



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
THIRTIETH LEGISLATURE, 2019**

**LATE**

**ON THE FOLLOWING MEASURE:**

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

**BEFORE THE:**

SENATE COMMITTEE ON JUDICIARY

**DATE:** Tuesday, February 05, 2019 **TIME:** 9:00 a.m.

**LOCATION:** State Capitol, Room 016

**TESTIFIER(S):** Clare E. Connors, Attorney General, or  
Philip D. Higdon, Asst. Administrator, HCJDC

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Chair Rhoads 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 fees for all services through the administrative rules process. Currently, section 846-10.5(d), Hawaii Revised Statutes, allows HCJDC to “adopt rules pursuant to chapter 91 to establish reasonable fees for services provided by the data center and to establish other exemptions from the requirement to pay fees.” HCJDC had used the administrative rules process in the past to update the fees listed in section 846-10.5 (a), which were set by the Legislature in 2006.

However, the authority to adopt rules to establish reasonable fees could not be applied to six services listed in section 846-10.5(a). Those fees listed in the statute could only be changed by the Legislature, since they were established by statute.

The requested amendment is intended to establish a single process for the setting of reasonable fees for all service provided by HCJDC. The administrative rules process will enable HCJDC to adjust fees based on service demand, budget needs, and cost of resources required to provide the services to the public without having to wait for the legislative process to start and end each year. The administrative rules process ensures that public and private entities relying on the HCJDC services have the opportunity to provide comments and feedback any time a change to the fee schedule is

proposed, and requires such change be approved by the Governor before the rule can be officially implemented.

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

DAVID Y. IGE  
GOVERNOR



**NOLAN P. ESPINDA**  
DIRECTOR

**Cathy Ross**  
Deputy Director  
Administration

**Jodie F. Maesaka-Hirata**  
Deputy Director  
Corrections

**Renee R. Sonobe Hong**  
Deputy Director  
Law Enforcement

STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
919 Ala Moana Boulevard, 4th Floor  
Honolulu, Hawaii 96814

No. \_\_\_\_\_

TESTIMONY ON SENATE BILL 1174  
RELATING TO HAWAII CRIMINAL JUSTICE DATA CENTER FEES

by  
Nolan P. Espinda, Director  
Department of Public Safety

Senate Committee on Judiciary  
Senator Karl Rhoads, Chair  
Senator Glenn Wakai, Vice Chair

Tuesday, February 5, 2019; 9:00 a.m.  
State Capitol, Conference Room 016

Chair Rhoads, Vice Chair Wakai and Members of the Committee:

The Department of Public Safety (PSD) supports Senate Bill (SB) 1174, which provides authority for the Hawaii Criminal Justice Data Center to determine reasonable fees for services provided. PSD relies on the criminal history record information systems for record checks on certain inmates as well as law enforcement and correctional officers who are in a position of trust. Although PSD is exempted from fees, PSD supports this bill because it will have a positive effect on the data center's ability to improve and sustain its identification services to criminal justice agencies, thereby enhancing public safety.

Thank you for the opportunity to present this testimony.