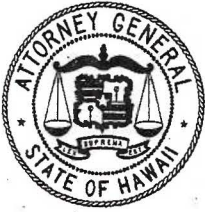


SB3115

RELATING TO TAXICABS



TESTIMONY OF THE DEPARTMENT OF THE ATTORNEY GENERAL TWENTY-EIGHTH LEGISLATURE, 2016

ON THE FOLLOWING MEASURE:

S.B. NO. 3115, RELATING TO TAXICABS.

BEFORE THE:

SENATE COMMITTEES ON TRANSPORTATION AND ENERGY AND ON PUBLIC
SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS

DATE: Thursday, February 11, 2016 TIME: 3:00 p.m.

LOCATION: State Capitol, Room 229

TESTIFIER(S): Douglas S. Chin, Attorney General, or
Rodney I. Kimura, Deputy Attorney General

Chairs Inouye and Nishihara and Members of the Committees:

The Department of the Attorney General provides the following comments on the proposed amendment to section 46-16.5, Hawaii Revised Statutes ("H.R.S.").

The purpose of this bill is to empower the counties to conduct criminal history background checks on applicants for taxicab drivers' certificates. As a result of our consultation with the Hawaii Criminal Justice Data Center, we have learned that there is a preferred protocol to streamline and facilitate state and federal criminal history background checks. For this bill, the protocol would consist of: (i) a different amendment to section 46-16.5, H.R.S.; and (ii) an amendment to section 846-2.7, H.R.S. This protocol is currently used in S.B. No. 2952.

On page 4, lines 17-20, we recommend that section 46-16.5, H.R.S. be amended to read as follows:

- (c) Every county is empowered to regulate:
- (1) Entry into the business of providing public passenger vehicle service within the jurisdiction of that county[-], including criminal history record checks on taxicab drivers and applicants for taxicab drivers' certificates, in accordance with section 846-2.7.

We recommend that the new subsection (d) on page 5, lines 6-14 be deleted.

We recommend adding a new section 3 to the bill to amend section 846-2.7, H.R.S. by adding a new paragraph to subsection (b) providing as follows and appropriately numbered:

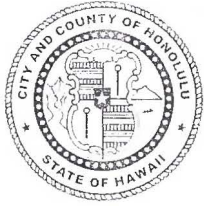
The counties on taxicab drivers and applicants for taxicab drivers' certificates as provided in section 46-16.5(c).

The current sections 3 and 4 of the bill should be renumbered.

These proposed amendments do not specifically include international criminal history background checks. Our research leads us to believe that an official law enforcement organization such as Interpol will not respond to a request for a background on taxicab drivers unless the check is tied to an official criminal investigation relating to, *inter alia*, counter-terrorism, cybercrime, or organized and emerging crime.

There are Internet sites that advertise international criminal background checks for a fee. We are not familiar with these sites, and cannot address the particulars of their searches, or the reliability of the services.

Thank you for the opportunity to testify on this measure.



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WRITTEN TESTIMONY ONLY

TESTIMONY OF
COUNCILMEMBER RON MENOR
COUNCIL DISTRICT 9
CITY AND COUNTY OF HONOLULU

Senate Bill 3115
RELATING TO TAXICABS

Chair Inouye, Chair Nishihara, Members of the Committees on Transportation & Energy and Public Safety, Intergovernmental, and Military Affairs:

I am testifying in strong support of Senate Bill 3115, Relating to Taxicabs.

On November 20, 2015, Enio Tablas, a Honolulu taxicab driver, was convicted of sexually assaulting a female passenger in his cab. Currently, the City and County of Honolulu conducts a criminal background check by reviewing convictions only within the State of Hawaii. If the City had the authority to conduct a nationwide criminal history check, it would have discovered prior convictions of Mr. Tablas and prevented him from legally driving a taxicab in Honolulu.

The City's Corporation Counsel has advised the City Council that in order to access the FBI's criminal history database, an "umbrella" statute must be enacted by the State Legislature to authorize the release of criminal history record information to the county agencies responsible for taxicab regulation. The enactment of such a statute would allow the counties to conduct national criminal background checks on taxicab drivers and applicants for taxicab drivers' certificates and increase the safety and security of Hawaii residents and visitors who utilize taxicab services.

Mahalo for the opportunity to testify in strong support of this bill.