

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, Chair



