



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTIETH LEGISLATURE, 2020**

ON THE FOLLOWING MEASURE:

S.B. NO. 1174, S.D. 1, RELATING TO HAWAII CRIMINAL JUSTICE DATA CENTER FEES.

BEFORE THE:

SENATE COMMITTEE ON WAYS AND MEANS

DATE: Tuesday, February 11, 2020 **TIME:** 10:40 a.m.

LOCATION: State Capitol, Room 211

TESTIFIER(S): Clare E. Connors, Attorney General, or
Christopher D.W. Young, Administrator, Hawaii Criminal Justice
Data Center

Chair Dela Cruz and Members of the Committee:

The Department of the Attorney General supports this bill.

The purpose of this bill is to allow the Hawaii Criminal Justice Data Center (HCJDC) to establish reasonable and necessary fees for all services HCJDC provides through the administrative rules process. By Act 7, Special Session Laws of Hawaii (SLH) 1995, the Legislature amended section 846-10.5(a), Hawaii Revised Statutes (HRS), by establishing fees for certain services listed in section 846-10.5(a)(1-7). The Legislature subsequently updated some of the fees in 1998 pursuant to Act 132, SLH 2006, and amended section 846-10.5(d) by adding the authority to adopt by rules “reasonable fees for services provided by the data center.”

The proposed amendment to section 846-10.5(d), HRS, is intended to clarify that HCJDC has the authority to adopt administrative rules to establish reasonable fees for all services it provides. By squarely placing the authority to establish reasonable fees with HCJDC, the proposed amendment will enable HCJDC to directly engage with and solicit public comments from interested individuals, entities, and law enforcement agencies who routinely utilize its services by way of the rule making procedure set forth in chapter 91, HRS, and adjust fees after considering the comments received, service demand, types of service provided, and cost of providing such services. In addition, the proposed amendments will eliminate any confusion regarding the applicable fee for the

various services HCJDC provides by consolidating all fees into the fee schedule in HCJDC's administrative rules. This is especially helpful where new services and/or systems are implemented as technologies continue to advance or current fees require adjustments.

S.D. 1 amended Senate Bill No. 1174 by adding a requirement that the fees be reasonable and "necessary." HCJDC agrees that fees set by administrative rule should be reasonable and necessary and supports the amended wording.

The Department of the Attorney General respectfully requests the passage of this bill.