

ACT 183

S.B. NO. 2765

A Bill for an Act Relating to Civil Identification.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 846-28, Hawaii Revised Statutes, is amended to read as follows:

**“§846-28 Information to be secured.** The department of the attorney general shall require, collect, secure, make, and preserve a written record of the following items of information so far as it is practicable to secure the same, with respect to each applicant for registration:

- (1) The name of the person applying to be registered (hereinafter called the “registrant” or “applicant”), the street and number or address of the applicant’s place of habitation in the State, and the applicant’s residence and business telephone numbers, if any;
- [(2)] Whether the applicant has ever been fingerprinted and, if so, where, when, and why;
- (3) [2] The applicant’s occupation and any pertinent data relating thereto;
- [(4)] [3] The applicant’s nationality or racial extraction;
- [(5)] [4] The applicant’s citizenship status;
- [(6)] [5] The date and place of the applicant’s birth;
- [(7)] [6] The applicant’s personal description including sex, height, weight, hair, eyes, complexion, build, scars, and marks;
- [(8)] [7] The fingerprints of both hands of the applicant; provided that this requirement shall not apply to minors until they reach the age of six years, except as may be requested by a parent or guardian;
- [(9)] [8] The name, relationship, and address of the nearest relative or other person to be notified in case of sickness, accident, death, emergency, or need of the applicant, if such notification is desired;
- [(10)] [9] The social security number of the applicant.”

SECTION 2. Section 846-30, Hawaii Revised Statutes, is amended to read as follows:

**“§846-30 Identification certificates; form.** The department of the attorney general, after taking the fingerprints of each registrant as provided in this part

(except as otherwise provided in the case of children under six years of age), and after securing the information required by or pursuant to this part, shall issue to each registrant a certificate of identification in such form, and with such information, as the attorney general deems necessary and practicable, the certificate to contain, among other things: the registrant's social security number; the date of issue; the name, residence, citizenship status, date of birth (if known), the registrant's signature, a facsimile signature of the attorney general, [the] a facsimile signature of the officer or employee issuing the certificate (to be designated as the "administrator of the data center"), the fingerprints of the index and middle fingers of each of the registrant's hands (except as otherwise provided in the case of children under six years of age), the name and address of the person to be notified in case of need, and such other personal identification data as the attorney general deems necessary and practicable. Upon the fingerprinting of each child attaining the age of six years after having been registered, the child's previous certificate shall be [cancelled] canceled and a new certificate, bearing the child's fingerprints, shall be issued under the same number[, bearing the child's fingerprints]."

SECTION 3. Section 846-31, Hawaii Revised Statutes, is amended to read as follows:

**"§846-31 Identification certificates not to be altered[, etc.]; duties of holder; lost certificates.** No person, except agents of the department of the attorney general acting pursuant to its authority, shall alter, deface, or destroy any certificate of identification. Except as specifically authorized by this section or the rules of the attorney general, no registrant shall loan or give the registrant's certificate of identification to any other person, and no person shall use the certificate of identification of any other person. Any registrant whose certificate of identification is stolen or otherwise lost, or altered, defaced, or destroyed, [shall report the fact to the nearest office of the department within forty-eight hours after discovering the fact, and] may at any time apply for a duplicate certificate of identification in such manner as the attorney general may require, which duplicate shall be issued by the department upon being satisfied as to such loss, alteration, defacing, or destruction and the payment of a fee of \$6, and shall be distinctly marked as a duplicate. The fee may be waived by the attorney general where the requirement thereof would impose extreme hardship. In the case of an altered or defaced certificate of identification, the certificate, if available, shall be surrendered by the registrant and canceled by the department. Any person finding or coming into possession of the certificate of identification of any other person shall promptly return or deliver the same to the owner thereof or to the nearest office of the department. [Any person finding the person's own lost certificate after having received a duplicate certificate shall promptly deliver the previously lost certificate to the department.]"

SECTION 4. Section 846-35, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) All information and records acquired by the department of the attorney general under this part shall be confidential. All records shall be filed in an appropriate office in the custody and under the control of the department, which shall at all times be kept separate from any similar records relating to the identification of criminals. The information shall be available only to authorized persons in the department, and such other persons or agencies as the attorney general shall authorize, under such restrictions as the attorney general shall prescribe. [The information and records shall not be subject to subpoena or other court process.]"

SECTION 5. Section 846-36, Hawaii Revised Statutes, is amended to read as follows:

**“§846-36 Violations; penalties.** Any person who (1) knowingly furnishes any false or untruthful information or answer validly required under this part; (2) violates or without adequate excuse fails to comply with any requirement of this part or of any rule issued pursuant thereto, which is legally applicable to the person, and for which no other penalty is specifically prescribed by this part; or (3) without adequate excuse, fails to perform any act lawfully required to be performed by the person pursuant to this part or such rules shall be fined not more than \$500, or imprisoned not more than six months, or both[; provided that failure of a person to report that the person’s certificate is lost, stolen, or destroyed, or to return to the department of the attorney general the person’s lost certificate when the person has secured a duplicate and finds the lost certificate for which such duplicate was issued, shall be punishable by fine of not more than \$5.

“Adequate excuse”, as used in this section, means inability to comply with any such requirement or perform any such act, due to any cause beyond the control of the individual concerned and not due to the individual’s malfeasance, nonfeasance, or gross negligence].”

SECTION 6. Section 846-25, Hawaii Revised Statutes, is repealed.

SECTION 7. Section 846-26, Hawaii Revised Statutes, is repealed.

SECTION 8. Section 846-33, Hawaii Revised Statutes, is repealed.

SECTION 9. Section 846-38, Hawaii Revised Statutes, is repealed.

SECTION 3.<sup>1</sup> Statutory material to be repealed is bracketed. New statutory material is underscored.<sup>2</sup>

SECTION 4.<sup>1</sup> This Act shall take effect upon its approval.

(Approved June 7, 1988.)

#### Notes

1. So in original.

2. Edited pursuant to HRS §23G-16.5.