

ACT 132

S.B. NO. 696

A Bill for an Act Relating to Criminal History Record Information.

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

SECTION 1. Section 846-1, Hawaii Revised Statutes, is amended by adding two new definitions to be appropriately inserted and to read as follows:

““Criminal history record check” means a search by name using the state computerized criminal history record information system, and by fingerprints using the state automated fingerprint identification system.

“Criminal history record name inquiry” means a search by name and other identifying information using the state computerized criminal history record information system.”

SECTION 2. Section 846-10.5, Hawaii Revised Statutes, is amended to read as follows:

“§846-10.5 Fees. (a) Except for services provided to criminal justice agencies and state or county agencies for employment purposes, the Hawaii criminal justice data center and state and county criminal justice agencies shall assess the following fees for services provided or to be provided, which shall be deposited into the criminal history record improvement revolving fund:

- (1) For each criminal history record ~~[name]~~ check[;] or criminal history record name inquiry conducted by the data center[;] and other state and county agencies, ~~[\$15;]~~ \$20;
- (2) For each criminal history record name ~~[check,]~~ inquiry via ~~[a public access terminal,]~~ an electronic database maintained by the data center that is accessible to users through an interactive computer-based system, for which a certified printout is requested, \$10 per printout;
- ~~[(3)]~~ (3) For each fingerprint-based search of the automated fingerprint identification system or manual fingerprint files, \$25;
- ~~[(4)]~~ (3) For processing of each application for the expungement of arrest records, \$25;
- ~~[(5)]~~ (4) For certification of documents, \$10 per document;
- ~~[(6)]~~ (5) For each duplicate expungement certificate requested, \$15; and
- ~~[(7)]~~ (6) For each complete set of fingerprints taken, \$15.

(b) Criminal history record checks mandated for child care facilities shall be exempt from the requirement to pay fees.

(c) Nonprofit charitable organizations that are tax-exempt under Internal Revenue Code Section 501(c)(3) shall be exempt from fees for criminal history record checks conducted on adult volunteers having direct contact with minors~~[-],~~ the elderly, or the disabled.

(d) Any other law to the contrary notwithstanding, the data center may adopt rules pursuant to chapter 91 to establish reasonable fees for services provided by the data center and to establish other exemptions from the requirement to pay fees.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2006.

(Approved May 24, 2006.)