

Honolulu, Hawaii

FEB 28 2025

RE: S.B. No. 1310  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Third State Legislature  
Regular Session of 2025  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B.  
No. 1310 entitled:

"A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD  
CHECKS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Delete the term "agents of contractors" relating to  
authorization for access to federal tax information; and
- (2) Clarify that "contractor's employees" who have access to  
federal tax information held by the Department of the  
Attorney General may be subject to fingerprint-based  
background checks.

Your Committee received testimony in support of this measure  
from the Department of the Attorney General.

Your Committee finds that the Department of Government  
Efficiency (DOGE) has attempted to access sensitive information,  
for example at the United States Department of the Treasury,  
despite DOGE agents not having the proper clearance or undergone  
the necessary background checks to access such data. Typically,  
the Internal Revenue Service requires finger-print background  
checks on current and prospective employees and contractors who



receive access to federal tax information. In the State, authorization to access fingerprint-based background checks is provided through state statute and approved by the Federal Bureau of Investigation. Act 35, Session Laws of Hawaii 2021, amended existing law to authorize the Department of the Attorney General to conduct fingerprint-based background checks through the Federal Bureau of Investigation on current or prospective employees or employees of agents of contractors. However, upon review of section 846-2.7(b)(49), Hawaii Revised Statutes, the Federal Bureau of Investigation determined that the statute failed the requirement of identifying the specific category of persons falling within the statute's purview, as the term "agents of contractors" was overly broad and not defined in the statute. This measure will ensure that the individuals the Department of the Attorney General determines need to access sensitive federal tax information are held to a higher standard than DOGE agents by updating existing state law to meet the standards set by the Federal Bureau of Investigation.

Your Committee has amended this measure by:

- (1) Clarifying that contractors, contractor's employees, and subcontractors who have access to federal tax information held by the Department of the Attorney General may be subject to fingerprint-based background checks;
- (2) Amending section 1 to reflect its amended purpose; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1310, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1310, S.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,

*Karl Rhoads*

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KARL RHOADS, Chair



The Senate  
Thirty-Third Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 1310</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">JDC</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">2/20/25</div>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312         </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311         </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310         </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313         </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)				✓
CHANG, Stanley	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton	✓			
<b>TOTAL</b>	4			1
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted           <input type="checkbox"/> Not Adopted         </div>				
Chair's or Designee's Signature: <div style="text-align: center; margin-top: 10px;"> </div>				
<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div>Distribution:</div> <div>Original</div> <div>Yellow</div> <div>Pink</div> <div>Goldenrod</div> </div> <div style="display: flex; justify-content: space-between; font-size: 0.8em; margin-top: 5px;"> <div>File with Committee Report</div> <div>Clerk's Office</div> <div>Drafting Agency</div> <div>Committee File Copy</div> </div>				

\*Only one measure per Record of Votes