

JAN 25 2017

A BILL FOR AN ACT

RELATING TO COVERED OFFENDER REGISTRATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 846-2.7, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:
3 "(a) The agencies and other entities named in subsections
4 (b) and (c) may conduct state and national criminal history
5 record checks on personnel identified in subsections (b) and
6 (c), and participate in the rap back program, for the purpose of
7 determining suitability or fitness for a permit, license,
8 employment, or volunteer service; provided that the Hawaii
9 criminal justice data center may charge a reasonable fee for the
10 criminal history record checks performed. The agencies and
11 other entities named in subsections (b) and (c) shall notify
12 applicants, employees, and volunteers subject to a criminal
13 history record check pursuant to this section that their
14 fingerprints shall be retained by the Hawaii criminal justice
15 data center and the Federal Bureau of Investigation for all
16 purposes and uses authorized for fingerprint submissions.
17 Notification shall also be given to the applicants, employees,
18 and volunteers subject to the rap back program. The criminal

1 history record check shall include the submission of
2 fingerprints to:

- 3 (1) The Federal Bureau of Investigation for a national
4 criminal history record check; and
5 (2) The Hawaii criminal justice data center for a state
6 criminal history record check that shall include
7 nonconviction data[-] and an indication of the
8 applicant's, employee's or volunteer's requirement to
9 register as a covered offender pursuant to chapter
10 846E.

11 Except as otherwise provided in this section, criminal history
12 record information shall be used exclusively for the stated
13 purpose for which it was obtained in accordance with section
14 378-2.5."

15 SECTION 2. Section 846E-3, Hawaii Revised Statutes, is
16 amended by amending subsection (a) to read as follows:

17 "(a) Registration information shall be disclosed as
18 follows:

- 19 (1) The information shall be disclosed to [~~law~~
20 ~~enforcement~~] criminal justice agencies, as defined in
21 section 846-1, for [~~law enforcement~~] administration of
22 criminal justice and covered offender registration
23 purposes;

S.B. NO. 892

Report Title:

Covered Offender Registration

Description:

Allows the attorney general to disclose confidential covered offender registration information to criminal justice agencies for administration of criminal justice and covered offender registration purposes and to disclose an indication of a covered offender's requirement to register in response to a fingerprint-based state and national criminal history record check conducted pursuant to section 846-2.7, Hawaii Revised Statutes.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Attorney General

TITLE: A BILL FOR AN ACT RELATING TO COVERED OFFENDER REGISTRATION.

PURPOSE: To allow covered offender registration information to be disclosed to criminal justice agencies for the purposes of administering criminal justice and the covered offender registration law, and to allow an indication of a covered offender's requirement to register to be disclosed to agencies and entities conducting fingerprint-based criminal history record checks pursuant to section 846-2.7, Hawaii Revised Statutes.

MEANS: Amend sections 846-2.7(a) and 846E-3(a), HRS.

JUSTIFICATION: Criminal justice agencies which are responsible for administering the covered offender registration program need access to confidential registration information in order to facilitate the required notification and in-person verification provisions of chapter 846E, HRS.

Section 846-2.7 authorizes certain agencies and entities to conduct fingerprint-based criminal history record checks on personnel for the purpose of determining suitability or fitness for a permit, license, employment or volunteer service. This bill will allow such agencies to receive an indication of whether fingerprints submitted for the criminal history record check purposes belong to a registered covered offender. Confidential information such as the covered offender's email addresses and telephone numbers would not be disclosed.

Impact on the public: The public will directly benefit from this bill because more complete information will be provided to agencies and entities conducting statutorily authorized fingerprint-based criminal history record checks on its applicants for permit, employment, licensure or volunteer services that provide care for children, the elderly, or the disabled, or will otherwise be in a position of trust.

Impact on the department and other agencies: There will be minimal impact because the Hawaii Criminal Justice Data Center manages both the fingerprint-based state and national criminal history record check program and the sex offender registration program.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: ATG-231/BC

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.