

ACT 146

S.B. NO. 1163

A Bill for an Act Relating to the Department of the Attorney General.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 846, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§846- Fees. Except for criminal justice agencies and state or county agencies, the Hawaii criminal justice data center may assess a reasonable fee for each service provided, including but not limited to, conducting criminal history record checks, processing applications for the expungement of arrest records, and accessing state criminal justice information.”

SECTION 2. Section 846-1.5, Hawaii Revised Statutes, is amended to read as follows:

“~~[[[§846-1.5]]] Criminal justice data interagency board; establishment.~~
(a) There [shall be a criminal justice data interagency board consisting of eleven members]¹ is established within the department of the attorney general for administrative purposes[. The members of the board shall be appointed by the governor as provided in section 26-34; provided that members of the board shall be representative of criminal justice agencies, shall include a resident member from each county in the State, and shall also have ex officio members, as necessary, to effectuate the purpose of this chapter.] the criminal justice data interagency board, consisting of eleven voting members, eight of whom shall be appointed and three of whom shall be ex officio. The eight appointed members shall include one representative from each of two police departments, one representative from each of two

prosecuting attorneys' offices, an administrative judge of the district court, an administrative judge of the circuit court, a representative from the adult probation office, and a representative of, or a government attorney who provides legal services to, a state or county criminal justice agency. The appointed members shall include a resident of each of the four major counties of the State. The ex officio voting members shall be the division chief of the electronic data processing division of the state department of budget and finance, the director of data systems of the city and county of Honolulu, and the deputy director of the state department overseeing the corrections functions. Members other than the ex officio voting members shall be appointed by the governor as provided in section 26-34 and shall serve in a representative capacity. Upon a member's termination of employment with the member's respective agency, or reassignment to nonadministrative or other functional responsibilities inconsistent with the basis for appointment, that member's terms of appointment to the board shall terminate automatically and a vacancy shall be deemed to exist.

(b) The attorney general shall designate the executive secretary of the board. The board shall meet no less than quarterly. The board shall be responsible for promoting interagency cooperation and coordination in the development and management of an accurate, complete, timely, and fully integrated statewide criminal justice information reporting and retrieval system. The members of the board shall serve without compensation but shall be reimbursed for expenses, including travel expenses, necessary for the performance of their duties.

(c) This section shall be repealed on June 30, 1989."

SECTION 3. Section 946-2,¹ Hawaii Revised Statutes, is amended to read as follows:

"§846-2 Establishment of the Hawaii criminal justice data center. There shall be a data center, to be known as the "Hawaii criminal justice data center", established in the department of the attorney general. The data center shall be directed and managed by [a director] an administrator appointed by the attorney general subject to chapters 76 and 77."

SECTION 4. Section 846-30, Hawaii Revised Statutes, is amended to read as follows:

"§846-30 Identification certificates; form. The department of the attorney general, after taking the fingerprints of each registrant as provided in this part (except as otherwise provided in the case of children under six years of age), and after securing the information required by or pursuant to this part, shall issue to each registrant a certificate of identification in such form, and with such information, as the attorney general deems necessary and practicable, the certificate to contain, among other things: the registrant's social security number; the date of issue; the name, residence, citizenship status, date of birth (if known), the registrant's signature, a facsimile signature of the attorney general, the signature of the officer or employee issuing the certificate (to be designated as the "[director] administrator of the data center"), the fingerprints of the index and middle fingers of each of the registrant's hands (except as otherwise provided in the case of children under six years of age), the name and address of the person to be notified in case of need, and such other personal identification data as the attorney general deems necessary and practicable. Upon the fingerprinting of each child attaining the age of six years after having been registered, the child's previous certificate shall be canceled and a new certificate shall be issued under the same number, bearing the child's fingerprints."

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SECTION 5. Current members of the criminal justice data inter-agency board shall serve their full terms without the necessity of reappointment, except that upon a member's termination of employment with, or reassignment to nonadministrative or other functional responsibilities for, the member's respective agency, that member's term of appointment to the board shall automatically be terminated and a vacancy shall be deemed to exist.

SECTION 6. Statutory material to be repealed is bracketed. New statutory material is underscored.²

SECTION 7. This Act shall take effect on July 1, 1987.

(Approved June 5, 1987.)

Notes

1. So in original.
2. Edited pursuant to HRS §23G-16.5.