

ACT 249

H.B. NO. 1592

A Bill for an Act Relating to the Issuance of Certificates of Identification.

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

SECTION 1. Section 846-23, Hawaii Revised Statutes, is amended to read as follows:

“§846-23 Rules. For the purpose of carrying out this part the attorney general, subject to chapter 91, [may] shall prescribe rules having the force and effect of law[.] including rules assessing reasonable fees for the services provided under this part. The rules shall provide for a waiver of any fee in cases of extreme hardship. Until rules establishing the fees are adopted, the fee for each service provided under this part shall be \$10, which fee may be waived in cases of extreme hardship.”

SECTION 2. Section 846-27, Hawaii Revised Statutes, is amended to read as follows:

“§846-27 Registration and issuance of certificate; fee. Every person residing or present in the State may be registered, and have issued to the person a certificate of identification, under this part.

Application for the registration shall be made in person by any adult person or minor over the age of [sixteen] fourteen years. In the case of a minor under the age of [sixteen] fourteen years, the application shall be made in the minor's behalf by the parent, or [other] by another person in loco parentis of such minor[.] who can provide proof of guardianship. In the case of an incompetent person, the application shall be made by the person having the custody or control of or maintaining the incompetent person. [A fee of \$6 shall be paid by each applicant, which fee, however, may be waived by the attorney general in cases of extreme hardship.]”

SECTION 3. Section 846-28, Hawaii Revised Statutes, is amended to read as follows:

“§846-28 Information to be secured. The department of the attorney general shall require, collect, secure, make, and maintain a record of the following items of information so far as it is practicable to secure the same, with respect to each applicant for registration:

- (1) The name of the person applying to be registered (hereinafter called the “registrant” or “applicant”), the street and number or address of the applicant's place of [habitation in the State,] permanent residence, and the applicant's residence and business telephone numbers, if any;
- (2) The applicant's occupation and any pertinent data relating thereto;
- (3) The applicant's nationality or racial extraction;
- (4) The applicant's citizenship [status];
- (5) The date and place of the applicant's birth;
- (6) The applicant's personal description including sex, height, weight, hair, eyes, complexion, build, scars, and marks;
- (7) The [fingerprints of both hands of the applicant,] applicant's right thumbprint or, if the applicant has no right thumb, other identifying imprint as specified by rules of the department; provided that this requirement shall not apply to minors until they reach the age of [six] three years[, except as may be requested by a parent or guardian];
- (8) The name, relationship, and address of the nearest relative or other person to be notified in case of sickness, accident, death, emergency, or need of the applicant, if such notification is desired; and
- (9) The social security number of the applicant.”

SECTION 4. Section 846-29, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Special provisions may be made by rules of the attorney general:

- (1) For the registration of inmates[, employees, and others] residing at or in hospitals, correctional facilities, [homes for the aged, indigent homes,] and other institutions; and
- (2) For the registration of other persons, whenever special treatment is required so as to minimize hardship or inconvenience attendant upon the registration contemplated by this part.”

SECTION 5. 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] thumbprint of each registrant as provided in this part (except as otherwise provided in the case of children under [six] three 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 legal name, residence, citizenship [status], date of birth [(if known)], the registrant’s signature, a facsimile signature of the attorney general, a facsimile signature of the officer or employee issuing the certificate (to be designated as the “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, bearing the child’s fingerprints, shall be issued under the same number.]”

SECTION 6. Section 846-31, Hawaii Revised Statutes, is amended to read as follows:

“§846-31 Identification certificates not to be altered; duties of holder; lost certificates. No person, except agents of the department of the attorney general acting pursuant to [its] the authority[.] of law, shall alter, deface, or destroy any certificate of identification. Except as specifically authorized by this section or the rules of the attorney general, no registrant shall loan or give the registrant’s certificate of identification to any other person, and no person shall use the certificate of identification of any other person. Any registrant whose certificate of identification is stolen or otherwise lost, or altered, defaced, or destroyed, may at any time apply for a duplicate certificate of identification in such manner as the attorney general may require, which duplicate shall be issued by the department upon being satisfied as to such loss, alteration, defacing, or destruction [and the payment of a fee of \$6, and shall be distinctly marked as a duplicate. The fee may be waived by the attorney general where the requirement thereof would impose extreme hardship]. In the case of an altered or defaced certificate of identification, the certificate, if available, shall be surrendered by the registrant and canceled by the department. Any person finding or coming into possession of the certificate of identification of any other person shall promptly return or deliver the same to the owner thereof or to the nearest office of the department.”

SECTION 7. Section 846-32, Hawaii Revised Statutes, is amended to read as follows:

“§846-32 Correction or alteration of records and certificates in cases of error or subsequent changes concerning names, citizenship, description, etc. (a) If, after registration, the name of any registrant is legally changed by marriage, divorce, adoption, legitimation, order of the lieutenant governor, or other legal means, or if there is a change in the registrant’s citizenship [status], the registrant or other person in charge of the registrant (in the case of a minor or incompetent person), within thirty days after the change of name or citizenship [status], shall

report the change and present the registrant's certificate of identification to the department of the attorney general [and pay to the department a fee of \$6 (which fee, however, may be waived by the department in cases of extreme hardship)]. The department, upon being satisfied as to the change and receiving payment of the fee, shall cancel the certificate and issue a new certificate bearing the new name or citizenship [status] of the registrant, making appropriate notation of the facts upon the records of the department.

(b) If any error has been made in any item of information contained in the records of the department or the certificate of identification concerning any registrant, the department, of its own motion, or upon application by the registrant, and upon receipt of [evidence] satisfactory evidence [to it] that an error has been committed, with the approval of the attorney general or the attorney general's specially authorized representatives, may correct the error and, in such case, shall make appropriate changes or notations stating the error and the correct information upon the records of the department and the certificate of identification.

(c) In case any item of personal information originally correct with respect to any registrant shall change after registration, the change, if material, may be registered by the department and the records and certificate of identification may be altered to conform thereto, upon receipt by the department of satisfactory evidence as to the change and the approval of the attorney general or the attorney general's specially authorized representative [and the payment of a fee of \$6 (which fee, however, may be waived by the department in cases of extreme hardship)]."

SECTION 8. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 9. This Act shall take effect upon its approval.

(Approved June 18, 1993.)