

S.B. NO. 1319

JAN 23 2025

A BILL FOR AN ACT

RELATING TO IDENTIFICATION PROCESSING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 846-2.5, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:
3 "(b) The attorney general shall select and enforce systems
4 of identification, including fingerprinting, of: all adults
5 arrested for a criminal offense; all persons to whom penal
6 summonses or citations have been issued for a criminal offense
7 and who have been convicted or granted a deferred acceptance of
8 guilty or nolo contendere plea or a conditional discharge; and
9 without the necessity of a court order, children who are twelve
10 years of age or older who come within section 571-11(1) and who
11 are taken into custody for committing an act that, if committed
12 by an adult, would be a felony, a misdemeanor, or a petty
13 misdemeanor. The attorney general shall provide for the
14 collection, recording, and compilation of data and statistics
15 relating to crime. Unless a child's physical fingerprint record
16 is otherwise authorized to be entered into the system, and
17 notwithstanding any law to the contrary, the attorney general
18 shall purge any child's electronic fingerprint record entered

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1 into the identification system pursuant to this subsection
2 either, upon court order or when: the child attains the age of
3 twenty-five years; the child is determined not to be responsible
4 for committing the act for which the fingerprints were taken; or
5 the child is not informally adjusted under section 571-31.4 and
6 a petition is not filed within one year from the date the child
7 is taken into custody. The court shall notify the attorney
8 general when a child is determined not to be responsible for
9 committing the act for which the fingerprints were taken. A
10 child's fingerprint record shall not be transmitted to any
11 system outside the State.

12 Notwithstanding any law to the contrary, upon the
13 conviction of a person to whom a penal summons complaint or a
14 citation has been issued for a criminal offense, or upon the
15 granting of a deferred acceptance of a guilty or nolo contendere
16 plea or a conditional discharge to such person, the court shall
17 order the person to report, within seven days, to the
18 appropriate police department, sheriff's office, or other
19 governmental agency for identification processing, including
20 fingerprinting and photographing, as provided under this
21 subsection. Failure to comply with a court order for

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1 identification processing under this subsection will constitute
2 criminal contempt of court in violation of section 710-1077.

3 The several counties shall provide the necessary equipment
4 and the compensation of the persons required to install and
5 carry out the work of the systems of identification and
6 statistics in their respective jurisdictions; provided that
7 those expenses in connection with matters exclusively within the
8 control of the State shall be borne by the State; and provided
9 further that the State shall provide for the management and
10 equipment maintenance of the computerized fingerprint
11 identification system.

12 The systems shall be uniform throughout the State, shall be
13 continuous in operation, and shall be maintained as far as
14 possible in a manner as shall be in keeping with the most
15 approved and modern methods of identification and of the
16 collection and compilation of the statistics.

17 The attorney general shall keep a uniform record of the
18 work of the courts, prosecuting officers, the police, and other
19 agencies or officers for the prevention or detection of crime
20 and the enforcement of law in a form suitable for the:

21 (1) Study of the cause and prevention of crime and
22 delinquency and of the efforts made and efficacy

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1 thereof to detect or prevent crime and to apprehend
2 and punish violators of law; and

3 (2) Examination of the records of the operations of those
4 officers and the results thereof."

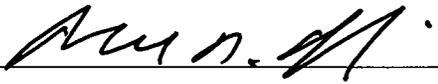
5 SECTION 2. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 3. This Act shall take effect upon its approval.

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9

INTRODUCED BY:



10

BY REQUEST

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Report Title:

Attorney General; Hawaii Criminal Justice Data Center;
Identification Processing

Description:

Requires that the Attorney General's identification system include criminal cases initiated via citations that resulted in conviction, deferred acceptance of guilty or nolo contendere plea, or conditional discharge, and that a court order identification processing in such cases.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

SB. NO. 1319

DEPARTMENT: Attorney General

TITLE: A BILL FOR AN ACT RELATING TO IDENTIFICATION PROCESSING.

PURPOSE: To require that the Attorney General's identification system include criminal cases initiated via citations that resulted in conviction, deferred acceptance of guilty or nolo contendere plea, or conditional discharge, and that a court order identification processing in such cases.

MEANS: Amend section 846-2.5(b), Hawaii Revised Statutes (HRS).

JUSTIFICATION: Hawaii's law enforcement agencies, criminal courts, and other entities within our criminal justice system routinely utilize and rely upon information collected by the Hawaii Criminal Justice Data Center (HCJDC) for complete and accurate criminal history record information. However, section 846-2.5(b) currently only requires and authorizes HCJDC to collect such information in cases initiated by arrest or penal summons, and fails to account for any misdemeanor, petty misdemeanor, or criminal violation level cases initiated by citations. This bill provides the statutory means to ensure that the criminal sentences for individuals issued citations are accurately processed and recorded for use by law enforcement agencies. This change will enhance the accuracy and reliability of Hawaii's criminal history record information.

Impact on the public: This bill addresses the public safety concern to ensure complete and accurate reporting of criminal history record information.

Impact on the department and other agencies: This bill benefits all agencies involved in

the criminal justice system, including the courts, by facilitating more complete and accurate criminal history record information.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: None.

OTHER AFFECTED
AGENCIES: Judiciary; Department of Law Enforcement; county police departments; county prosecutors' offices.

EFFECTIVE DATE: Upon approval.