



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

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**ON THE FOLLOWING MEASURE:**

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

**BEFORE THE:**

HOUSE COMMITTEE ON

**DATE:** Friday, February 3, 2012

**TIME:** 2:00 p.m.

**LOCATION:** State Capitol, Room 325

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

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Chair Keith-Agaran 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 statewide and federal rap back programs 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 statutorily authorized fingerprint-based criminal history record checks. This was the first step in developing a rap back program. A rap back program will inform authorized recipients (e.g., criminal justice agencies, 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 fingerprints that were initially submitted. The authorized recipient is then notified and can take appropriate action.

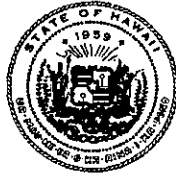
Initially, the plan was to first develop and implement the fingerprint retention system prior to establishing the rap back program. However, the State has an opportunity to apply for a grant from the Centers for Medicare & Medicaid Services to develop a system to keep track of

applicants on whom background checks are done and to automate as many of the checks as possible. One requirement of the grant is to develop a statewide rap back system. The grant will be awarded later this year and if Hawaii is selected, then work on the rap back program can begin sooner than had been anticipated. Therefore, this proposal updates section 846-2.7, HRS, to implement the program.

The FBI is targeting 2014 to implement a similar program at the national level, which will be made available to the states. In order for Hawaii to participate in the national rap back system, it was recently determined that clarifying wording should be included for this purpose. We recommend that on page 3, line 5, "and the Federal Bureau of Investigation" be added after the word "center".

The rap back programs at the state and national levels will allow Hawaii's employers and licensing agencies to make better and faster decisions in situations that may 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

February 3, 2012

**MEMORANDUM**

TO: The Honorable Gilbert S.C. Keith-Agaran, Chair  
House Committee on Judiciary

FROM: Patricia McManaman, Director

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

Hearing: Friday, February 3, 2012; 2:00 p.m.  
Conference Room 325, State Capitol

**PURPOSE:** The purpose of H.B. 2454 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.

Testimony for HB2454 on 2/3/2012 2:00:00 PM

**Testimony for HB2454 on 2/3/2012 2:00:00 PM**

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

**Sent:** Thursday, February 02, 2012 9:04 PM

**To:** JUDtestimony

**Cc:** Brenda.Kosky@gmail.com

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Testimony for JUD 2/3/2012 2:00:00 PM HB2454

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Brenda Kosky

Organization: Individual

E-mail: Brenda.Kosky@gmail.com

Submitted on: 2/2/2012

Comments: