



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-NINTH LEGISLATURE, 2017**

ON THE FOLLOWING MEASURE:

S.B. NO. 892, RELATING TO COVERED OFFENDER REGISTRATION.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY AND LABOR

DATE: Wednesday, February 22, 2017 **TIME:** 9:00 a.m.

LOCATION: State Capitol, Room 016

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

Chair Keith-Agaran and Members of the Committee:

The Department of the Attorney General supports this Administration bill.

The purpose of this bill is to allow the Hawaii Criminal Justice Data Center (HCJDC) to inform all agencies and entities conducting fingerprint-based criminal history record checks pursuant to section 846-2.7, Hawaii Revised Statutes (HRS), whether their applicants are required to register as a covered offender.

Currently, the statute only allows certain government agencies to receive covered offender information. The agencies and entities authorized by section 846-2.7, HRS, to conduct fingerprint-based state and national criminal history record checks receive arrest and conviction information from the HCJDC and the Federal Bureau of Investigation. They receive this information for the purposes of determining suitability or fitness for applicants of employment, licensure, permit, or volunteer services. The receiving entities include the Department of Education, the Department of Human Services, private schools, and private for-profit and not-for-profit organizations that provide services to Hawaii's children, elderly or disabled. They also include agencies that employ or license individuals in a position of trust.

This bill will allow the HCJDC to inform the authorized agency or entity whether the submitted fingerprints matched against a registered covered offender. This is true even if the covered offender does not have a Hawaii arrest record or is excluded from

the public covered offender website in accordance to section 846E-3(h), HRS. Registration information such as residential address, employer, and vehicle would not be disseminated to the requesting agency or entity.

This bill will also clarify that criminal justice agencies, which are responsible for administering the covered offender registration program, are authorized to access confidential registration information that is necessary to facilitate the required registration and verification provisions of chapter 846E, HRS. Currently, the statute only allows non-public registration information to be disseminated to law enforcement, such as police and prosecutors. Criminal justice agencies, such as the Hawaii Paroling Authority, adult probation divisions, Department of Public Safety, and other states' sex offender registries also require access to non-public sex offender and other covered offender registration information to administer and track compliance with chapter 846E, HRS.

The changes in this bill will allow all authorized agencies and entities to make more informed suitability or fitness decisions. These decisions are based on positive identification, regarding applicants for employment, licensure, permit or volunteer services seeking to provide services to Hawaii's most vulnerable populations or otherwise seeking a position of trust. It would also provide for a more effective means to those who are responsible for administering the covered offender registration program.

We respectfully ask the Committee to pass this bill. Thank you for the opportunity to testify.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 • INTERNET: www.honolulupd.org



KIRK CALDWELL
MAYOR

LOUIS M. KEALOHA
CHIEF

CARY OKIMOTO
JERRY INOUE
DEPUTY CHIEFS

OUR REFERENCE DN-DNK

February 22, 2017

The Honorable Gilbert S. C. Keith-Agaran, Chair
and Members
Committee on Judiciary and Labor
State Senate
Hawaii State Capitol
415 South Beretania Street, Room 016
Honolulu, Hawaii 96813

Dear Chair Keith-Agaran and Members:

SUBJECT: Senate Bill No. 892, Relating to Covered Offender Registration

I am David Nilsen, Acting Major of the Records and Identification Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports Senate Bill No. 892, Relating to Covered Offender Registration.

This bill proposes changes to Hawaii Revised Statutes Section 846-2.7 which allow the Attorney General to disclose confidential, covered offender registration information to criminal justice agencies. It also allows disclosure of an indication regarding a covered offender's requirement to register to agencies and entities conducting confidential fingerprint-based criminal history checks. The HPD believes that these changes will allow more accurate and complete information to be provided to those entities and agencies required to conduct fingerprint-based criminal history checks.

The HPD urges you to support Senate Bill No. 892, Relating to Covered Offender Registration.

Thank you for the opportunity to testify.

APPROVED:

A handwritten signature in black ink, appearing to read "Cary Okimoto", is written over a horizontal line.

Cary Okimoto
Acting Chief of Police

Sincerely,

A handwritten signature in black ink, appearing to read "David P. Nilsen", is written in a cursive style.

David P. Nilsen, Acting Major
Records and Identification Division