

Honolulu, Hawaii

MAR 24 2011

RE: H.B. No. 1009
H.D. 2
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred H.B. No. 1009, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO FINGERPRINT RETENTION BY HAWAII CRIMINAL JUSTICE DATA CENTER,"

begs leave to report as follows:

The purpose and intent of this measure is to allow the State to retain fingerprints of employment and licensing applicants for whom criminal history record checks are authorized statutorily so the State may implement a statewide "Rap Back" program using all information and records, including fingerprints, to provide relevant licensing agencies and employers an updated criminal record if a fingerprinted individual is subsequently arrested.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Department of Human Services, and Hawaii Health Systems Corporation.

Your Committee finds that allowing the State to retain fingerprints of employment and licensing applicants for whom criminal history record checks are statutorily authorized will increase the State's ability to take advantage of the information and capabilities that other states and the Federal Bureau of Investigation are using and will help Hawaii develop its own program and be proactive in decision-making for our vulnerable populations, including children, the elderly, and the disabled. Your Committee further finds that the public will be better



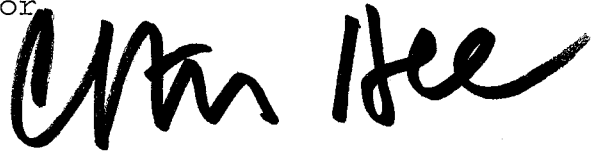
protected as employers and licensing agencies will get up-to-date criminal history information. In addition, employees and licensees may not need to be fingerprinted again as part of a re-application or renewal process because up-to-date information will be forwarded automatically to their employers or licensing agencies as part of the "Rap Back" program.

Your Committee has amended this measure by:

- (1) Including language specifying that information and records relating to the fingerprints are to be retained in addition to the fingerprints;
- (2) Changing the effective date to July 1, 2050, to allow for further discussion; 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 and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1009, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1009, H.D. 2, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor



CLAYTON HEE, Chair



