

HB2454, HD1



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SIXTH LEGISLATURE, 2012**

ON THE FOLLOWING MEASURE:

H.B. NO. 2454, H.D. 1, RELATING TO THE RAP BACK PROGRAM OF THE HAWAII CRIMINAL JUSTICE DATA CENTER.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY AND LABOR

DATE: Wednesday, March 28, 2012 **TIME:** 10:00 a.m.

LOCATION: State Capitol, Room 016

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

Chair Hee and Members of the Committee:

The Department of the Attorney General strongly supports this bill.

The purpose of this bill is to allow entities that are statutorily authorized to obtain fingerprint-based criminal history record checks on applicants, including employment and licensing applicants, to participate in a statewide rap back program where they will be notified if any applicants are arrested subsequent to their initial record checks.

Act 117, Session Laws of Hawaii 2011, authorized the State to retain the fingerprints of applicants requesting a statutorily authorized fingerprint-based criminal history record check. This was the first step in developing a rap back program. A rap back program will inform authorized recipients (e.g., criminal justice agencies and government agencies servicing Hawaii's vulnerable population as listed in section 846-2.7, Hawaii Revised Statutes (HRS), such as the Department of Education, the Department of Health, and the Department of Human Services) when an applicant who has undergone a fingerprint-based criminal history record check, and whose fingerprints are retained by the criminal history repository after the check, is subsequently arrested. The fingerprints, obtained after the arrest, are matched against a database that contains the fingerprints that were initially submitted. The authorized recipient is then notified and can take appropriate action.

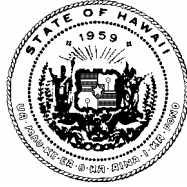
Initially, the plan was to first develop and implement the fingerprint retention system prior to establishing the rap back program. The State, however, has an opportunity to apply for a grant from the Centers for Medicare & Medicaid Services to develop a background checks

system. One requirement of the grant is to develop a rap back program. The grant will be awarded later this year and, if Hawaii is selected, work on the rap back program can begin sooner than had been anticipated. Therefore, this bill updates section 846-2.7, HRS, to implement the program.

The FBI is also targeting 2014 to implement a similar program at the national level, which will be made available to the states. To help ensure that the FBI will have the identifying information it needs to complete its fingerprint-based criminal history record checks and implement the national rap back program, we are requesting that the bill be amended at page 4 lines 6-7, to read as follows " ...of Investigation [~~which shall include but not be limited to~~] such as the applicant's or employee's name, date of birth, height, weight, ..."

The rap back 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.

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



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

March 28, 2012

MEMORANDUM

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

FROM: Patricia McManaman, Director

SUBJECT: **H.B. 2454, H.D.1 - RELATING TO THE RAP BACK PROGRAM OF
THE HAWAII CRIMINAL JUSTICE DATA CENTER**

Hearing: Wednesday, March 28, 2012; 10:00 a.m.
Conference Room 016, State Capitol

PURPOSE: The purpose of H.B. 2454, H.D.1 is to allow programs statutorily authorized to obtain criminal history record checks on employment and licensing applicants to participate in the rap back program.

DEPARTMENT'S POSITION: The Department of Human Services (DHS) strongly supports this Administration bill. The DHS is interested in protecting its most vulnerable populations - children, the elderly, and the disabled. One way to protect vulnerable populations is through the implementation of the proposed rap back initiative. Having the ability to obtain information immediately about the arrests of any 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 testimony on this bill.