



**STATE OF HAWAII**  
**DEPARTMENT OF HEALTH**  
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**Testimony in SUPPORT of SB3133**  
**RELATING TO CRIMINAL HISTORY RECORD CHECKS**

SENATOR JOY A. SAN BUENAVENTURA, CHAIR  
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

SENATOR MIKE GABBARD, CHAIR  
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

Hearing Date: February 9, 2024

Room Number: 224

1 **Fiscal Implications:** N/A.

2 **Department Testimony:** The department supports this measure and in consultation with the  
3 Department of the Attorney General, respectfully offers amendments to address concerns from  
4 the Hawaii Criminal Justice Data Center (HCJDC), regarding the department's authority to  
5 conduct fingerprinting and criminal history record checks as proposed in this measure. The  
6 HCJDC is responsible for the statewide criminal history record information system (CJIS-  
7 Hawaii), and the statewide Automated Fingerprint Identification System (AFIS), and access to  
8 this system is necessary for the department to conduct fingerprinting and criminal history record  
9 checks.

10 Access is allowed only after a satisfactory review of the proposed statutory language to section  
11 846-2.7, Hawaii Revised Statutes, by the Federal Bureau of Investigations (FBI) Office of the  
12 General Counsel Criminal Justice Information Law Unit. Unfortunately, their review determined  
13 this bill, as drafted, "would not qualify for access to FBI CHRI pursuant to Pub. L. 92-544".

14 The department has requested an expedited review of the new statutory language, offered below,  
15 and is currently awaiting their response.

1 Thank you for the opportunity to testify.

2 **Offered Amendments:**

3 (41) The department of health or its designee on [~~all~~]:

4 (A) Individual applicants or individuals acting on  
5 behalf of applying entities for hemp processor  
6 permits as provided under section 328G-2; and

7 (B) All license applicants, licensees, employees,  
8 contractors, and prospective employees of medical  
9 cannabis dispensaries, and individuals permitted  
10 to enter and remain in medical cannabis  
11 dispensary facilities as provided under sections  
12 329D-15(a)(4) and 329D-16(a)(3);

13 (42) The department of commerce and consumer affairs on  
14 applicants for nurse licensure or license renewal,  
15 reactivation, or restoration as provided by sections  
16 457-7, 457-8, 457-8.5, and 457-9;

17 (43) The county police departments on applicants for  
18 permits to acquire firearms pursuant to section 134-2,  
19 on individuals registering their firearms pursuant to  
20 section 134-3, and on applicants for new or renewed  
21 licenses to carry a pistol or revolver and ammunition  
22 pursuant to section 134-9;

23 (44) The department of commerce and consumer affairs on:

24 (A) Each of the controlling persons of the applicant  
25 for licensure as an escrow depository, and each

1 of the officers, directors, and principals who  
2 will be in charge of the escrow depository's  
3 activities upon licensure; and

4 (B) Each of the controlling persons of an applicant  
5 for proposed change in control of an escrow  
6 depository licensee, and each of the officers,  
7 directors, and principals who will be in charge  
8 of the licensee's activities upon approval of  
9 such application,

10 as provided by chapter 449;

11 (45) The department of taxation on current or prospective  
12 employees or contractors who have access to federal  
13 tax information in order to comply with requirements  
14 of federal law, regulation, or procedure, as provided  
15 by section 231-1.6;

16 (46) The department of labor and industrial relations on  
17 current or prospective employees or contractors who  
18 have access to federal tax information in order to  
19 comply with requirements of federal law, regulation,  
20 or procedure, as provided by section 383-110;

21 (47) The department of human services on current or  
22 prospective employees or contractors who have access  
23 to federal tax information in order to comply with  
24 requirements of federal law, regulation, or  
25 procedure, and on current or prospective employees,  
26 volunteers, contractors, or contractors' employees or  
27 volunteers, subcontractors, or subcontractors'

1 employees or volunteers, whose position places or  
2 would place them in close proximity to minors, young  
3 adults, or vulnerable adults, as provided by section  
4 346-2.5;

5 (48) The child support enforcement agency on current or  
6 prospective employees or contractors who have access  
7 to federal tax information in order to comply with  
8 federal law, regulation, or procedure, as provided by  
9 section 576D-11.5;

10 (49) The department of the attorney general on current or  
11 prospective employees or agents of contractors who  
12 have access to federal tax information to comply with  
13 requirements of federal law, regulation, or procedure,  
14 as provided by section 28-17;

15 (50) The department of commerce and consumer affairs on  
16 each control person, executive officer, director,  
17 general partner, and managing member of an installment  
18 loan licensee, or an applicant for an installment loan  
19 license, as provided in chapter 480J;

20 (51) The University of Hawaii on current and prospective  
21 employees and contractors whose duties include  
22 ensuring the security of campus facilities and  
23 persons; ~~{and}~~

24 ~~(52) The department of health or its designee on all~~  
25 ~~applicants for permits of hemp processors to process~~  
26 ~~hemp biomass or prepares a manufactured hemp product,~~  
27 ~~as provided under section 328G-2(c)(5); and~~

1        [52]~~(53)~~ Any other organization, entity, or the State, its  
2                branches, political subdivisions, or agencies as may  
3                be authorized by state law.

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

6                SECTION 4. This Act shall take effect upon its approval.

7

8 Thank you for the opportunity to testify.

**SB-3133**

Submitted on: 2/6/2024 2:53:48 PM

Testimony for HHS on 2/9/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kerestin Walker	Individual	Oppose	Written Testimony Only

Comments:

As a concerned individual, I vstrongly oppose this bill. This proposed legislation would perpetuate harm on people of color, particularly indigenous Hawaiians, who are disproportionately represented in the carceral system. Mandating criminal history record checks would severely limit their employment opportunities, especially in healing work and healing agriculture work.

It is evident that communities of color, including indigenous Hawaiians, face systemic discrimination within the criminal justice system. Policies like the war on drugs have led to mass incarceration and perpetuated discriminatory practices. Hawaii 3133 SB would only worsen these injustices by deepening the divide and hindering individuals' ability to reintegrate into society.

This bill fails to acknowledge the structural inequalities underlying the carceral system and instead reinforces punitive measures that perpetuate cycles of poverty, trauma, and incarceration, particularly for communities of color.

Criminal history record checks are not neutral measures but instead serve as tools of discrimination and exclusion. They unfairly penalize individuals who have already served their time and paid their debt to society, hindering their ability to secure stable employment and contribute meaningfully to their communities.

Rather than perpetuating harmful practices, policymakers should focus on implementing restorative justice initiatives, investing in community-based programs, and addressing the systemic inequalities that fuel the disproportionate representation of people of color in the criminal justice system.

In conclusion, I strongly oppose Hawaii 3133 SB due to its harmful implications for people of color, particularly indigenous Hawaiians. This bill reinforces discriminatory practices, perpetuates the war on drugs, and further marginalizes communities already disenfranchised by the carceral system. I urge lawmakers to reject this legislation and instead pursue policies that promote equity, justice, and true rehabilitation for all individuals.

**SB-3133**

Submitted on: 2/8/2024 2:42:20 PM

Testimony for HHS on 2/9/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Robert Bence	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chairs, vice chairs and comittee members,

THE USDA already requires hemp producers be fingerprinted and pass a backround check please do not create additional state regulations.

Hemp is already well regulated by the federal government and HDOH is not doing great with cannabis or hemp. Hemp is federally legal please stop making hemp farming in Hawai'i financially and functionally imposible with needless regulations.

Aloha

Rob Bence

Certified Organic Hemp Farmer from Kula