check, is subsequently

2012-1875 SSCR SMA.doc



arrested. The notified authorized recipient may take appropriate action accordingly. Rap back programs at the state and national levels 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.

Although the original plan was to develop and implement the fingerprint retention system prior to implementing the rap back program, the State currently has an opportunity to apply for a grant from the Centers for Medicare and Medicaid Services to develop a background checks system. The grant requires a rap back program. If Hawaii is awarded the grant, work on the rap back program can begin sooner than anticipated. Therefore, this measure amends the law relating to criminal history record checks to implement Hawaii's rap back program in order to meet grant requirements.

Your Committee has amended this measure by:

- (1) Adopting the language suggested by the Department of the Attorney General to clarify that the identifying information required by the Federal Bureau of Investigations is that of an applicant or employee; and
- (2) Changing the effective date from January 7, 2059, to upon approval.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2454, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2454, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,




CLAYTON HEE, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:*	Committee Referral:	Date:
HB 2454, HD1	JDL	3/28/12
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____		
The Recommendation is:		
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310
<input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)
	Nay	Excused
HEE, Clayton (C)	✓	
SHIMABUKURO, Maile (VC)	✓	
GABBARD, Mike	✓	
IHARA, Jr., Les		✓
SLOM, Sam	✓	
TOTAL	4	1
Recommendation:		
<input checked="" type="checkbox"/> Adopted	<input type="checkbox"/> Not Adopted	
Chair's or Designee's Signature:		
		
Distribution:		
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency
		Goldenrod Committee File Copy

*Only one measure per Record of Votes