

JAN 24 2007

SENATE CONCURRENT RESOLUTION

SUPPORTING THE REPEAL OF THE REAL ID ACT OF 2005.

1 WHEREAS, the State of Hawaii recognizes the Constitution of
2 the United States as our charter of liberty and the bill of
3 rights as affirming the fundamental and inalienable rights of
4 all Americans, including the freedom of privacy and the freedom
5 from unlawful searches and seizures; and
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7 WHEREAS, Hawaii has a diverse population whose
8 contributions are vital to the State's economy, culture, and
9 civic character; and
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11 WHEREAS, Hawaii is proud of its long tradition of
12 protecting the civil rights and liberties of all of its
13 residents, affirming the fundamental rights of all people and,
14 in some circumstances, providing more expansive protections than
15 are granted by the United States Constitution; and
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17 WHEREAS, the State of Hawaii denounces terrorism in all its
18 forms and condemns all acts of terrorism by any entity, wherever
19 the acts may occur; and
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21 WHEREAS, any new security measures to provide protection
22 from terrorist attacks should be carefully designed to enhance
23 public safety without infringing on the civil liberties and
24 rights of citizens; and
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26 WHEREAS, the federal Real ID Act of 2005, Public Law
27 109-13, creates a national identification card by mandating
28 federal standards for state drivers' licenses and identification
29 cards and requiring states to share their motor vehicle
30 databases; and
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32 WHEREAS, the Real ID Act of 2005 mandates which documents
33 states must require to issue drivers' licenses and requires



1 states to place uniform information on every driver's license in
2 a standard, machine-readable format; and

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4 WHEREAS, the Real ID Act of 2005 prohibits federal agencies
5 and federally-regulated commercial aircrafts from accepting a
6 driver's license or identification card issued by a state that
7 has not fully complied with the Act; and

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9 WHEREAS, the Real ID Act of 2005 creates a costly unfunded
10 mandate for the states, currently estimated to cost in excess of
11 \$11,000,000,000 to implement; and

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13 WHEREAS, the Real ID Act requires the creation of a massive
14 public sector database containing information on every American
15 that is accessible to motor vehicle employees and law
16 enforcement officers nationwide and that can be used to gather
17 and manage information on citizens, which is not the
18 responsibility or business of the government; and

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20 WHEREAS, the Real ID Act of 2005 enables the creation of
21 additional massive private sector databases, combining both
22 transactional information and driver's license information
23 gained from scanning the machine-readable information to be
24 contained on every driver's license; and

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26 WHEREAS, it is likely that these public and private
27 databases will contain numerous errors and false information,
28 creating significant hardships on Americans attempting to verify
29 their identities in order to fly, open bank accounts, or perform
30 many other functions required to live in the United States
31 today; and

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33 WHEREAS, the Federal Trade Commission estimates that ten
34 million Americans are victims of identity theft each year, and,
35 because identity thieves are increasingly targeting motor
36 vehicle departments, the Real ID Act of 2005 will further enable
37 the crime of identity theft by making personal information of
38 all Americans more accessible from more locations; and

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40 WHEREAS, the Real ID Act of 2005 requires a driver's
41 license to contain a person's actual home address and makes no
42 exception for individuals in potential danger, such as
43 undercover law enforcement officers or victims of stalking,
44 domestic violence, or criminal harassment; and



1 WHEREAS, the Real ID Act of 2005 contains onerous record
2 verification and retention provisions that place unreasonable
3 burdens on the motor vehicle divisions and on third parties
4 required to verify those records; and
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6 WHEREAS, the Real ID Act of 2005 will place enormous
7 burdens on consumers seeking new drivers' licenses, including
8 waiting in longer lines, higher costs, increased document
9 requests, and longer waiting periods; and
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11 WHEREAS, the Real ID Act of 2005 will place motor vehicle
12 division staff on the front lines of immigration enforcement by
13 forcing public employees to determine federal citizenship and
14 immigration status; and
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16 WHEREAS, the Real ID Act of 2005 was passed as a rider to
17 an emergency appropriations measure for military operations in
18 Iraq and Afghanistan, which did not receive a hearing by any
19 Congressional Committee or a vote solely on its own merits,
20 despite widespread opposition; and
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22 WHEREAS, the Real ID Act of 2005 eliminated a process of
23 negotiated rulemaking initiated under the Intelligence Reform
24 and Terrorism Prevention Act of 2004, which had convened
25 federal, state, and local policymakers and privacy and industry
26 experts to solve the problem of misuse of identity documents;
27 and
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29 WHEREAS, the State of Hawaii expresses its support of the
30 United States government's campaign against terrorism, as well
31 as the belief that such campaign should not be waged at the
32 expense of the civil rights and liberties of the citizens of
33 this country; now, therefore,
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35 BE IT RESOLVED by the Senate of the Twenty-fourth
36 Legislature of the State of Hawaii, Regular Session of 2007, the
37 House of Representatives concurring, that the Legislature of the
38 State of Hawaii opposes the implementation of the Real ID Act of
39 2005, particularly those provisions that:
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- 41 (1) Violate the rights and liberties guaranteed under the
42 Hawaii State Constitution or the United States
43 Constitution, including the Bill of Rights; and



1 (2) Create unfunded mandates for the State without any
2 plan for financial subsidization for implementation;
3 and
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5 BE IT FURTHER RESOLVED that the Legislature of the State of
6 Hawaii supports the repeal of the Real ID Act of 2005 and urges
7 the Hawaii congressional delegation to support any legislation
8 that calls for the repeal, the amendment, or, at a minimum, the
9 provision of proper funding for the implementation of the Real
10 ID Act of 2005; and
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12 BE IT FURTHER RESOLVED that certified copies of this
13 Concurrent Resolution be transmitted to the President of the
14 United States through the Secretary of State, the Majority
15 Leader of the United States Senate, the Speaker of the United
16 States House of Representatives, and the members of Hawaii's
17 congressional delegation.
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OFFERED BY: 