



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2022**

ON THE FOLLOWING MEASURE:

S.B. NO. 1048, RELATING TO HAWAII CRIMINAL JUSTICE DATA CENTER FEES.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Friday, January 28, 2022 **TIME:** 9:30 a.m.

LOCATION: State Capitol, Via Videoconference

TESTIFIER(S): Holly T. Shikada, Attorney General, or
Philip D. Higdon, Assistant Administrator,
Hawaii Criminal Justice Data Center

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 and necessary fees for all services HCJDC provides through the administrative rulemaking process and remove the fee waiver that exempts county agencies from paying fees related to employment background checks.

Currently, section 846-10.5(a), Hawaii Revised Statutes (HRS), provides set fees for certain services listed in section 846-10.5(a)(1)-(6). In 1998, the Legislature amended section 846-10.5(d) to authorize HCJDC to adopt rules to establish reasonable fees for services provided by HCJDC. This bill would further amend section 846-10.5(d), HRS, to clarify that HCJDC has the authority to adopt rules pursuant to chapter 91, HRS, to establish reasonable fees for all services it provides.

Removing the determinate list of services that HCJDC is allowed to charge fees for in section 846-10.5(a), HRS, will enable HCJDC to specify fees for its services within a fee schedule established by administrative rules. In addition, the removal of the county fee exemption for employment background checks will increase the annual revenue collected by HCJDC by approximately \$30,000 and provide a fair and consistent process for all non-criminal justice agencies that submit fingerprints to

HCJDC for processing. All law enforcement and state agencies will remain exempt from the \$35 fingerprint processing fee.

In order to sustain its operations and minimize the use of general funds, it is essential for HCJDC to have the ability to adjust or establish fees for all of its services by the administrative rulemaking process.

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