

Honolulu, Hawaii
March 4, 2016

RE: H.B. No. 2629
H.D. 2

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2629, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS,"

begs leave to report as follows:

The purpose of this measure is to promote public safety by authorizing county police departments to enroll firearms applicants and individuals who are registering their firearms into a criminal record monitoring service that is used to alert police when an owner of a firearm is arrested for a criminal offense anywhere in the country.

The Honolulu Prosecuting Attorney and three concerned individuals testified in support of this measure. The Department of the Attorney General and the Honolulu Police Department testified in support and provided comments. The National Rifle Association and many concerned individuals testified in opposition. One concerned individual provided comments.

Your Committee finds that the Federal Bureau of Investigation permits authorized government agencies, including law enforcement, to access a program, known as Rap Back, that provides continuous criminal record monitoring of individuals who are subject to a criminal background check. When an individual is arrested for a criminal offense elsewhere in the country, the agency that conducted the background check will be notified. Act 210, Session Laws of Hawaii 2012, authorized the use of the Rap Back system as

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part of background checks for 41 specific purposes including checks for employees and prospective employees whose positions involve the handling of firearms for other than law enforcement purposes. Other authorized uses of the Rap Back system include screening of Department of Health licensed adult caregivers or Department of Education employees who have close proximity to children, and applicants for real estate appraiser licenses with the Department of Commerce and Consumer Affairs. Your Committee finds that county police departments should have similar access to information about individuals who apply for a firearms permit or register firearms after the effective date of this measure.

While the county police departments have authority under the firearms chapter 134, Hawaii Revised Statutes (HRS), to conduct a background check on applicants to obtain or possess a firearm, the chapter refers to a background check that does not include the Rap Back program. This measure authorizes county police departments to receive Rap Back notifications of subsequent arrests and convictions of individuals who acquire permits or registrations after the effective date of this measure. The county police departments may use the notifications to examine eligibility of those firearms owners to continue to legally possess and own firearms.

This measure does not amend the standard for granting a firearms permit or possession of a firearm or any of the bases for disqualification.

Your Committee has amended this measure by:

- (1) Amending sections 134-2 and 134-3, HRS, to amend the background check process currently used by the county police departments for firearms permit applicants and registrants and amend references to the various background check programs and the Hawaii Criminal Justice Data Center; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2629, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2629, H.D. 2.



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

Karl Rhoads

KARL RHOADS, Chair



