

Honolulu, Hawaii

MAR 19 2025

RE: H.B. No. 991
H.D. 1
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 H.B. No. 991, H.D. 1, 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 clarify that the Department of the Attorney General may conduct fingerprint-based background checks through the Federal Bureau of Investigation on contractors and contractors' employees.

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

Your Committee finds that statutes authorizing states to conduct fingerprint-based criminal history record checks for non-criminal purposes are subject to approval from the Federal Bureau of Investigation. Upon the Bureau's investigation of sections 28-17 and 846-2.7(b)(49), Hawaii Revised Statutes, the Federal Bureau of Investigation determined that the term "agents of contractors" was overly broad, as it failed to specifically identify the subject of the criminal history record check. This measure will update existing law to meet the Federal Bureau of Investigation's requirements to allow the Department of the Attorney General to conduct fingerprint-based background checks on



individuals who have access to federal tax information held by the Department.

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 H.B. No. 991, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 991, H.D. 1, 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, Chair



The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* HB 991, HD1	Committee Referral: JDC	Date: 3/14/25		
<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-around; 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				
TOTAL	4	—	1	—
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<div style="display: flex; justify-content: space-between; font-size: small;"> Distribution: Original File with Committee Report Yellow Clerk's Office Pink Drafting Agency Goldenrod Committee File Copy </div>				

*Only one measure per Record of Votes