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# 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



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

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



1 subsection. Failure to comply with a court order for  
2 identification processing under this subsection will constitute  
3 criminal contempt of court in violation of section 710-1077.

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

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

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



1 (1) Study of the cause and prevention of crime and  
2 delinquency and of the efforts made and efficacy  
3 thereof to detect or prevent crime and to apprehend  
4 and punish violators of law; and

5 (2) Examination of the records of the operations of those  
6 officers and the results thereof."

7 SECTION 2. New statutory material is underscored.

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



**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. (SD1)

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

